SENATE—*Tuesday, December 15, 1970*

The Senate met at 9 a.m. and was called to order by the Acting President pro tempore (Mr. METCALF).

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

Eternal Father, who hast loved us from the beginning and will love us to the end, we thank Thee for Thy mercies which are new every morning; for rest for our weariness, for strength for our weakness, and for the reinforcement of mind and spirit Thou dost impart. Give us grace to lift high the rich opportunities and solemn responsibilities of these hours. Teach us that it is better to give than to receive, better to forget ourselves than to put ourselves forward, better to minister than to be ministered unto. Illumine the minds and guide the judgments of all in the high service of this Government. Bless our coming in and our going out, our thoughts, our words, our works. Let this day begin in praise to Thee and end with hearts at peace with Thee.

Now unto the King eternal, immortal, invisible, the only wise God, be glory and honor forever and ever. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Monday, December 14, 1970, be dispensed with.

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.

TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent to limit statements to 3 minutes during the period for the transaction of routine morning business.

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.

Mr. MANSFIELD. Mr. President, for the information of the Senate, it is anticipated that we will be coming in at that hour every day this week and very likely on Saturday also.

A definite judgment will be made after I have had a chance to talk this over with the distinguished minority leader and he has had a chance to discuss it with the Republican conference at lunch today.

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

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

The legislative clerk proceeded to call the roll.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

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

SALE OF THE PASSENGER VESSEL "ATLANTIC" TO AN ALIEN

Mr. MANSFIELD. Mr. President, I ask the Chair to lay before the Senate the message from the House of Representatives on H.R. 16498.

The ACTING PRESIDENT pro tempore laid before the Senate H.R. 16498, a bill to permit the sale of the passenger vessel *Atlantic* to an alien, and for other purposes, which was read twice by its title.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to its immediate consideration.

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

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

REPEAL OF SECTION 7 OF THE ACT OF AUGUST 9, 1946 (60 STAT. 968)

Mr. MANSFIELD. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on H.R. 380.

The ACTING PRESIDENT pro tempore (Mr. METCALF) laid before the Senate a message from the House of Representatives announcing its disagreement to the amendment of the Senate to the bill (H.R. 380) to repeal section 7 of the act of August 9, 1946 (60 Stat. 968) and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. MANSFIELD. I move that the Senate insist upon its amendment and agree to the request of the House for a conference on the disagreeing votes of the two Houses thereon, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Acting President pro tempore (Mr. METCALF) appointed Mr. JACKSON, Mr. MCGOVERN, and Mr. FANNIN conferees on the part of the Senate.

AUTHORIZATION OF ADDITIONAL APPROPRIATIONS TO THE SMITHSONIAN INSTITUTION

Mr. MANSFIELD. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 704.

The ACTING PRESIDENT pro tempore (Mr. METCALF) laid before the Senate the amendment of the House of Representatives to the bill (S. 704) to amend the act of October 15, 1966 (80 Stat. 953; 20 U.S.C. 65a), relating to the National Museum of the Smithsonian Institution, so as to authorize additional appropriations to the Smithsonian Institution for carrying out the purpose of said act, which was to strike out all after the enacting clause, and insert:

That section 2(b) of the Act of October 15, 1966 (80 Stat. 953; 20 U.S.C. 65a) is amended to read:

"(b) There are hereby authorized to be appropriated to the Smithsonian Institution such sums as may be necessary to carry out the purposes of this Act: *Provided*, That no more than $1,000,000 shall be appropriated annually through fiscal year 1974."

Mr. MANSFIELD. I move that the Senate disagree to the amendment of the House and agree to the request of the House for a conference on the disagreeing votes of the two Houses, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Acting President pro tempore (Mr. METCALF) appointed Mr. PELL, Mr. BYRD of West Virginia and Mr. COOPER conferees on the part of the Senate.

ORDER OF BUSINESS

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

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

The legislative clerk proceeded to call the roll.

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

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

THE MESSAGE OF SON TAY

Mr. PACKWOOD. Mr. President, the raid at Son Tay is now history. The commentators have dissected that event meticulously. Every possible angle has been explored. Some have damned it—as many have lauded it. But perhaps a fundamental question has been ignored in the flurry of political posturing which followed the incident.

Why—really—was the raid ordered? Aside from manufactured rumors about devious political manipulation, the answer is simple. The raid was designed to free American prisoners: men held incommunicado for almost 6 years. Whether we agree with the tactics employed by the President or not, Members of this body are unanimous in encouraging efforts to secure the early release of these brave men.

Despite the failure of this one exercise, the principle remains inviolate. America will not—it cannot—retreat from our demand that Hanoi cease treating our men as criminals; that they observe the basic canons of human decency; that, at the very least, they publish the names of those they detain.

We may disagree about methods to be used in securing the release of our men; but we are firm in our conviction that

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they must be properly treated and eventually released.

ORDER OF BUSINESS

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

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

The legislative clerk proceeded to call the roll.

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

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

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. JORDAN of North Carolina, from the Committee on Rules and Administration, without amendment:

S. Res. 493. Resolution authorizing additional expenditures by the Committee on the Judiciary for a study of matters pertaining to constitutional amendments (Rept. No. 91-1438).

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

H.R. 15911. A bill to amend title 38 of the United States Code to increase the rates, income limitations, and aid and attendance allowances relating to payment of pension and parents' dependency and indemnity compensation; to exclude certain payments in determining annual income with respect to such pension and compensation; to make the Mexican border period a period of war for the purposes of such title; and for other purposes (Rept. No. 91-1439).

By Mr. DOLE, from the Committee on Agriculture and Forestry, without amendment:

H.R. 19402. An act to authorize the Secretary of Agriculture to receive gifts for the benefit of the National Agricultural Library (Rept. No. 91-1440).

By Mr. TALMADGE, from the Committee on Agriculture and Forestry, without amendment:

H.R. 11547. An act to amend the Consolidated Farmers Home Administration Act of 1961, as amended, to increase the loan limitation on certain loans (Rept. No. 91-1441).

By Mr. JORDAN of North Carolina, from the Committee on Agriculture and Forestry, without amendment:

S.J. Res. 249. Joint resolution to extend the time for the proclamation of marketing quotas for burley tobacco for the three marketing years beginning October 1, 1971 (Rept. No. 91-1442).

By Mr. EASTLAND, from the Committee on the Judiciary, without amendment:

S. 1681. A bill for the relief of Dennis Yiantos (Rept. No. 91-1443).

By Mr. FULBRIGHT (for Mr. LONG), from the Committee on Finance, with amendments:

H.R. 16199. An act to establish a working capital fund for the Department of the Treasury (Rept. No. 91-1444).

EXECUTIVE REPORT OF A COMMITTEE

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

By Mr. LONG, from the Committee on Finance:

Jefferson Banks Young, of Virginia, to be a member of the U.S. Tariff Commission.

ESTABLISHMENT OF WORKING CAPITAL FUND FOR THE DEPARTMENT OF THE TREASURY—AMENDMENT

AMENDMENT NO. 1107

Mr. HOLLINGS (for himself and Mr. THURMOND), submitted an amendment intended to be proposed by them, jointly, to the bill (H.R. 16199) to establish a working capital fund for the Department of the Treasury, which was ordered to lie on the table and to be printed.

EXTENSION OF PERIOD FOR FILING CERTAIN MANUFACTURERS CLAIMS FOR FLOOR STOCKS REFUNDS—AMENDMENT

AMENDMENT NO. 1108

Mr. HOLLINGS (for himself and Mr. THURMOND) submitted an amendment intended to be proposed by them, jointly, to the bill (H.R. 17473) to extend the period for filing certain manufacturers claims for floor stocks refunds under section 209(b) of the Excise Tax Reductions Act of 1965, which was ordered to lie on the table and to be printed.

SOCIAL SECURITY AMENDMENTS OF 1970—AMENDMENTS

AMENDMENT NO. 1106

Mr. CURTIS submitted amendments, intended to be proposed by him, to the bill (H.R. 17550) to amend the Social Security Act to provide increases in benefits, to improve computation methods, and to raise the earnings base under the old-age, survivors, and disability insurance system, to make improvements in the medicare, medicaid, and maternal and child health programs with emphasis upon improvements in the operating effectiveness of such programs, and for other purposes, which were ordered to lie on the table and to be printed.

AMENDMENTS NOS. 1109 AND 1110

Mr. METCALF submitted two amendments, intended to be proposed by him, to House bill 17550, supra, which were ordered to lie on the table and to be printed.

AMENDMENT NO. 1111

Mr. HARRIS. Mr. President, recent weeks have witnessed lively interest in the administration's proposed family assistance plan, and the effect that program may be expected to have on welfare recipients, taxpayers, and State, local, and Federal Government units. Throughout the discussions little has been said of the possible effect on the men and women employed in our public assistance programs. In August, Senator MCGOVERN offered a preliminary proposal to protect the rights and benefits of the workers involved.

Mr. President, the Senator from South Dakota (Mr. MCGOVERN), the Senator from New Jersey (Mr. WILLIAMS), the Senator from Montana (Mr. METCALF), the Senator from Hawaii (Mr. FONG), the Senator from Maryland (Mr. MATHIAS), and I propose language to protect those workers even more fully, by the following amendment to amendment No. 1097 to H.R. 17550, an act to amend the Social Security Act.

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

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

The amendment (No. 1111) is as follows:

AMENDMENT NO. 1111

On page 43, strike out everything beginning with the word "Whenever," on line 13, and on page 44 strike out lines 1 through line 20, and insert in lieu thereof:

"Employee Protection

"(a) Employee protections where state programs are federalized—Notwithstanding any other provisions of this Act, it shall be a condition of the making of payments by the Secretary for any State or of the performance by the Secretary of any functions of or for any State and a condition of the making of any agreement between the Secretary and any State pursuant to any Section of this Act that any employees of any State or political subdivision, agency or instrumentality of any State affected by the making of such payments by the Secretary or by the performance of such functions by the Secretary or the making of such agreements that fair and equitable arrangements are made, as determined by the Secretary of Labor, to protect the interests of such employees. Such protective arrangements shall include, without being limited to, such provisions as may be necessary for (1) the preservation of rights, privileges, and benefits, (including continuation of pension rights, credits, and benefits) under collective bargaining agreements or otherwise; (2) the continuation of collective bargaining rights; (3) the protection of individual employees against worsening of their positions with respect to their employment; (4) assurances of employment by the Secretary to such employees and priority of reemployment for employees subsequently terminated or laid off; (5) paid training or retraining programs. Such arrangements shall include provisions protecting individual employees against a worsening of their positions with respect to their employment which shall in no event provide compensation and benefits less than those applicable to such employees prior to the date of their employment by the Secretary. Any agreement between the Secretary and a State shall specify the terms and conditions of the protective arrangements, accompanied by a certification by the Secretary of Labor that the arrangements comply with the requirements of this Section.

"(b) Employee protection under State administration of Federal grants or payments to States—Whenever under any Section of this Act or under Title 42 of the United States Code recipients of payments or persons of low income are trained and used as community aides in providing services to applicants or recipients, or whenever nonpaid or partially paid volunteers are used for such purpose, the use of such recipients or low income persons or volunteers shall not result in the displacement of any persons employed by a State or political subdivision or agency or instrumentality of a State in the furnishing of such services.

AMENDMENT NO. 1112

Mr. MATHIAS. Mr. President, I submit an amendment intended to be proposed by me to the bill (H.R. 17550) which embodies a revised version of my bill, S. 611, the Interstate Taxation Act.

This sorely needed legislation is so long overdue that I believe we would be remiss in our obligations to our Nation's commercial life if we were to allow another Congress to adjourn without its enactment.

Early in this Congress the House of Representatives passed an Interstate Taxation bill, H.R. 7906, which is similar to the amendment that I am proposing. This measure passed the House by a vote of 311 to 87. As is shown by the debate in the other body, the House bill has widespread support, both from the business community and from substantial segments of labor, including such diverse groups as the National Association of Manufacturers, the International Ladies Garment Workers Union, the National Association of Wholesalers, the U.S. Chamber of Commerce, the National Food Brokers Association, the Magazine Publishers Association, the Printing Industries of America, the American Association of Nurserymen, the Advertising Federation of America, and literally hundreds of other associations. However, despite the crying need for this legislation, the Interstate Taxation Act has regretfully reposed in the Senate Committee on Finance.

Almost 3 years ago in the 90th Congress the House also sent us an Interstate Taxation Act, H.R. 2158, which likewise had overwhelming support both from business and from labor and which passed that body on May 22, 1968, by a vote of 284 to 89. H.R. 2158 also languished in the Senate Finance Committee and was not considered by this body.

Mr. President, our failure to consider interstate tax legislation is especially distressing in view of the more than 10 years that have now passed since Congress enacted Public Law 86–272, which gave us a mandate to remove the chaos and confusion from the system of taxing interstate commerce. Here in the Senate that statute was originally sponsored and championed by the late Senator Harry Byrd when he was chairman of the Senate Committee on Finance. Under the terms of Public Law 86–272, the Committee on the Judiciary of the House of Representatives and the Committee on Finance of the U.S. Senate were called upon to make complete studies of all matters pertaining to the taxation of interstate commerce and to make appropriate recommendations to their respective Houses. Although the House of Representatives has been diligent in carrying out its obligations under Public Law 86–272, the Senate has not yet acted.

For a number of years during the course of my service in the House of Representatives, I was privileged to serve as a member of the Special Subcommittee on State Taxation of Interstate Commerce of the House Committee on the Judiciary. As a result, I was one of the authors of the original legislation that first passed the House. I believe that the studies and investigations conducted by our subcommittee were among the most thorough of any conducted in the entire history of the Congress. The reports and hearings of the subcommittee occupy a total of eight full volumes. These publications by now have become the definitive work in this field.

When we conducted our study, the number of jurisdictions taxing interstate commerce was already staggering. There were in effect on a State level, 38 different sets of corporate income tax laws, 39 sales and use tax systems, 37 capital stock tax laws, and eight different sets of State gross receipts tax laws. The local tax picture was even more staggering—with more than 2,300 cities, counties, parishes, towns, and villages imposing sales and use taxes on interstate commerce, more than 1,000 local governments imposing gross receipts taxes, and more than 100 local governments imposing full-fledged corporate income taxes. Today, the number of States, cities, counties, and other jurisdictions imposing each of these forms of taxes is even greater and the taxes themselves have grown even more complex and more burdensome.

Mr. President, it is appalling that while we continue to allow our economy to become Balkanized, Europe is making historic strides toward a common market. During the 10-year period that we have delayed in carrying out the mandates of Public Law 86–262, commercial horizons in the United States have become more and more restricted by State taxation. Yet, during this same period Europe has made every effort to catch up and to close the technological gap between the European economy and our economy by pooling the resources of European business and industry.

The ingenuity of each State's taxing officials in seeking not only what is Caesar's, but also what can be grabbed for Caesar across State lines, is building barriers at interstate borders which bar business from the full benefits of our great continental markets. There is no doubt that the State statutes, regulations, and tax rules now in force or in contemplation in every one of the 50 States are seriously burdening American business—particularly small business—without any significant increase in the net revenue of the several States.

This is not the first time in American history that this has occurred. Things got so bad in the years just after the Revolution that Baltimore merchants had to pay Virginia taxes for the privilege of sailing through the Virginia Capes at the mouth of Chesapeake Bay. The tax rivalry became so general that an informal meeting of State representatives at Mount Vernon was adjourned to the State House in Annapolis and finally became the immortal Constitutional Convention on 1787.

The writing of the Constitution and the forging of the Union put an end to the ambitions of the States to erect customs houses at interstate boundaries, and established the principle of free trade among the States which shaped and promoted the growth of the "American common market" for 150 years.

Today, however, the press for costly State services and the resultant search for State moneys, coupled with the spectacular growth of interstate business, have tempted the States to try to reach activities and transactions to which they have only a shadowy claim at best. As a consequence, the files or the wastebaskets of thousands of businessmen, especially in smaller businesses, are filled with tax notices, tax forms, tax questionnaires, and other redtape. They constitute a mountain of paperwork if they are all filled out, computed, signed, and returned whether or not a tax liability is generated. They are a time bomb in the file if they are ignored, neglected, or carelessly executed.

To illustrate the nature of this problem, let us consider some potential tax burdens that can now face a small company in my own State of Maryland, which ships goods across State lines. Even though the Maryland company has all of its property in Maryland, and even though all of its employees are residents of Maryland, the company can become liable for taxes imposed by thousands of jurisdictions beyond Maryland's borders.

To begin with, we might first consider some of the liabilities that the Maryland company could encounter in Alabama—simply choosing that State because it is first on the alphabetical list.

Suppose, for example, that the Maryland company has potential customers in Alabama but no assets and no employees there. Instead, the only contact that the Maryland company has with Alabama comes from the fact that it is represented there by a completely independent contractor—a broker, commission agent, or some other type of representative who is self-employed and who represents more than one principal. If the Maryland company's Alabama representative is effective in selling to customers in Alabama, the tax effects on the Maryland company can be simply enormous. In this one State alone, the Maryland company can be called on to file more than 175 separate sales- and use-tax returns in order to comply with the individual laws of cities, counties, and police jurisdictions.

Many businessmen ask whether companies can afford the facilities necessary to comply with these kinds of requirements. The special subcommittee was especially interested in this question, and we went to great lengths to ascertain the extent to which compliance is both possible and practical. We studied the actual practices of thousands of companies. Our findings documented the fact that as a practical matter most companies simply cannot and do not comply with the tax laws of jurisdictions in which they do not actually maintain premises for the conduct of their business.

Likewise, the State and local tax collectors do not effectively enforce tax laws in an evenhanded manner against out-of-State companies which do not maintain business locations in that State. Our extensive study indicates that in the sales tax area interstate companies are not complying with State requirements in some 96 percent of the cases in which they are liable for a tax, but do not have a business location in the taxing State. In the income tax area there is noncompliance in some 98 percent of such cases.

Now, this matter of nonenforcement and noncompliance with State tax laws has broad ramifications. In order to understand how great is the need for Federal legislation in this area, one must first realize the disastrous effects which nonenforcement and noncompliance have on our economy.

First, such widespread noncompliance has serious moral and ethical implications. It is clear to all of us that the reason why the business community is not complying with the present requirements is essentially because the requirements are so complex as to be unworkable. Nevertheless, the very fact that the system is unworkable makes of it a breeding ground for inequities and fosters an unwholesome disrespect for law in general. Obviously, all of society suffers from tax laws which can neither be enforced by the tax collector nor complied with by the taxpayer.

Second, the widespread noncompliance with interstate tax requirements has a profound economic significance of which many of the operators of small business are unaware. That is why I said that this problem has become a kind of time bomb which can explode in any future day, month or year on the countless number of companies which are presently not complying.

It is important to recognize that the great majority of State and local tax laws do not contain any statutes of limitation with respect to persons who have not filed tax returns. Instead, back liabilities simply accumulate and never die.

For example, in the celebrated Northwestern case, which gave rise to the enactment of Public Law 86–272, the unfortunate taxpayer found himself liable for back taxes over a period of 16 years in a situation in which the business community had complacently assumed that no liability in fact existed. Thus, if a company has customers in a number of States but did not file tax returns last year, or in preceding years, it will have not one, but a number of swords of Damocles hanging continuously over its head. At any point in the future, it can indeed be confronted by an army of tax auditors, each asserting deficiency assessments, interest, penalties, and, in some cases, criminal sanctions for the entire period in which the company has been in noncompliance.

The liabilities of those companies that are singled out as special targets for enforcement by the tax collectors in the future may be so staggering as to drive such companies out of business. This is a result, I believe, which we in Congress have a special obligation to avoid. For that reason I am strongly urging that we in the Senate enact the Interstate Taxation Act as quickly as possible.

The amendment which I am submitting today would both remedy the present system, as well as remove the threat of back liabilities. It reaffirms the basic principles of our American common market by providing standards which are both reasonable and practical—standards which can be complied with by the taxpayer and enforced by the tax administrator.

Let me review in brief some of the major provisions of the proposed Interstate Taxation Act embodied in my amendment.

First, part A of the act would establish firm jurisdictional standards applicable to four types of taxes: corporate income taxes, capital stock taxes, sales taxes, and gross receipts taxes. Under these standards, a company would generally not be liable unless it maintains what the bill refers to as a "business location" within the taxing jurisdiction. As defined by the act, the term "business location" includes the ownership or leasing of real estate, the maintenance of an inventory, or the maintenance of a full-time local employee whose duties consist of more than the mere solicitation of orders.

In my original bill, S. 611, as well as in H.R. 7906, as passed by the House, corporations which earn more than $1 million annually were excepted from this jurisdictional protection. In the amendment which I am introducing today, this exception has been removed.

Thus, under part A, for example, a company which has all of its property, all of its inventory, and all of its employees in one State cannot be required to pay a tax to any other State, even though it sends traveling salesmen into other States, or is represented in other States by independent contractors.

Under part B of my proposal, a company which does have a business location in more than one State, but which earns less than $1 million of net income annually, is given the option of using a Federal formula to determine what portion of its income is to be taxed by each State. Under the optional formula, liability is determined on the basis of the percentage of tangible property owned in each State, and the percentage of wages paid to employees in each State. As a practical matter, the Federal formula would tend to attribute the company's income to the company's home State. At the same time, since the formula is optional, the taxpayer can choose the State formula if the State formula results in a lower tax.

Part C establishes uniform standards in the sales and use tax area. It makes it clear that a particular sale cannot be taxed by more than one State. It excludes interstate freight charges from the measure of the tax and provides an exemption for the household goods—including automobiles—of persons who change their State of residence. In addition, it would relieve an interstate seller of all liability for any interstate sale made to a purchaser who is registered with the taxing State. Thus, as a practical matter, the seller would generally not have to collect a sales or use tax on sales made to business firms which have establishments within the taxing State.

Part D recognizes the existence of a number of interstate tax problems which would not be resolved by the other titles. It provides for continued congressional scrutiny in these problem areas, and calls upon congressional committees to make specific recommendations if the States do not resolve these problems or their own initiative.

Finally, part E of the bill contains definitional and miscellaneous provisions, one of which is especially significant in the matter of liabilities for past years which I discussed previously. Under section 525 of title V, there is a total forgiveness for all unassessed taxes for all back years in which the taxpayer did not have a business location in the State. This section will, in effect, defuse the time-bomb which is currently in danger of exploding at any time for interstate companies all over the United States.

Although part E embodied in my amendment today is substantially the same as in H.R. 7906, and the corresponding title of my bill, S. 611, it contains an additonal significant provision relating to the income taxation of affiliated corporations. Under this provision, which appears in section 753, a State may not require a corporation with a business location within its border to combine or consolidate its income for income tax purposes with any other corporation which does not have a business location within the taxing State. This provision was originally proposed by our colleague, Senator RIBICOFF, the distinguished junior Senator from Connecticut. I have included it in my amendment because it corrects an inequity in the present system that arises in States' attempt to use the consolidation device as a means of taxing income that would otherwise be beyond their jurisdictional reach.

I am strongly convinced that in its entirety my amendment will restore an atmosphere of free trade within the United States of the type originally envisioned by our Founding Fathers. The results will be beneficial for the economies of all of the States and for the Nation as a whole. In an immediate sense no State will stand to gain or lose a significant amount of revenue under this proposal. Yet, in the long run, since the proposal will stimulate our national economy, the results will be reflected in increased revenues to all of the States. Under the circumstances, I wholeheartedly urge all of my colleagues in this body to support this amendment when H.R. 17550 is considered by us.

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

AMENDMENT NO. 1113

PRESCRIBED DRUG UNDER MEDICARE—HOW MUCH LONGER DO WE ASK THEM TO WAIT?

Mr. MONTOYA. Mr. President, 5 years ago Congress passed what must truly stand as one of the most important pieces of social legislation ever to be enacted by this National Legislature. The program to which I refer, and which I believe merits this distinction, is the program of health insurance for the aged, or medicare as it is popularly known. Few other amendments to the Social Security Act have been as far-reaching as the amendments in 1965 which gave birth to this program of improved economic security for 20 million older Americans. It is still a matter of the greatest satisfaction for me to have had the opportunity to vote in favor of medicare's triumphant passage.

As I recall, however, several Members of this body were deeply concerned, at the time of the debate over medicare, about a major gap in the coverage provided by the program then under consideration. Medicare held the promise of providing important health insurance protection against the costs of hospitalization and the services of physicians. Diagnostic tests and therapeutic services of various kinds would also be covered by the new program. But prescribed drugs, which the older person may also require, were excluded from coverage, unless provided as part of the services rendered to inpatients of hospitals or extended care facilities.

Before the Committee on Finance, and during the debate on medicare, several Senators pointed out the fact that the proposed new program contained no outpatient prescribed drug benefit. Some Senators prepared amendments to close this gap in comprehensive insurance protection for older people. But these amendments were not offered, after the administration requested additional time to study ways of including outpatient drugs under medicare. Assurances were given, at that time, that the matter would receive prompt attention and that Congress would have an opportunity to act quickly on the question of drug coverage.

A study amendment, offered by the senior Senator from New York (Mr. JAVITS), was adopted by the Senate during the debate in the hope of drawing the administration's attention to the concern of Senators over this matter. This study amendment was not agreed to in the conference, although assurances were again provided that the question of drug coverage would receive immediate examination by the various advisory groups available to the Department of Health, Education, and Welfare on social security matters.

By the end of 1966, it appeared that no proposals for drug coverage would be forthcoming from the executive branch, so the Senate, as part of a tax credit measure, adopted a program of drug benefits under medicare. This provision also failed conference agreement on the pretext that new social security proposals would be offered by the President early in 1967.

In his message to Congress on January 23, 1967, the President indicated that the question of drug coverage—2 years after the Senate expressed its initial concern over the omission—deserved "prompt attention." The Secretary of Health, Education, and Welfare was directed to immediately undertake a study of the entire problem. The administration itself offered no specific proposals in its legislative program to provide drug coverage. Time and again, throughout 1967, representatives of the Department were asked about their conclusions and recommendations in the drug benefit area. Each time the response was the same—we need more time to study the matter further.

It seemed to me that no action for older people in this area would occur, if we waited on the Department of Health, Education, and Welfare. For this reason, I and other Senators offered a specific proposal to provide drug benefits as part of the supplementary medical insurance portion of the medicare program. My amendment was just narrowly defeated on the floor of this Chamber, in large measure because of another amendment offered by the senior Senator from Indiana (Mr. HARTKE) which had been adopted by the Committee on Finance. This amendment, as you all remember, directed the Department to undertake a study of the entire question once again.

The Department, pursuant to the congressional directive, established a task force on prescription drugs which thoroughly studied all sorts of issues relating to drug insurance and other pharmacy issues. Its final reports, along with its numerous other reports, are voluminous. But the task force clearly called for the enactment of a drug program under medicare, a conclusion which Senators had arrived at 4 years earlier. The final report of the task force was issued in February 1969.

Now with all this information available, with hundreds of thousands of dollars spent to conclude that a drug program was immediately needed, the new administration took its first step in dealing with the matter of drug coverage. Believe it or not, in March of last year, HEW Secretary Finch named a 17-member review committee to study the study. Once again, the Nation's 20 million older people were told to wait for more advice, for more delay, for more study before someone had the courage to get on with the problem of providing this badly needed drug coverage.

In the review committee's final report, published in July of this year, the following conclusion is drawn:

> One of the most significant findings of the Task Force on Prescription Drugs provided: "In order to improve the access of the elderly to high quality health care, and to protect them where possible against the high drug expenses which they may be unable to meet, there is need for an out-of-hospital drug insurance program under Medicare." It is further concluded that such a program be both economically and medically feasible and should be instituted. The Review Committee concludes, with only one dissent, that the Secretary of Health, Education, and Welfare should recommend an Administration decision for an out-of-hospital drug insurance program under medicare.

The administration has not followed this recommendation, except to suggest that more technical studies are needed to formulate specific legislative proposals. This, after 5 years, has a familiar ring.

Mr. President, I for one, no longer think older Americans can be asked to continue to assume the burdens of large drug expenses, while two administrations have done nothing to alleviate their plight. Congress must devise and enact a program which has been delayed half a decade.

As the Senators know, I have offered a number of legislative proposals which would establish a drug benefit under medicare. In each case, I have made it very clear that I am perfectly willing to revise my proposals in an effort to achieve the basic objective. There is no pride of authorship at stake here. There is no one wedded to eternal principles regarding prescription drug insurance. There is only need to help the elderly and to help them now.

I have worked long and hard to develop the broadest possible consensus of opinion regarding the best type of drug program that fits the needs of the aged and can be integrated into the existing medicare program. And, after much discussion with consumers, representatives of the profession of pharmacy and others, I am now prepared to completely revise my earlier proposals in an effort to do in Congress what should have been done years ago.

Mr. President, it is my intention to offer this amendment to the social security proposals now before the Senate. I would like to describe the new amendment at this point and ask unanimous consent to include a copy of it in the RECORD at the conclusion of my remarks. This will provide every Senator with an opportunity to review its provisions before it is called up for a vote. I can assure each of my colleagues that any suggestions they may have to improve upon the amendment will receive careful consideration.

The PRESIDING OFFICER (Mr. ALLEN). The amendment will be received and printed, and will lie on the table; and, without objection, the amendment will be printed in the RECORD, as requested by the Senator from New Mexico.

(See exhibit 1.)

Mr. MONTOYA. Let me now look at the new proposal. The first major revision in the new amendment is to establish outpatient drug benefits as part of the program of hospital insurance for the aged, or under part A of title 18 of the Social Security Act. There are several reasons for this change. First, it permits this new program to build upon the medical vendor concept now applicable under the part A program. Drug benefits become, in a sense, another service benefit provided for under medicare, rather than an indemnification of costs incurred by the patient. Under my proposal, community and other qualified pharmacies would enter into agreements with intermediaries or other agencies to provide full-range pharmaceutical services for medicare recipients. In this way, patients would be relieved from claims record and filing responsibilities. What is more, numerous exchanges of small amounts of program benefits would be eliminated in favor of consolidated and more orderly transactions between the vendors and the intermediaries or other agencies. By shifting the basis for administration of the program, high administrative costs associated with my previous indemnification proposals can be substantially reduced.

Beneficiaries would incur initially a $1 per prescription for all prescriptions filled under the program. In the past, I have generally objected to the use of a copay system of cost sharing as part of a drug benefit proposal. The reason for this has been my concern for concentrating program funds in an effort to indemnify only very high risk patients. I have changed my position for two reasons: First, because of my willingness to shift to a service-benefit concept utilizing vendors of pharmaceutical services and, second, because there remains some corre-

lation between the number of prescriptions required and drug expenditures incurred by older people. Another advantage of a copay system, as opposed to some initial deductible coupled with a percentage coinsurance, is the fact that everyone knows in advance the patient's liability at the time the services are provided. My new amendment contains a mechanism for adjusting the amount of the copay borne by the beneficiary as the general level of prescription prices rise in future years. This is consistent with the other sliding cost-sharing provisions now incorporated in the rest of the hospital insurance program.

As the Senators can see, I have incorporated into the amendment a number of the administrative features of a drug benefit program which Government study groups, representatives of pharmacy, and others have urged as part of any new program. I have not, however, restricted coverage to any particular class of drugs, such as those associated with only long term health conditions. This is, I believe, irrational and inconsistent with sound insurance concepts or good patient care.

The new amendment retains many of the features of the formulary systems contained in earlier drug benefit programs proposed in the Congress. Basically, a formulary is simply a list of drugs, organized in such a way as to assist the prescriber in making sound and rational decisions regarding which drugs to prescribe for his patients. In the case of most drug benefit proposals, which make use of a formulary system, inclusion of a drug in such a list provides the initial basis upon which benefit payments are determined.

As contained in my amendment, the formulary would consist of drugs recognized by experts as appropriate and proper for use in treating the myriad conditions which befall older people insured under the medicare program. These drugs would be listed according to their diagnostic, prophylactic, therapeutic, or other uses in modern pharmaceutical therapy. Since I am speaking about drugs, and not necessarily about products at this point, such lists can provide the kinds of information that will permit physicians and others concerned with the program to recognize the similarities among the different drugs available to prescribers in particular situations. The names of individual products and the sources of these various drugs would also be provided, in order that prescribers might recognize the wide range of items available to him in making drug choices. In short, the principal purpose of the formulary is to provide a rational basis for determining which drugs are covered by the program and for which benefits may be paid.

Reimbursement under the proposed amendment would be limited to the maximum allowable cost established for each drug listed in the formulary. For drugs not listed, patients would pay for prescriptions in the same manner as they now do under medicare, out of their own pockets. The maximum allowable cost for any one drug would be determined in the following manner.

The formulary committee would examine the amount or amounts at which drugs in the formulary, in given strengths, quantities and dosage forms, are generally available for sale to the ultimate dispensers of such medications, that is, community pharmacies or other providers of pharmaceutical services in the community. In the case of single source products listed in the formulary, only one amount is likely charged, although variations may exist because of discount, promotional or other purchase considerations. In the case of multiple-source products, on the other hand, prices, as the Senators know, may range by as much as several thousand percent, depending upon which suppliers' products are considered. In arriving at an amount for these drugs, the formulary committee is directed not to consider the drugs of suppliers the prices of which vary significantly from the amount or amounts at which the lowest or lower cost versions of the same drugs are available, provided that these reference products have been determined to be of proper quality and otherwise generally available.

As a result, a cost range for a particular drug can be developed with the price of the most expensive of those drugs acting as the ceiling with respect to this element of benefit liability under the program. A supplier of a version of the drug, the price of which is higher than this ceiling, may believe that his brand of the drug possesses distinct therapeutic advantages over other versions of the same drug. If so, the manufacturer may petition the formulary committee to recognize the price of its version of the drug within this cost range. The committee will, however, ask for and expect to receive from the petitioner scientific or other information that would establish this claim on the part of the manufacturer.

The actual maximum allowable cost to which providers would be entitled would also include a professional fee component designed to cover the costs of the pharmaceutical services rendered in connection with the program. Under the amendment, participating pharmacies would be required to file with fiscal intermediaries their usual and customary fee associated with the provision of services to the aged. These fees would be ranked from lowest to the highest. The highest 10 percent would be reduced to the 90th percentile and no fee above the 90th percentile would be recognized by the program. Pharmacies submitting fees falling between the 50th and 90th percentile would be required to submit financial data to justify the fee filed and all fees substantiated in this manner would be recognized.

Fees falling below the 50th percentile would be automatically recognized, unless the participating pharmacy is in the top 20 percent in medicare prescription volume within the State or intermediary area of responsibility. Pharmacies in this group would be asked to supply financial data justifying their fee regardless of the amount filed. Pharmacies not filing fees would be paid the lowest fee filed. The amendment provides that this usual and customary fee structure be reviewed by the intermediary when, in its judgment, such review is warranted, except that such a review, including refiling, must occur at least once annually.

As the Senators may recognize, this fee system is one which has been adopted by the State of Kansas as part of its medicaid prescription drug program. It has the advantage over fixed fee approaches, in that individual differences in the services provided and costs incurred by different pharmacies in different locations can be given recognition. At the same time, it provides a means for anticipating prospectively the costs of pharmaceutical services that would be provided beneficiaries during the course of the year.

Reimbursement, in the case of any one prescription, would be the lesser of the maximum allowable cost established for a drug—the amount generally charged the ultimate dispenser plus the fee—or the actual, usual or customary charge at which the dispenser sells or offers such a dispensed prescription to the public. In the case of nonlegend drugs, the reimbursement would be those charges which do not exceed the usual or customary price at which the drug is offered to the public, plus a reasonable billing allowance to be established by the Secretary.

The amendment (No. 1113) is as follows:

EXHIBIT 1

AMENDMENT NO. 1113

At the end of part A to title II of the bill, insert the following new section:

"COVERAGE OF DRUGS

"SEC. —. (a) Section 226 (b) (1) of the Social Security Act is amended by striking out 'and post-hospital home health services' and inserting in lieu thereof 'post-hospital home health services, and qualified drugs'.

"(b) Section 1811 of the Social Security Act is amended by inserting 'and qualified drugs' after 'related post-hospital services'.

"(c) Section 1812 (a) of the Social Security Act is amended—

"(1) by striking out 'and' at the end of paragraph (2);

"(2) by striking out the period at the end of paragraph (3) and inserting in lieu thereof '; and'; and

"(3) by adding after paragraph (3) the following new paragraph:

"'(4) qualified drugs.'.

"(d) (1) Section 1813(a) of the Social Security Act is amended by adding at the end thereof the following new paragraph:

"'(4) The amount payable for qualified drugs furnished an individual pursuant to any one prescription or certification and purchased by such individual at any one time shall be reduced by an amount equal to the applicable prescription copayment.'

"(2) Section 1813 of such Act is further amended by adding at the end thereof the following new subsection:

"'(c) (1) Subject to paragraph (2), the prescription copayment which shall be applicable for the purposes of subsection (a) (4) shall be $1.

"'(2) The Secretary shall, between July 1 and October 1 of 1975, and of each year thereafter, determine and promulgate the drug copayment which shall be applicable for the purposes of subsection (a) (4) during the succeeding calendar year. Such copayment shall be equal to $1 multiplied by the ratio of (A) the average per capita costs for

qualified drugs during the calendar year preceding the year in which the determination is made to (B) the average per capita costs for qualified drugs during the calendar year 1973. Any amount so determined which is not a multiple of $0.10 shall be rounded to the nearest multiple of $0.10 (or, if it is midway between two such multiples, to the next higher multiple of $0.10). The average per capita costs for qualified drugs for any calendar year shall be determined by the Secretary on the basis of the best information available to him (at the time the determination is made) as to the amounts paid under this part for qualified drugs furnished during such year, by providers which have agreements in effect under section 1866, to individuals who are entitled to hospital insurance benefits under section 226, plus the amount which would have been so paid but for subsection (a) (4) of this section.'

"(e) Section 1814(a) of the Social Security Act is amended—

"(1) by striking out 'and' at the end of paragraph (6);

"(2) by striking out the period at the end of paragraph (7) and inserting in lieu thereof '; and'; and

"(3) by inserting after paragraph (7) the following new paragraph:

"'(8) with respect to drugs or biologicals furnished pursuant to a physician's prescription, such drugs or biologicals are qualified drugs as defined in section 1861(t) and the provider has such prescription in his possession, or some other record of such prescription that is satisfactory to the Secretary or, with respect to drugs or biologicals not requiring a physician's prescription but determined by the Formulary Committee to be of a lifesaving nature, such drug or biological is a qualified drug as so defined and the provider has in his possession a physician's certification that it is medically required by such individual.'

"(f) Section 1814 of the Social Security Act is amended by adding at the end thereof the following new subsection:

"'Limitation on Payment for Qualified Drugs

"'(g) Payment may be made under this part for qualified drugs only when such drugs are dispensed by a licensed pharmacy defined in section 1861(z-1) of this Act and which is a provider of services for purposes of this part; except that payment under this part may be made for drugs dispensed by a physician where the Secretary determines that such drugs were required in an emergency or that there were no pharmaceutical services available from providers of services in the community, in which case the physician (under regulations prescribed by the Secretary) shall be regarded as a provider of services for purposes of this part with respect to the dispensing of such drugs.'

"(g) The second sentence of section 1816 (a) of the Social Security Act is amended by striking out clause (1) and inserting in lieu thereof the following: '(1) to provide consultative services to institutions, agencies, or establishments to enable them to establish and maintain fiscal records necessary for purposes of this part and otherwise to qualify as providers of services for such purposes, and'.

"(h) Part A of title XVIII of the Social Security Act is further amended by adding at the end thereof the following new sections:

"FORMULARY COMMITTEE

"'(SEC. 1818 (a)(1). There is hereby established, within the Department of Health, Education, and Welfare, a Formulary Committee, a majority of whose members shall be physicians and which shall consist of two officials of such Department designated by the Secretary, and of seven individuals (not otherwise in the regular full-time employ of the Federal Government) who are of recognized professional standing and distinction in the fields of medicine, pharmacology, and pharmacy, to be appointed by the Secretary without regard to the provisions of title 5, United States Code, governing appointments in the competitive service. The Chairman of the Committee shall be elected, from the appointed members thereof, by majority vote of the members of the Committee for a term of one year. A member may succeed himself as Chairman.

"'(2) Each appointed member of the Formulary Committee shall hold office for a term of five years, except that any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term, and except that the terms of office of the members first taking office shall expire, as designated by the Secretary at the time of appointment, one at the end of the first year, one at the end of the second year, one at the end of the third year, and one at the end of the fourth year. A member shall not be eligible to serve continuously for more than two terms.

"'(b) Appointed members of the Fomulary Committee, while attending meetings or conferences thereof or otherwise serving on business of the Committee, shall be entitled to receive compensation at rates fixed by the Secretary, but not exceeding $100 per day, including travel time, and while so serving away from their homes or regular places of business they may be allowed travel expenses, as authorized by section 5073 of title 5, United States Code, for persons in the Government service employed intermittently.

"'(c)(1) The Formulary Committee is authorized to engage such technical assistance as may be required to carry out its functions, and the Secretary shall, in addition, make available to the Formulary Committee such secretarial, clerical, and other assistance as the Formulary Committee may require to carry out its functions.

"'(2) The Secretary shall furnish to the Formulary Committee such office space, materials, and equipment as may be necessary for the Formulary Committee to carry out its functions.

"'(d)(1) The Formulary Committee shall compile, publish, and make available a Formulary of the United States (hereinafter in this title referred to as the 'Formulary').

"'(2) The Formulary Committee shall periodically revise the Formulary and the listing of drugs so as to maintain currency in the contents thereof.

"'(3) The Formulary shall contain an alphabetically arranged listing, by established name, of those drugs and biologicals that shall be deemed qualified drugs for purposes of the benefits provided under section 1812 (a)(4);

"'(4) publish and disseminate at least once each calendar year among physicians, pharmacists, and other interested persons, in accordance with directives of the Secretary, (i) an alphabetical list naming each drug or biological by its established name and such other information as the Secretary deems necessary, (ii) an indexed representative listing of such trade or other names by which each such drug or biological is commonly known, together with the maximum allowable cost for various quantities, strengths, or dosage forms thereof, together with the names of the supplier of such drugs upon which the maximum allowable cost is based, (iii) a supplemental list or lists, arranged by diagnostic, prophylactic, therapeutic, or other classifications, of the drugs included in the Formulary, and (iv) information (including conditions of use required in the interest of rational drug therapy) which will promote the safe and effective use, under professional supervision, of the drugs listed in the Formulary.

"'(5) The Formulary Committee shall exclude from the Formulary any drugs which the Formulary Committee determines are not necessary for proper patient care, taking into account other drugs that are available from the Formulary.

"'(e)(1) In considering whether a particular drug shall be included in the Formulary, the Formulary Committee is authorized to obtain (upon request therefor) any record pertaining to the characteristics of such drug which is available to any other department, agency, or instrumentality of the Federal Government, and, as a condition of such inclusion, to require suppliers of drugs to make available to the Committee information (including information to be obtained through testing) relating to such drug. In any such record or information (or any information contained in such record) is of a confidential nature, the Formulary Committee shall exercise utmost care in preserving the confidentiality of such record or information and shall limit its usage thereof to the proper exercise of such authority.

"'(2) The Formulary Committee shall establish such procedures, as may be necessary to determine the propriety of the inclusion or exclusion, in the Formulary, of any drug, including such data and testing as it may require of a proponent of the listing of a drug in the Formulary.

"'(f)(1) The Formulary Committee, prior to making a final determination to remove from listing in the Formulary any drug which would otherwise be included therein, shall afford a reasonable opportunity for a hearing on the matter to any person engaged in manufacturing, preparing, propagating compounding, or processing such product who shows reasonable grounds for such a hearing. Any person adversely affected by the final decision of the Formulary Committee may obtain judicial review in accordance with the procedures specified in section 505(h) of the Federal Food, Drug, and Cosmetic Act.

"'(2) Any person engaged in the manufacture, preparation, propagation, compounding, or processing of any drug not included in the Formulary which such person believes to possess the requisites to entitle such drug to be included in the Formulary, may petition for inclusion of such drug and, if such petition is denied by the Formulary Committee, shall, upon request therefor, showing reasonable grounds for a hearing, be afforded a hearing on the matter. The final decision of the Formulary Committee shall, if adverse to such person, be subject to judicial review in accordance with the procedures specified in section 505(h) of the Federal Food, Drug, and Cosmetic Act.

"'(g) Drugs and biologicals shall be determined to be qualified drugs only if they can legally be obtained by the user only pursuant to a prescription of a physician; except that the Formulary Committee may include certain drugs and biologicals not requiring such a prescription if it determines such drugs or biologicals to be of a lifesaving nature.

"'(h) In the interest of orderly, economical, and equitable administration of the benefits provided under section 1812 (a) (4), the Formulary Committee may, by regulation, provide that a drug or biological otherwise regarded as being a qualified drug shall not be so regarded when prescribed in unusual quantities.

"'MAXIMUM ALLOWABLE COST FOR QUALIFIED DRUGS

"'SEC. 1819. (a) For purposes of this part, the term "maximum allowable cost" means the following:

"'(1) When used with respect to a pres-

cription legend drug, such term means the lesser of—

"'(A) the amount determined by the Formulary Committee, in accordance with subsection (b) of this section, plus a reasonable fee determined in accordance with subsection (c) of this section, or

"'(B) the actual, usual, or customary charge at which the dispenser sells or offers such drug to the public.

"'(2) When used with respect to a prescribed non-legend drug such term means those charges which do not exceed the usual or customary price at which the dispenser offers or sells the product to the general public, plus a reasonable billing allowance.

"'(b)(1) The Formulary Committee shall establish an amount or amounts at which such drug is generally available for sale (to establishments dispensing drugs) in a given strength or dosage form, and in any case in which a drug is so available and so sold by more than one supplier, the Formulary Committee shall exclude, in determining the maximum allowable cost, the amounts for such drugs of such suppliers as are sold at prices which vary significantly from the amounts for the lowest or lower cost drugs which have been determined to be of proper quality and which are generally available. If a particular drug in the Formulary is available from more than one supplier, and such drug as available from one supplier possesses distinct therapeutic advantages (as determined by the Formulary Committee on the basis of its scientific and professional appraisal of information available to it, including information and other evidence furnished to it by the supplier of such drug), then the amount recognized by the Formulary Committee of such supplier's drug shall be the price at which it is generally available to establishments dispensing drugs.

"'(2) In considering (for purposes of the maximum allowable cost for any drug) the various sources from which and the varying prices at which such drug is generally available, there shall not be taken into account the price of any drug which is not included in the Formulary.

"'(3) Whenever an amount or amounts at which a qualified drug is generally available for sale to the ultimate dispensers thereof vary significantly among the various regions of the United States or among such ultimate dispensers, the Formulary Committee may determine a separate amount or amounts with respect to such drug for various regions or for various classes of its ultimate dispensers.

"'(c)(1) Any licensed pharmacy, which is a provider of services for purposes of this part, shall, in a form prescribed by the Secretary, file with an intermediary or other agency designated by the Secretary, a statement of a free for the purpose of establishing the maximum allowable cost as defined in (a) above. Such fee shall include such costs, including the costs of professional services and a fair profit, which are reasonably related to the provision of pharmaceutical service rendered to persons entiled to receive benefits under this part.

"'(2) Any licensed pharmacy shall, except for subsection (a)(1)(B) above, be reimbursed, in addition to any amounts provided for in subsection (b) above, the amount of the fee filed in (1) above, except that no fee shall exceed the largest fee filed by 90 per centum of such licensed pharmacies.

"'(3) The Secretary shall, in addition to statements required pursuant to paragraph (2), require in a form and at a time suitable to him financial or other data to justify recognition of any fee (A) which amount falls between the 50th and 90th percentile of all fees filed by participating pharmacies or (B) in any case where a participating licensed pharmacy has, in the preceding four calendar quarters has been among the highest 20 per centum by prescription volume of all pharmacies participating in the program in a State or intermediary area.

"'(4) Where no fee statement or other information required by the Secretary has been filed by a licensed pharmacy otherwise qualified and participating in the program, fees to which such pharmacies may be entitled shall be limited to the amount of the lowest fee filed by any licensed pharmacy described in paragraph (1) above.'.

"(l) Section 1861(t) of the Social Security Act is amended—

"(1) by inserting ', or as are approved by the Formulary Committee' after 'for use in such hospital'; and

"(2) by adding at the end thereof the following new sentence: 'The term "qualified drug" means a drug or biological which (1) can be self-administered, (2) is furnished pursuant to a physician's prescription or a physician's certification that it is a lifesaving drug which is medically required by such individual when not an inpatient in a hospital or extended care facility, (3) is included by strength and dosage forms among the drugs and biologicals approved by the Formulary Committee, (4) is dispensed (except as provided by section 1814(g)) by a pharmacist from a licensed pharmacy, and (5) which is generally available for sale to establishments dispensing drugs in an amount or amounts equal to or lesser than the amount or amounts established by the Formulary Committee pursuant to section 1819B.'

"(j) Section 1861(u) of the Social Security Act is amended by striking out 'or home health agency' and inserting in lieu thereof 'home health agency, or licensed pharmacy'.

"(k) Section 1861(v) of the Social Security Act is amended—

"(1) by striking out 'The reasonable cost' in the first sentence of paragraph (1) and inserting in lieu thereof 'Except as provided in paragraph (8), the reasonable cost'; and

"(2) by adding at the end thereof the following new paragraph:

"'(8)(A) With respect to any qualified drug, the maximum allowable cost shall be an amount determined in accordance with section 1819 of this Act.'

"(l) Section 1861 of the Social Security Act is further amended by adding at the end thereof the following new subsection:

"'Licensed Pharmacy

"'(z-1) The term "licensed pharmacy" (with respect to any qualified drug) means a pharmacy, or other establishment providing community pharmaceutical services, which is licensed as such under the laws of the State in which such drug is provided or otherwise dispensed in accordance with this title.'

"(m)(1) The first sentence of section 1866(a)(2)(A) of the Social Security Act is amended by striking out 'and (ii)' and inserting in lieu thereof the following: '(ii) the amount of any copayment required pursuant to section 1813(a)(4), and (iii)'.

"(2) The second sentence of section 1866(a)(2)(A) of such Act is amended by striking out 'clause (ii)' and inserting in lieu thereof 'clause (iii)'.

"(n) The amendments made by this section shall apply with respect to items and services furnished on and after the 1st day of January 1973."

AMENDMENTS NOS. 1114 THROUGH 1116

Mr. HARRIS. Mr. President, I submit a series of amendments intended to be proposed by me to H.R. 17550 and ask that they be printed. These amendments are offered as amendments to the social security cash benefits provisions of H.R. 17550.

One amendment restores House language amending present law which requires social security disability benefits to be reduced when workmen's compensation is also payable and when the combined payments exceed 80 percent of average current earnings before disablement. The House bill calls for reduction in benefits by the amount by which the combined payments under both programs exceed 100 percent of average current earnings before disability.

The second amendment amends the financing provisions for the increase in social security benefits voted by the committee. The financing plan provided for in this amendment is one which I offered in committee and which is explained in full detail in my separate views in the report to the bill.

The third amendment basically restores the House language to the automatic adjustments in benefits provided for as a result of cost-of-living increases. This amendment is also discussed in full detail in my separate views and primarily provides for the deletion in the committee bill of a provision requiring automatic adjustment in the tax rates in addition to automatic adjustments in the wage base, which was the only automatic adjustment that would occur under the House bill.

I intend to call these amendments up for consideration at the appropriate time in the Senate's consideration of H.R. 17550.

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

AMENDMENT NO. 1117

Mr. JAVITS submitted an amendment, intended to be proposed by him, to House bill 17550, supra, which was ordered to lie on the table and to be printed.

AMENDMENTS NOS. 1118 AND 1119

Mr. JAVITS. Mr. President, I submit today two amendments to the Ribicoff-Bennett proposed Family Assistance Act (amendment No. 1097 to H.R. 17750).

The amendments are designed merely to attempt to effect changes in the act consistent with the administration's own proposal, which has now been embodied in the Ribicoff-Bennett amendment.

First, I urge that families headed by full-time working males who qualify for Federal assistance under the proposed Act—"the working poor"—be made eligible for State supplementary payments under the act, as they are for the Federal cash payment. This is an essential step if we are to effect any true reform of the welfare system and provide an incentive to work for hundreds of thousands of recipients. In this amendment I am joined by the Senator from Oklahoma (Mr. HARRIS) and the Senator from South Dakota (Mr. MCGOVERN).

Second, I propose that there be included in the child care provisions of the bill, a clear statement to ensure that the developmental needs of the child, as well as the economic needs of the parent, will

be respected as that program is administered. This amendment would merely write into law the objectives expressed by the administration.

While I am proposing these additions to the Ribicoff-Bennett proposal, I wish to indicate my general support for that proposal. I regard it as essential legislation for this session of the Congress.

I shall now outline each of these proposals in more detail.

SUPPLEMENTATION FOR THE WORKING POOR

In his statement of June 10, 1970, President Nixon indicated that one of the four fundamental principles upon which the Family Assistance Act is based is "equity to provide assistance to working poor families."

The Family Assistance Act quite commendably meets this objective in part by making the working poor—families headed by full-time working males, but whose incomes are below the poverty line—eligible for the basic $1,600 Federal cash payment for a family of four.

However, under the administration's original proposal and under the Ribicoff-Bennett amendment as well, working poor families would not be eligible for the supplementary payments which States will be required to maintain with Federal assistance under the act. The proposal requires States to supplement the $1,600 payment by an amount providing a total Federal-State benefit payment no less than the maximum amount—up to the poverty level—which that family would have received in that State in November 1970. The bill provides that the Federal Government pay 30 percent of the cost of the supplemental payments.

When he appeared before the Senate Committee on Finance on July 21, 1970, Secretary of Health, Education, and Welfare Elliot Richardson noted three undesirable consequences of the exclusion of the working poor under the current aid to families with dependent children program. He noted that:

First, the exclusion constitutes a basic inequity, since working poor families may have financial need equal to that of families in which there is no full-time working male, yet they are unable to receive Federal public assistance under current law. As the Secretary noted:

> This unwise and unjust public policy has had predictable results in terms of social tensions. First, an understandable discontent has been generated among those who are excluded and who see others no worse off than they being assisted. Second, ominous racial overtones have developed since current AFDC recipients—those who are helped—are about 50 percent nonwhite, while the working poor—those who are excluded—are about 70 percent white. This country can no longer afford to have one of its most important and needed anti-poverty efforts viewed by many of its citizens as a divisive, unfair and arbitrary failure. Such a view does not help to bring us together, does not promote understanding among people, and does not help to restore public confidence in the wisdom of social policies.

Second, he pointed out that the exclusion produces an incentive for male heads of households to work less, rather than more. He noted that the current welfare program includes, in a number of States, the "AFDC unemployed fathers" program under which families headed by a father working no more than 30 hours per week—or for 35 hours, at each State's option—are eligible. Thus a father who is on welfare is better off if he works no more than 30 hours a week. If he works more than that, he is suddenly no longer "unemployed" and he loses assistance.

Third, he noted that the exclusion of the working poor has provided encouragement for families to dissolve or for couples never to marry. In situations in which a full time workingman is not making as much as the mother of his children could receive in welfare benefits, the couple is financially better off if the man leaves home. In fact, according to statistics provided by the Department of Health, Education, and Welfare, it is estimated that more than 18 percent of the fathers of families currently on AFDC are "absent from the home" by reason of desertion.

Mr. President, these considerations cited by the Secretary which have prompted the administration to include the "working poor" under the basic Federal payment apply equally in respect to the supplemental payments.

As I noted, under the Family Assistance Act, the States are required to supplement up to the level provided in November 1970.

The result of this requirement will be that in more than 35 States at least $400 for a family of four will be added to the $1,600 Federal payment and in 22 of those States an additional $900 will be provided for a family of four.

As a result, a male headed family will be better off if he leaves his family since the mother of his children would be eligible to receive the supplemental payment but he would not.

The fact is however, that under the Ribicoff-Bennett proposal—as under the House bill—the States would be required to include the AFDC–UP program—with 30 percent Federal sharing therein—affording limited assistance to a male headed family if he works no more than 30 hours—and in some cases 35 hours per week.

If he works more hours than that and remains in the home, then his family is no longer eligible for assistance.

Mr. President, the result is that under the Ribicoff-Bennett proposal—we will be perpetuating a disincentive to work. In fact, a "notch" is created. For example, in a State having an income standard of $2,500 for a family of four a male head of a household would be eligible for a total Federal-State payment of $3,673 if he worked under 30 hours, but $3,624 or $49 less if he worked 40 hours. Unless the amendment which I have proposed, the same male head would be eligible for $4,088, providing a greater incentive to work.

The proposed amendment permits him to work full time and to continue to receive both family assistance and supplemental payments at the levels accorded to a female headed family.

Mr. President, the administration has recognized this "notch" problem. When members of the Senate Committee on Finance pointed out during the hearings that continuation of the AFDC–UP program without including the working poor, would effect a work disincentive and represented a basic inequity, Secretary Richardson indicated that the administration would eliminate the problem by eliminating the coverage of the AFDC–UP program under the bill. However, recognition of the need to provide some assistance to male headed families has forced reinstatement of the AFDC–UP programs, which the administration again now supports.

Mr. President, when Secretary Richardson appeared he indicated cost as his main objection to including the working poor in the supplemental. He estimated a total net cost of $1 billion based on an estimate that approximately 1,861,300 families would become eligible for such assistance.

However, actual experience strongly suggests that the estimates made by the Department are greatly inflated.

As Mayor John Lindsay of New York noted in his testimony of August 24, 1970, before the Senate Committee on Finance—based upon a study of the working poor programs conducted in New York City—we can expect that only approximately one-third of the eligible working poor families can be expected to claim benefits. The mayor noted that the participation rates in the other States which have working poor programs—Pennsylvania, Massachusetts, Illinois, New Jersey, and Rhode Island—are even lower.

Accordingly, it is reasonable to project a net cost of no more than $400 million under this amendment.

Mr. President, while we would be increasing eligibility under this amendment we would be including a group which would soon work its way off the welfare rolls.

As noted by Assistant Secretary of Labor Jerome M. Rosow in the Wall Street Journal, March 30, 1970:

> One fact to bear in mind about the working poor is that they are not likely to become long-term recipients of assistance payments. Because of rising wage scales due to increased productivity, about 200,000 of the working poor rise above the poverty line each year. Upgrading efforts on the part of the manpower agency will increase this movement to self-efficiency.

With respect to the ability of the States to assume any additional costs arising from the inclusion of the working poor, I wish to point out that the amendment provides for a full Federal assumption of the costs of including the working poor.

Mr. President, I consider this particular amendment to be of especially high priority because it attempts to deal with one feature of the proposed Family Assistance Act which is completely inimical to the stated objectives of the act: providing incentives to work, equitably including the working poor, treating male and female families alike, and strengthening family stability.

Mr. President, I hope that the Senate will deal with so clear an inequity. It

seems to me to be highly questionable to provide so many work requirements in this bill on the one hand, and yet fail to go all the way in providing work incentives.

The poor have a tremendous pride and dignity and really want to do everything they can to avoid a welfare existence. However, we must design a structure which respects that desire.

Mr. President, I ask unanimous consent that there be printed in the RECORD at this point the text of my amendment together with a statement provided by the Department of Health, Education, and Welfare indicating that there are some 1,861,300 families that would be covered by the amendment which I have proposed, detailed by State, and a table, also prepared by the Department of Health, Education, and Welfare, showing expected levels of supplementation by State.

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

The amendment (No. 1118) is as follows:

AMENDMENT No. 1118

On page 26, beginning with the word "other" on line 12, strike out all before the period on line 15.

On page 35, line 17, insert "(other than families referred to in paragraph (3))" after the word "families".

On page 36, between lines 2 and 3 insert the following:

"(2) The Secretary shall pay to any State which has in effect an agreement under this part, for each fiscal year, an amount equal to 100 per centum of the total amount expended during such year pursuant to its agreement as supplementary payments to families in which both parents of the child or children are present, neither parent is incapacitated, and the male parent is not unemployed, not counting so much of the supplementary payment made to any family as exceeds the amount by which (with respect to the period involved)—

"(A) the family assistance benefit payable to such family under part D, plus any income of such family (earned or unearned) not disregarded in determining the amount of such supplementary payment, is less than

"(B) the applicable poverty level as promulgated and in effect under subsection (c)."

On page 36, line 3, strike out "(2)" and insert in lieu thereof "(3)".

The table, presented by Mr. JAVITS, is as follows:

WORKING POOR FAMILIES ELIGIBLE FOR FAMILY ASSISTANCE BY STATE, 1971

[Data in thousands]

State	FAP only families [1]	Working poor families [1]	Working poor recipients [1]
Total	2,078.4	1,861.3	10,807.4
Alabama	93.1	66.9	361.9
Alaska	3.0	3.0	13.3
Arizona	17.0	17.0	119.4
Arkansas	40.3	35.8	222.0
California	96.2	96.2	561.6
Colorado	42.2	42.2	267.1
Connecticut	10.1	10.1	41.7
Delaware	3.6	3.6	30.5
District of Columbia	1.3	1.3	5.0
Florida	60.0	60.0	370.0
Georgia	92.2	54.1	403.4
Hawaii	5.0	5.0	21.8
Idaho	6.7	6.7	28.7
Illinois	37.0	37.0	223.8
Indiana	31.3	31.3	176.5
Iowa	20.6	20.6	123.3
Kansas	11.6	11.6	62.1
Kentucky	46.7	46.7	261.8
Louisiana	129.3	89.9	514.2
Maine	12.5	12.5	90.8
Maryland	16.7	16.7	85.3
Massachusetts	8.2	8.2	50.3
Michigan	39.4	39.4	219.2
Minnesota	31.0	31.0	174.6
Mississippi	116.4	89.9	525.0
Missouri	43.8	35.2	183.4
Montana	6.7	6.7	28.7
Nebraska	24.8	24.8	125.1
Nevada	3.7	3.7	16.7
New Hampshire	2.7	2.7	18.4
New Jersey	13.2	13.2	73.4
New Mexico	12.9	12.9	98.9
New York	70.9	70.9	400.7
North Carolina	119.2	119.2	754.6
North Dakota	15.4	15.4	76.6
Ohio	58.9	58.9	337.7
Oklahoma	24.8	24.8	140.2
Oregon	7.3	7.3	47.3
Pennsylvania	77.1	77.1	444.2
Rhode Island	1.0	1.0	1.4
South Carolina	83.4	70.9	372.2
South Dakota	23.0	23.0	79.7
Tennessee	80.4	69.4	462.9
Texas	183.4	174.1	968.0
Utah	3.3	3.3	21.1
Vermont	2.7	2.7	18.8
Virginia	41.4	41.4	265.9
Washington	19.4	19.4	109.6
West Virginia	26.2	25.6	163.6
Wisconsin	12.3	12.3	103.5
Wyoming	2.7	2.7	11.5
Guam	.1	.1	.5
Puerto Rico	150.0	105.8	529.0
Virgin Islands	.1	.1	.5

[1] Assumes all eligibles participate.

Source: Department of Health, Education, and Welfare.

State supplemental payment to an eligible family of four with no other income [1]

Alabama	0
Alaska	$620
Arizona	602
Arkansas	0
California	1,052
Colorado	768
Connecticut	2,000
Delaware	188
District of Columbia	1,327
Florida	5
Georgia	0
Hawaii	1,508
Idaho	1,328
Illinois	1,556
Indiana	200
Iowa	1,315
Kansas	1,244
Kentucky	356
Louisiana	0
Maine	416
Maryland	752
Massachusetts	1,772
Michigan	1,532
Minnesota	1,868
Mississippi	0
Missouri	0
Montana	829
Nebraska	800
Nevada	116
New Hampshire	1,304
New Jersey	2,564
New Mexico	592
New York	2,156
North Carolina	319
North Dakota	1,532
Ohio	716
Oklahoma	620
Oregon	1,087
Pennsylvania	2,012
Rhode Island	1,460
South Carolina	0
South Dakota	$1,712
Tennessee	0
Texas	173
Utah	728
Vermont	1,856
Virginia	1,245
Washington	2,252
West Virginia	53
Wisconsin	776
Wyoming	800

[1] Under H.R. 16311 as amended June 1970. Based on April 1970 AFDC payment levels.

Source: Department of Health, Education, and Welfare.

DEVELOPMENTAL CHILD CARE

Mr. JAVITS. Mr. President, I submit a second amendment to the Ribicoff-Bennett proposed Family Assistance Act (amendment No. 1097 to H.R. 17550).

The purpose of my amendment is to write into the child care provision of the Family Assistance Act a clear statement that the services will respect the developmental needs of the child as well as the economic needs of the parent.

Under the Family Assistance Act, 100 percent Federal financing will be made available through grants to any public or nonprofit private agency or organization for the costs of projects for the provision of child care to enable individuals registered under the act and individuals likely to become eligible for benefits under the act to undertake or continue manpower training or employment.

The administration's plans call for the expenditure of $386 million for this purpose for the 1st year of operation; it is estimated that 300,000 school age children would be able to receive services after school, and during the summer months and that 150,000 preschool children could receive full day services.

In testimony before the Senate Committee on Finance on April 20, 1970, former Secretary of Health, Education, and Welfare, Robert Finch, affirmed that:

We know that the child of poverty needs far more than custodial care if developmental defects are to be overcome. It is this type of child care that is contemplated by the President's recommendations.

Similarly, the report of the House Committee on Ways and Means noted—at page 37:

Your committee believes that well-designed child care programs in addition to benefiting parents by freeing them for work can also be of great benefit to the child and can help to break the cycle of poverty. Child care for the preschool child should provide for child development through the provision of health, educational and other necessary services.

Despite these statements and all good intentions, there is nothing in the legislation to express fully the idea that in conducting the programs under this part the Secretary is to give at least equal priority to the developmental needs of the child as well as to the needs of the parents to engage in employment and training. Thus there remains the possibility that efforts to provide more child care "slots" to reduce welfare dependency will prompt the evolution of an inferior

custodial system of child care for welfare mothers.

Under paragraph 3 of section 436, the major provision for child care, the Ribicoff-Bennett bill follows the House passed bill in providing:

Such projects shall provide for various types of child care needed in light of the different circumstances and needs of the children involved.

Mr. President, I submit that if meeting needs of the child are to be a major purpose of child care under the act, then a stronger statement as to those needs should be included.

Under the amendment which I propose, the following language would be substituted for the paragraph, 3, which I have cited:

The Secretary of Health, Education and Welfare shall take such measures as may be necessary to assure that each child receiving care under any project receiving assistance under this section will receive such educational, health, nutritional, and related services, as may be necessary to help such child to achieve his full potential.

Mr. President, we consider this important legislation at the very time that the White House Conference on Children has met to consider the means of advancing child development in the remainder of 20th century. In the call of the conference, the following objective is stated:

To enhance and cherish the individuality and identity of each child through the recognition and encouragement of his or her own development, regardless of environmental conditions or circumstances of birth.

It would be ironic if in this legislation—which is so geared to reducing welfare dependency—we left open the possibility of creating a new generation of welfare clients who missed the developmental opportunities of childhood while in the hands of a custodial child care system.

Mr President, taking the administration at its word—which I do—this amendment will not add any expense to the cost of the child care provisions. However, if this step is not taken, it may well result in the deferred cost of future welfare generations.

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

AMENDMENT OF THE FOREIGN ASSISTANCE ACT OF 1961—AMENDMENT

AMENDMENT NO. 1120

Mr. GRAVEL proposed an amendment to the bill (H.R. 19911) to amend the Foreign Assistance Act of 1961, and for other purposes, which was ordered to be printed.

ADDITIONAL STATEMENTS OF SENATORS

A TRIBUTE TO GEORGE MASON ON BILL OF RIGHTS DAY

Mr. TOWER. Mr. President, today is recognized as Bill of Rights Day. The first 10 amendments to the Constitution make up the basis for the individual freedoms we cherish so highly in our Nation and for which we strive daily to protect. It is these basic individual freedoms that have attracted so many to our shores over our Nation's brief history. All Americans should be particularly thankful to be fortunate enough to live in a land which ascribes such importance to individual freedoms.

I believe it is also important for us to recall that we have these freedoms because these men who were instrumental in the founding of our Nation aspired to have these freedoms clearly stated in our Constitution. Among these was George Mason, whom I single out today for particular recognition. Once nearly forgotten by history, it was Mason who authored the Virginia declaration of rights, and it was this significant work which later served as a model for the Bill of Rights as we know it today.

To George Mason, and to all our Founding Fathers, we owe a debt of gratitude. We can pay this debt through daily work to protect our individual freedoms and to use them justly.

THE HUMAN DIMENSION IN SOIL CONSERVATION

Mr. McINTYRE. Mr. President, very often we think of the magnificent work of the Soil Conservation Service and the National Association of Conservation Districts in terms of acres of land saved, watersheds drained, or other resources protected.

All of these rather cold figures are important to judge the continuing progress of our soil conservation efforts. But, soil conservation is not all numbers on a page, it has a very human dimension. The National Association of Conservation Districts under the leadership of its current president, John S. Wilder of Tennessee and those who lead in the States such as John W. York, the New Hampshire president of Exeter, N.H., works hard to see that the human dimension is not forgotten.

The most recent edition of the "Tuesday Letter," the excellent voice of the national association, has an able recitation of the continued need to relate the human needs to the conservation needs. The article was written by Layle Bauer of Kansas, who is treasurer of the national association.

I ask unanimous consent that the article be reprinted in the RECORD.

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

DISTRICTS NEED TO ORIENT THEIR PROGRAMS TOWARD PEOPLE AND THE QUALITY OF LIFE

That's the message Lyle Bauer of Harper, Kans., NACD Treasurer, has been carrying to conservation district leaders around the country. It's an important message that deserves wide attention, and the major points are reproduced below.

CONSERVATION DISTRICTS AND THE ENVIRONMENT

In connection with every action and activity contemplated by the district, it seems to me each district official ought to ask himself this question:

What will it do for the quality of living—not only in my district, but in my section of the country?

I would suggest further that we need to reexamine the long-range programs of our districts and revise them with a new dimension in mind. It seems to me that if districts are really going to serve their communities during the rest of this century, district leaders need to shape their goals and their work deliberately toward those resource activities which will clearly improve the quality of living in their communities.

The new dimension in district affairs is the human dimension. It means acting with the well-being of people in mind instead of operating primarily for the protection of resources. It means thinking in terms of the long-range needs and benefits of the whole community rather than in terms of individual farms and watersheds.

Let's look at some of the ways district leaders can contribute either through the application of their own know-how, or by bringing to bear the expertise of agencies cooperating with districts, or both

1. *Districts can help in the control of water pollution* that has its sources in the erosion process, whether the erosion takes place on farmlands, construction sites, roadsides, strip mines, or stream banks. Sediments produced by erosion are the most extensive pollutants of surface watersheds.

2. *Districts can help in controlling water pollution* that has its sources in runoff from feedlots and farmlands—runoff that carries animal wastes as well as a variety of chemicals including pesticides, herbicides, insecticides, and fertilizers.

3. *Districts can help in the control of air pollution* that has its sources in soil blowing (dust storms) or in the malodorous fumes sometimes generated in farming or livestock operations.

4. *Districts can help with beautification* through healing work on ugly landscapes; through planting programs of attractive trees, shrubs, and grasses; through the identification and protection of particularly scenic streams and vistas; through roadside beautification projects; and in dozens of other ways.

5. *Districts can help with the development of recreational facilities*—through cooperation with private landowners in establishing fishing, swimming, boating, hiking, riding, picnicking, and other recreational attractions. The district can help also in connection with the development and management of such public recreational facilities as local parks, town forests, camp grounds, nature trails, and lakes.

6. *Districts can help with the protection and preservation of unique areas* that may be threatened by neglect, commercial exploitation, erosion, or pollution. These areas may include stream and lake shores, estuaries, historic sites, irreplaceable sections of Class I farmland, waterfowl breeding grounds, or unusual stands of timber.

7. *Districts can help with solid waste disposal* through the identification of sites suitable for use as sanitary landfills.

8. *Districts can help with waste land use, zoning, and resource development* by calling in experts on soils, forests, water, fish, wildlife, recreation, education, economics, and planning.

THE PRESIDENT'S STATE OF THE ECONOMY REVIEW

Mr. SCOTT. Mr. President, much has been said and written about President Nixon's recent state of the economy review.

The Christian Science Monitor has editorialized on this presenation. It is another interesting point of view that warrants consideration. I commend this to the Senate and 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:

GETTING AFTER THE ECONOMY

The case is building for the United States to adopt a more activist incomes, or wage-price policy.

Last Friday President Nixon took two welcome steps in that direction. He announced that oil import quotas would be relaxed, in an attempt to moderate oil prices by increasing the domestic supply. And he warned that the government might get tough with the wage-price spiral in the construction industry by limiting wages in government contracts.

Then on Monday, Federal Reserve Board chief Arthur Burns went the President one better and listed a number of specific steps the government might take to dampen inflation. Heading the list were the formation of a wage-price review board with strong investigatory but not enforcement powers.

Both men gave a state-of-the-economy review that was alike in many respects. Both praised progress to date in sobering up the economy. Mr. Burns, for example, dwelt on the ending of the heady speculative stock market during the previous administration, when in 1967 and 1968 average Big Board stock prices rose 40 percent, while earnings rose only 12 percent. And he talked about the virtues of the new cost-cutting psychology, which has helped boost productivity to a 5 percent rate at present.

This is conservative business talk, of course. It reflects an economic outlook most comfortable with moderation and restraint. It is what one would expect of the President and his friend and former adviser, Mr. Burns, who like to talk of letting the "market place" correct itself.

And yet, Mr. Burns as well as many liberal economists are deeply concerned that, even though the economy has been sobered into recession, the inflationary pressures of rising wages are not slackening. The average wage rate increase this year has been about 7 percent, the same as last year. Major settlements this fall have run about 10 percent.

Mr. Burns looks northward to Canada, where steadily worsening unemployment (now over 6.5 percent) has not cut back wage trends, for a sign that the traditional idea of getting an economy into line by stunting business growth and increasing unemployment may no longer work.

Mr. Burns is afraid that the new expansionary drive the President has announced (and which Mr. Burns has said the Federal Reserve will go along with) might undo the moderate business psychology won in the past two years, without stemming inflation, unless a stronger incomes policy is adopted.

We hope Mr. Burns may be publicly preparing the way for future presidential actions.

THE PRESIDENT'S NEWS CONFERENCE

Mr. GOLDWATER. Mr. President, last Thursday night the President held what I am sure the press will say was a relatively rare press conference.

That press conference proved several things. First of all it proved that press conferences can develop news of real importance. The President did, indeed, make news.

Second, it proved that the President does not fear the press. Third, it proved that the press, like the law, can sometimes be "an ass," as Mr. Bumble once noted.

As a result of these things, both sides perhaps made their points. The press side, that the President should hold more press conferences, appears valid largely because of his superb performance. But those who feel the press is biased against the President can also make that point, because there were clearly some questions asked, not for the purpose of gaining information but for the purposes of embarrassing or putting on the spot.

For instance, Mr. President, what fairminded person would really expect the President to answer the following questions:

Mr. President, as a lawyer and as his immediate superior, do you approve of the following actions of F.B.I. Director J. Edgar Hoover? One accusation which has been made public—accusing two men of conspiring to kidnap Government officials and/or blow up Government buildings as an antiwar action before any formal charges had been made and a trial could be arranged for those gentlemen. And continuing to call the late Martin Luther King a liar. Do you approve of those actions?

Mr. President, at a previous news conference you said that what happened at Mylai was a massacre. On another occasion, you said that Charles Manson is guilty. On another occasion you mentioned Angela Davis by name and then said that those responsible for such acts of terror will be brought to justice. My question concerns the problem of pretrial publicity and the fact that it could jeopardize a defendant's right at a trial. How do you reconcile your comments with your status as a lawyer?

Mr. President, in the light of the firing of Secretary Hickel and the Goodell case, could you tell us how much dissent you will tolerate in your Administration and in the Republican Party?"

These are just plain silly questions. In addition, some others come pretty close. There is, it seems, a great desire on the part of the press to get the President to confess, to admit error. For instance, these questions were asked:

Mr. President, another question about confidence, if I may, involving you. There seems to be a feeling in some quarters, not just among blacks and students but also among some of your natural Republican allies, some voters, and, certainly, as you may have noticed, some columnists, that you have yet to convey a sufficiently sharp and clear sense of direction, vision and leadership on many matters to end the divisions in this country as you said you hoped to do two years ago and as your own Scranton Commission on Campus Unrest has urged you to do. Do you recognize this as a problem for yourself and for the country and, if so, what can you do about it and what will you do about it?"

With unemployment and inflation rising, do you think it's fair to say that your economic policies have not worked, and do you plan any quick changes?

Mr. President, back to the economy for a moment. At your first news conference, you ruled out exhorting, to use your word, labor and management to follow certain guidelines, saying that they would follow their organization's desires in any case. Now, since then, you've taken some small steps toward bringing Presidential influence to bear on wages and prices through the inflation alert and the steps you took the other night in your N.A.M. speech. In the light of that, do you consider your initial remarks about wage-price guidelines a mistake in controlling inflation?

Other questions, I think, were undoubtedly designed primarily to put the President on the spot, not to elicit information.

Now, I will grant that if the President is not prepared for this kind of approach, he should not call a press conference.

But the question is, Is it the duty of the press to try to put the President on the spot or is it the duty of the press to seek valid information so that it can inform the people?

Last Tuesday morning a group of about 25 White House reporters met ostensibly to see how they could get the President to agree to hold more press conferences, and also to see if they could make the press conferences more meaningful.

What appears to have come out of that meeting, however, is a further determination by some members of the press to seek to embarrass the President with loaded questions and questions that really do not deserve reply.

This kind of mass journalistic plotting would really seem to be beneath the dignity of the members of the Washington press corps, and I, frankly, am shocked by it.

Doing a job on the President surely is not the way to meet one's responsibilities to the public.

Finally, I should like to make a point in defense of the President's decision not to hold as many press conferences as the press would like.

For the press, a press conference is a cheap way to get a story. It takes no digging and maybe does not even take the energy to think up a significant question.

But for the President it is an exercise in mental gymnastics. He must be prepared for a wide range of questions on every conceivable subject, relevant and irrelevant. He must spend the better part of a day boning up on facts and even then there is no way to know them all. He must be prepared to couch his replies in such a way that they do not embarrass the Nation, the President's party or himself.

If once you put your foot in your mouth at such a press conference, the press never lets you take it out. Finally, the President has no right to expect forthright, honest questions; he must be prepared for the curves and the spitballs as well as the slow, fast ones.

I ask, do we really want our President regularly to have to spend hours of time boning up for press conferences? Is this what we want when we vote for a President? Do we regularly wish to risk national and internal embarrassment because he might not have the answer to one of the curves, or because his memory betrays him for a second, or because what he says is misinterpreted?

I think these are questions that deserve serious consideration by the press and by the President.

The right of the press to print the truth when it finds it is absolute. The right of the press to ask unfair questions or to receive answers to every question is a little less so.

FAMILY ASSISTANCE PROGRAM

Mr. WILLIAMS of New Jersey. Mr. President, the Senate is scheduled to take up as an amendment to the social

security bill, the administration's proposal for a family assistance plan. We will be considering the compromise approach introduced by the Senator from Connecticut (Mr. RIBICOFF) and the Senator from Utah (Mr. BENNETT).

I believe it is extremely important to the well-being of this country for the Senator to approve the FAP, and to have it enacted. I want to make unmistakably clear my own, strong support for the Ribicoff-Bennett plan.

The FAP has gone through numerous substantive changes during its journey through the House and through the Senate Finance Committee. At various times, I had strong reservations about it, particularly in view of its potential effect upon New Jersey.

At one time it appeared that New Jersey would not benefit from any increase in Federal funds under the plan and very probably would have received less Federal welfare subsidies than it does currently. This was true because New Jersey has been a leader among the States in instituting welfare reforms, and our State system already incorporates many of the more progressive features found in the FAP.

Unfortunately, many States have not been as aggressive as New Jersey in instituting new programs for the needy. It has been clear from the inception of the FAP that this plan would have its greatest impact in those States which currently do the least in behalf of their indigent citizens.

Conversely, the impact would be less in States like New Jersey, which are leaders in this field. New Jersey is currently one of the very few States which provide assistance to the "working poor" as well as to the unemployed. In addition, its level of assistance is well above the proposed national minimum, and New Jersey is one of the States that already provides a work incentive by permitting AFDC recipients to retain a portion of their earnings. New Jersey also has a requirement for recipients to accept suitable work or training, if available.

However, I believe the latest version of the FAP would provide some relief for New Jersey. In that regard, I wish to note that I received last Friday a letter from New Jersey Gov. William T. Cahill urging me to support the FAP. I am confident that Governor Cahill would not have written such a letter if he felt this plan was detrimental to our State.

On the other hand, the Governor believes, and I do also, that the Ribicoff-Bennett version of FAP would help New Jersey somewhat. I have been informed by the administration that it would provide New Jersey with $18 million in additional Federal aid during its first year of operation. It would be a very great improvement for many other States.

There can be no doubt that our current welfare system is morally and financially bankrupt. In most urban States that system has resulted in a crisis that is threatening to wreck the finances of State governments.

The current system does no more than to perpetuate the infamous welfare cycle, keeping an ever-growing number of our citizens locked into perpetual poverty and dependence. Its costs are increasing at a staggering rate, while it is producing less in the way of positive solutions.

During fiscal year 1970, the total amount of funds appropriated for the welfare system in New Jersey came to $37.4 million more than during fiscal year 1969, and the number of welfare recipients increased by 33 percent. In the current fiscal year, appropriations increased by $16 million over last year, and the number of recipients is up by 22 percent.

Governor Cahill also estimates that next year appropriations will increase by $100 million, and the number of recipients will increase by 38 percent.

These figures represent a tragic waste in both our public treasure and in human resources. And, behind the statistics are the stories of millions of meaningless and miserable lives.

We must eventually stop the upward spiral in caseloads and costs.

We must break the welfare cycle that keeps millions locked in misery.

We must insure the basic necessities of life for every citizen.

And, we must do our utmost to help every citizen lead a productive, rewarding life.

Mr. President, the FAP is not perfect. It has many features about which I am uneasy, such as the $1.20 minimum wage.

It will not be an overnight panacea, by any means. But, the plan that has emerged after a year of careful scrutiny by the Congress, and refinement and revision by the administration, is at least a start in a new direction.

FAP, at the very least, offers hope.

It offers hope that every person in the country, regardless of where he lives, will have at least the minimum needed to sustain life.

It offers hope that, in time, we can reverse the increasing drain on our local, State, and National treasuries.

And it offers hope that millions of Americans who now face nothing more than a life on welfare, will eventually find themselves able to hold their heads up as productive members of society.

The Senate has a chance to make the first meaningful reform in hundreds of years in our system of public assistance. We should not lose that chance.

SHEEP KINGS IN COW COUNTRY

Mr. HANSEN. Mr. President, on December 6, 1970, an article entitled "Sheep Kings in Cow Country," was published in Empire magazine. I commend the article, written by Zeke Scher, to the Senate for two reasons.

First, the article recounts the history of the Warren Live Stock Co., which was founded in 1883 by Francis E. Warren, one of the most distinguished and dedicated Senators in the history of our Nation.

Senator Warren was born in Massachusetts in 1844 and won a Medal of Honor for his heroism during the Civil War. He came to Cheyenne in 1868, during the first year of the city's existence to manage a mercantile store. He became involved in real estate and ranching. He was a sheepman, and today the Warren Live Stock Co. is the largest sheep operation in the State of Wyoming.

Senator Warren's success in business was only exceeded by his success in the political arena. He served as treasurer and then as Governor of the Territory of Wyoming. In 1890, he was elected the first Governor of the State of Wyoming. Shortly thereafter he resigned to become Wyoming's first U.S. Senator. He was elected to seven terms in the Senate and held the record for length of service in this body until recently, when our good friend Carl Hayden surpassed Senator Warren in this category. However, his dedication, intelligence, and effectiveness rather than his length of service remain as his contribution to this body and the Nation.

Second, I recommend the article to the Senate because it reflects the strength of the American way of life. In 1890, as Senator Warren began his national career, a young Basque immigrant arrived in Montana. Today the son of that immigrant, Paul Etchepare, controls the destiny of the Warren Live Stock Co.

Paul Etchepare and his family are a fine example of the success to be earned in America through diligence and hard work. In 1963, the TPL Corp. purchased Warren Live Stock Co. from the heirs of Senator Francis Warren. Since that time, Paul Etchepare has continued and enhanced the image of the Warren Live Stock Co. as an important part of the State of Wyoming. He contributes to the cultural and community life of the State as well as to its economic life by carrying on in the finest tradition established by Senator Warren and his family.

Mr. President, I believe that all Senators will be interested in and benefited by the article. 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:

SHEEP KINGS IN COW COUNTRY

(By Zeke Scher)

Newspapers throughout the Rocky Mountain Empire on Monday, Nov. 25, 1929, headlined the death in Washington, D.C., of "Mr. Wyoming," the dean of the U.S. Senate. Beside an eight-column banner story on page one of The Denver Post was a So-the-People-May-Know commentary by Editor F. G. Bonfils, which began:

"Francis E. Warren, noblest senator of them all, has been called for higher duties in the great beyond as a reward of merit for his 37 years of intelligent, honest and patriotic services to his state, his West and to his country."

From 1868 to 1929—from territory through statehood—Warren to a great extent forged the Wyoming that exists today. A mountain, an Air Force base, avenues and schools were named for him. The services for "the veteran of the rugged pioneering days of the West who came to Washington to serve longer in the U.S. than any man in history"—as the national wire services reported—were held before President Hoover in the Senate Chambers.

There was another elaborate ceremony with all military honors—Warren won a Congressional Medal of Honor for heroism at the siege of Port Hudson, La., while a teen-age volunteer in the Civil War—at the burial in Cheyenne. His son-in-law, Gen. John J. Pershing, commander-in-chief of the American Expeditionary Forces in France during World War I, was among the mourners.

Warren was a sheepman. That could shatter the romantic image that surrounds a great man of the West. Decades of movies and novels have fostered the notion that

heroic cattlemen won the West. Sheepmen weren't supposed to be glamorous.

But Warren rode the range when sheep far outnumbered cattle in Wyoming. And to this day, despite a severe retrenchment in sheep population, Wyoming is the only state that has more sheep than cattle (1.9 million to 1.4 million).

Warren almost 90 years ago began what is today Wyoming's largest sheep operation, the Warren Live Stock Co. of Cheyenne. (It was the largest in his time, too, running nearly 100,000 head in the years around 1890. The current outfit is about 75,000).

Born in Hinsdale, Mass., June 20, 1844, Warren seemed destined for a farming life when the war started and he joined the 49th Massachusetts Volunteers at 18. After the war he became a railroader. While foreman of a construction crew in Iowa, a friend offered him the job of managing a mercantile store in a new rail stop in the Dakota Territory.

He accepted the job and in 1868 arrived in the wild pioneer village called Cheyenne. Business became his business, and he did well. He expanded into real estate and ranching. Politics came naturally, and in 1876 he was named treasurer of the Wyoming Territory, which had been carved away from the Dakota.

A life-long Republican, Warren's fortunes in the political ring bounced like a ball. Republican President Arthur appointed him territorial governor in 1885; Democrat Grover Cleveland removed him in 1886; Republican Benjamin Harrison put him back in 1889.

The new state of Wyoming made Warren its first elected governor in 1890 but he quickly exchanged that title the same year for U.S. senator, winning the first of seven terms.

One of Wyoming's first corporations was formed Oct. 13, 1883, and Warren was the organizer. He named it the Warren Live Stock Co. and as chief stockholder elected himself president. He managed it through perhaps its roughest times, even while a senator.

A lengthy printed report on company affairs annual meeting of stockholders scheduled for Jan. 8, 1885. Assets were listed at $491,512 including 24,023 sheep, 1,908 cattle and 460 horses, plus 270,868 acres of land owned or controlled.

Warren's enthusiasm and optimism for Wyoming shone through:

"The success of live stock raising in Wyoming is admitted by all. Wyoming ranges for winter and summer pasturage surpass those of any state or territory in the Union, and the facilities for employment of aggregated capital have been fully demonstrated.

"Live stock raising is the safest and most remunerative industry now known to the American people. The Warren Live Stock Co. has assured success in store for it, judging from the experiences of the past and reasonable expectations of the future."

Warren's appraisal of the business was accurate. By 1892 the company listed assets of $814,445 with 93,000 head of sheep. The company records of the period are replete with big deals, such as an 1889 purchase of 25,027 sheep for $29,053 from two ranchers at Wagon Mound, N.M., with the sheep being trailed north across Colorado to Wyoming. (Sheep—over 1 year old—then cost about $1.50 each; lambs—under 1 year—only 60 cents.)

But then came the national economic panic of 1893.

Exceptionally well-preserved company minutes, dating from the articles of incorporation, quoted Warren at a July 12, 1894, meeting as saying the firm was "in need of funds to meet maturing obligations with no sure prospects of securing the same." A month later Warren agreed to the appointment of a receiver by the District Court after a creditor sued on a $4,500 debt. A Cheyenne newspaper headlined the story: "How It Came About."

Warren explained that in the one year—1893—the bottom fell out of wool and sheep prices and the company lost $233,500. He said Congress aggravated the situation by removing wool imports from the tariff bill. The Warren wool clip for 1894 brought $13,000, compared to the previous year's $45,000. Meat shipments wouldn't bring enough at the markets to pay the expenses of shipping.

"The company has made a stout fight, and if its line of credit had not been too rapidly narrowed, it could have maintained itself until improved conditions carried it through," he said. "But creditors wanted their money, and they had a right to demand it."

The receivership lasted 17 months, and the company weathered the storm. Newspapers of that day frequently injected editorial comment into their news items, and the Cheyenne *Daily Sun-Leader*, in detailing the dissolution of the receivership, said:

"Without Senator Warren's high standing and broad acquaintance East as well as West, the company's indebtedness could not of course have been so successfully funded. Mr. Warren's signal ability, integrity and energy are well known in eastern financial circles as well as here at home, and his efforts have therefore been generously aided and success has crowned his persistent, heroic struggle."

The settlement of all debts had been 100 cents on the dollar. The fiscal battle was a costly but gratifying experience for the man who one day would wield vast power over U.S. government funds as chairman of the Senate Appropriations Committee and would as a result give the sparsely settled state of Wyoming a national stature without precedent—before or since.

As Governor Warren was preparing to embark on his senatorial career that summer of 1890, a 17-year-old Basque sheepherder from the French side of the Pyrenees Mountains was riding a train across the United States to a job in Montana. He too would have a role in the future of the Warren Live Stock Co.

The traveler, John Etchepare, could speak no English. A travel agent in New York City met him at the boat, pinned on a tag with directions and sent him on his way west. He was supposed to be a sheepherder for a Frenchman at Deer Lodge, Mont. But on his arrival he was put to work cutting timber.

He wasn't a lumberjack for long. One day in the mountains near Deer Lodge he heard some "beautiful music"—a distant tinkle of sheep bells. He slammed his ax into a stump and followed his ears to the music. There he met another Basque who was herding for partners Peter Pauly and Charles E. Williams, a Montana state senator who for 25 years was president of the Montana Wool Growers Association. Etchepare joined them as a sheepherder (immigration laws, which would now prevent such hopping around by aliens, were somewhat looser in the 1890s).

For seven years Etchepare worked in western Montana, saving the meager sums a sheepherder received in those days. In 1897, with aid from employer Williams, he obtained a small band of sheep, trailed them some 500 miles to the Missouri River country of northeastern Montana and started ranching on 1,800 acres near Glasgow.

In 1903 the "successful" rancher returned to France briefly to marry his childhood sweetheart. It was on another trip to visit relatives—on Jan. 25, 1911—that a son, Paul, was born at Ustaritz in the French Pyrenees. From that humble beginning in a small European village would come 50 years later the president and owner of the Warren Live Stock Co.

The Etchepare ranch grew to 100,000 acres and more than 10,000 sheep. Young Paul graduated from Glasgow High School and enrolled in Montana State College in Bozeman. But economic hard times of the Depression—and his father's poor health—brought him back to the ranch.

John Etchepare died in 1937, the ranch was sold and Paul went to Helena to be secretary of the Montana Wool Growers Association. He left in 1941 to be manager of Deer Lodge Farms, a purebred Rambouillet sheep operation. Swift & Co. officials were among the owners and they brought Etchepare to the firm's agricultural research division in Chicago.

Paul wanted to return to the West and in 1946 he left Swift and joined Wilkins & Co., a Denver cattle feeding, wool brokerage and ranching firm. In 1948 he helped organize Western Ranches Co., heading it two years, and in 1950 formed a partnership with Frank Kemp Jr., former Colorado legislator, to deal in real estate and livestock.

Etchepare was building a wide reputation in the livestock industry. He was chosen a director of the Western Wool Handlers Association, and in 1955 was named president of the National Lamb Feeders Association. His expertise on ranch operations led to his selection in the early 1960s by the Warren family to appraise the Wyoming company's holdings.

A short time after the appraisal Etchepare himself was approached as a possible purchaser. The Warrens—the senator's grandson, Francis Warren II, was president—wanted to sell—for cash. Etchepare, perhaps better than anyone, knew that the price amounted to a lot of cash, considerably more than he had in his Denver savings account. But he also knew the cash asking price was a tremendous bargain.

He went searching for partners who would want to gamble some $9.5 million on the 334,000-acre Warren outfit that spread over two counties in southeastern Wyoming and three in northern Colorado. Kemp chose not to join in the deal and the partners of 12 years dissolved their association. Etchepare found his "gamblers" in Emmett Elizondo of Grand Junction, Colo., largest sheep operator in Utah and Colorado, and Michael R. Furbush, banker-attorney then of Denver and now Las Vegas, Nev.

The purchase was announced July 25, 1963, by President Warren. The 80-year-old company had been sold to a Colorado group known as the TPL Corp., headed by Etchepare who reported plans to winter 35,000 sheep.

What wasn't announced was that Paul Etchepare, after 16 years in Denver, would pull up stakes and move to Wyoming. As a condition of their entering into the deal, the partners insisted that Etchepare himself manage the big sheep business.

The son of a Basque sheepherder agreed to try and fill the shoes of Senator Warren and his descendants. Like his predecessors, Etchepare would make a major impression on the cowpoke state.

SENATOR HRUSKA AND THE PORNOGRAPHY HEARINGS

Mr. ERVIN. Mr. President, the Washington Post of December 1, 1970, published a column by Mr. Jack Anderson which contained several comments about the subject of pornography and the distinguished Senator from Nebraska, ROMAN HRUSKA. Senator HRUSKA answered Mr. Anderson's allegations in detail in the CONGRESSIONAL RECORD of December 2, 1970; however, I feel I should mention one issue which Mr. Anderson mistakenly raised concerning the lack of pornography hearings by the Constitutional Rights Subcommittee of which I am chairman.

Many pornography bills have been introduced in the Senate. Two of them, S. 1705 and S. 1706, were referred to my Subcommittee on Constitutional Rights; two, S. 1077 and H.R. 11032, were referred to the Criminal Laws Subcommittee; and

five, S. 2929, S. 2930, S. 2075, S. 2074, and S. 2676, were referred to the Juvenile Delinquency Subcommittee.

The Senator from Connecticut (Mr. DODD), chairman of the Juvenile Delinquency Subcommittee, and I had a conversation about these bills last year. We decided that they all involved serious constitutional questions and should be the subject of extensive hearings before the subcommittees acted formally on them. Also, we decided to have our two subcommittees hold joint hearings on all the bills referred to our subcommittees.

As Mr. Anderson says, the pornography hearings were never held by the subcommittees, but there is no single reason for this. Actually, Senator DODD and I both suggested several dates and prepared witness lists, but we could never finally get together for a definite time. Also, Senator DODD suffered a heart attack, and he was running for re-election last year. These factors alone made it difficult enough to hold joint hearings because of the length of time he had to be away from Washington. But even more importantly, both subcommittee staffs were busy last year with hearings and work on many different bills and subjects. Actually, my Subcommittee on Constitutional Rights had to cancel its major investigative hearings of the year on computer data banks and privacy because I had to be on the Senate floor discussing the equal rights for women amendment.

While it is true that Senator HRUSKA was a member of both of these subcommittees, to my knowledge he did absolutely nothing to prevent these subcommittees from holding hearings on pornography. Actually, I knew Senator HRUSKA was a cosponsor of Senator Dirksen's bill S. 2074, so I always assumed he would welcome hearings. Additionally, my staff informed me that Senator HRUSKA had Malcolm Hawk of his staff to request the Subcommittee on Constitutional Rights to hold hearings on pornography. Of course, the staff was not able to comply with this request because of the factors mentioned above.

Mr. Anderson says specifically in his column that the pornography hearings were held up at Senator HRUSKA's request. This could not possibly be true because he would have had to request this of me. He never did. So, as far as the Constitutional Rights Subcommittee is concerned, I am sure that Mr. Anderson is glad to have the truth about Senator HRUSKA and the pornography hearings from the only member of the Constitutional Rights Subcommittee that could give it to him. And I know that Mr. Anderson will want to correct his mistake in a later column.

BUREAUCRATS SHOULD FOLLOW LAWS, NOT MAKE THEM

Mr. GOLDWATER. Mr. President, last week I disclosed the shocking failure of a Federal hearing examiner to afford the State of Arizona with the barest standards of civilized fairness during the course of a welfare compliance proceeding involving the welfare payments of 82,000 Arizona citizens. There are numerous grounds on which the Government examiner violated Federal law and the U.S. Constitution.

He refused to consider and rule upon the legality of regulations issued by the Department of Health, Education, and Welfare even though a Federal statute clearly required him to do so. He did not even make findings on all material issues of fact, such as the question of how many welfare recipients and how much money were affected by the issues in controversy. Nor did he state what might be an appropriate means of enforcement in the event his superiors determined any sanction was necessary. And he conducted the entire proceeding under the unconstitutional guise of withholding Federal funds for all aspects of the State cash benefits program.

Mr. President, these lapses cast an unconstitutional and illegal pallor over the entire hearing and serve as reason enough for declaring the first proceeding null and void. But compounding this error was the stubborn refusal of the hearing officer to apply the obvious intent of Congress as spelled out in the welfare law.

Frankly, it is my impression that this bureaucratic official acted as if Congress did not even exist. In fact, he displayed what has become an all too prevalent bureaucratic attitude that holds agencies can write the law by administrative fiat. It is my purpose today to expose this aspect of the Arizona welfare crisis and to take the middle-level bureaucracy to task for attempting such a flagrant invasion of the constitutionally assigned powers of Congress.

For make no mistake about it. What has happened in this instance does not involve merely a struggle between one State and the Federal Government. This conflict is present, of course, and the defense of States rights is very much at stake. But beyond the conflict between Arizona and HEW is an equally important dimension which affects each Member of this Chamber.

Will we sit by while a few middle management Government employees take it upon themselves to rewrite the laws passed by Congress? Will we complacently allow Government workers to contradict and deny the intent of Congress by issuing regulations which implement their own policy but stray from the true purposes of Congress?

In other words, we must ask ourselves, "Who really writes the law?" Are we ready to turn this function over to employees of Government agencies or are we prepared to insist that it is Congress who sets the policies and standards which shall guide the Government's programs?

Let me get down to specifics. There are three issues remaining in difference between Arizona and the Department of Health, Education, and Welfare. One involves the decision of Arizona to discontinue the welfare payments of recipients who depart from Arizona for more than 3 consecutive months. The second raises the question of whether Congress intends the States to use "net" income or "gross" income in calculating the base income of welfare applicants. And the third relates to the demand by HEW that Arizona establish an advisory committee made up of a substantial number of people on welfare and their representatives.

Turning first to the residency issue, we should note HEW does not even purport to be carrying out the will of Congress. Rather someone along the line set himself up as a junior Supreme Court by deciding the Constitution demands that once a person qualifies for welfare aid in a State he can continue to get that aid indefinitely after he leaves.

There is absolutely no judicial decision announcing this rule, but HEW is trying to jam it down the throat of Arizona as if it is a well settled principle of law. The HEW employees claim they are responding to the decision of the Supreme Court in *Shapiro* v. *Thompson*, 394 U.S. 618, but this case is not on point at all.

It is true the Shapiro case related to welfare assistance and the effect of State residency requirements. But Shapiro was exclusively devoted to the denial of benefits to newcomers of a State, not individuals who leave a State.

In fact, if the rule of Shapiro would be applied according to the interpretation HEW gives it, this case would represent the strongest reason for rejecting the HEW regulation and upholding the State one.

What happened in the Shapiro case is that the Supreme Court held the denial of welfare benefits to residents of less than 1 year creates an improper classification which denies them equal protection of the laws. Citizens who resided in the State less than a year were denied welfare aid, and citizens who resided more than a year were granted it. In the view of the Court, this classification penalized the free movement of citizens across State lines; and, since it was not shown to serve any compelling governmental purpose, it was unconstitutional.

There are two important aspects of this decision which distinguish it from the distorted interpretation HEW has developed. First, the State laws considered in Shapiro made the difference between the ability of needy families to receive any aid or none at all. Second, the Court repeatedly stated its decision applied to "newcomers" or "new residents" who entered a State. There was no consideration of people who left a State.

With these facts in mind, it is apparent HEW's administrative "judges" have erred in flip-flopping the Shapiro case on its head. What HEW has done is to take a holding designed to protect newly arrived citizens and applied it to individuals who leave the State—exactly the opposite situation from the one the case was intended to cover.

To me, the Supreme Court's decision would reasonably mean that a citizen leaving one State would become eligible to apply for and receive benefits in the new State he entered. All he has to do is entertain an intent to remain in the State he enters. For someone who is absent from his former State for 3 consecutive months, this should not be a difficult thing to do.

But instead of pursuing this direct and

commonsense interpretation, HEW has performed legal gymnastics by determining it is the State from which a person has departed that must continue his payments.

It would be reasonable to understand if HEW was seeking to persuade the new State where the applicant is actually living to provide benefits to him. But, instead, HEW is going after the State where an applicant used to live and from which he has been absent for 90 consecutive days.

This directive greatly enhances the opportunities for fraud and thereby adds to the administrative burdens on our already overtaxed State welfare authorities. If a person can easily be eligible for welfare benefits in more than one State at the same time, then every State where the individual holds a past or present connection will find it necessary to regularly communicate with each other before making any payment. Otherwise, it will be impossible to know if double payments are being made.

The need to safeguard against fraud is certainly a compelling State interest, as is the purpose of preventing the dilution of funds needed for assistance to citizens of the State who have not left and are wholly unable to receive benefits in any other State.

Let us remember, if HEW is correct in its contention the Shapiro decision holds "that durational residence requirements in public assistance programs are unconstitutional," then persons who leave Arizona will not lack the means to subsist. They can obtain assistance in their new State. And, so long as they can fall back on welfare assistance somewhere, their mitigation to other States will not be unreasonably impeded.

Thus, if the Arizona physical presence statute is construed to carry with it a purpose of withholding assistance only from those who can establish their eligibility in another State, it can in no way run afoul of the Supreme Court's ruling. Similarly, the statute might be construed to discontinue assistance only to persons who have actually lost their residence in Arizona.

Accordingly, there are at least two grounds on which the Arizona statute can be found to be perfectly compatible with the Constitution and welfare law. In the first place, the courts have never ruled on the question of individuals moving out of a State; and until they do, no one can state with certainty how the judiciary will determine the matter. For a bureaucrat to put the State of Arizona at the mercy of his own construction of judicial law is downright monstrous, and this issue could well be dropped by the Government. In the second place, even if the Supreme Court does mean for the same test to apply to a law affecting absent claimants as it does to one affecting newcomers, it would be simple to construe the statute in a constitutionally permissible manner by limiting its scope to persons who can receive aid in another State or who have become a resident of another State.

This brings me to the remaining two issues. Once again, I must protest the tortured logic of the Government's position.

Take the controversy over the correct test to use in determining the actual need of welfare applicants. Here we have a set of regulations which solely affects employed persons. But the differences between them hide one of the most basic questions of philosophy surrounding the whole welfare program—are we ever to help people off welfare or is the system designed to prepetuate a lifetime of reliance on public aid?

HEW claims the proper way to decide whether an employed person is still in need of public assistance is to first deduct the Federal allowances from his "gross" income and then to deduct his work expenses. Arizona contends his "net" income should be calculated before deducting the Federal disregards. The welfare act itself says the State shall make the Federal deductions from "earned" income.

Who is right in this strange linguistic contest? Well, I believe there is no question but that the State is correctly interpreting Federal law.

Here is why. If we use the sequence of deductions put forth by HEW, there will be a double exemption given to part of an individual's income. The same amount will be deducted twice.

For example, we can examine the case of a person with an income of $300 a month. This is about the minimum wage level. In determining his degree of need, Arizona would first deduct any expenses reasonably attributable to earning his income, let us say $40. This leaves $260 from which Arizona would next subtract $30 a month as required by Federal law. We now have $230 left over, of which Arizona would disregard one-third. The remaining sum, which in this case is $153, would determine whether the individual's earnings were low enough for him to receive continued welfare assistance and, if so, the amount of that assistance. The important thing to note is Arizona has subtracted his expenses before making any other calculations.

Now, HEW would turn things around and deduct his expenses last. In this example, HEW would deduct the Federal allowance of $30, then take one-third off of the remainder, and finally subtract the expenses. The sequence would be $300 minus $30, minus the one-third allowance of $90, minus the work expense of $40. As a result, the person's original income is reduced to $140. His income would appear to be $13 lower each month under the Federal test than it would under the State one.

And yet, the same deductions are made in each instance—the $30 disregard, the one-third disregard, and the work expenses. But the Federal standard distorts the result and keeps people locked onto the welfare rolls because it deducts the same income twice. HEW would always deduct an extra one-third of the work expenses. This would occur once when the regular one-third allowance is subtracted. Then when the work expense itself is deducted, the same amount would be disregarded a second time.

Mr. President, it is my belief Congress did not intend anything so ridiculous. The law is quite clear the $30 per month allowance is to be subtracted before the one-third allowance so that it will not be deducted twice, and I think Congress wished the same commonsense approach to be followed in disregarding an individual's work expenses.

The HEW regulation is so illogical it would allow persons with above average incomes to receive welfare aid. Take a self-employed individual whose total income is $3,030 a month. If his work expenses come to $2,000, so that his true net income is $1,000 a month—or $12,000 a year—he nevertheless would be considered to be poverty stricken by HEW. In fact, under the HEW formula, his income would be zero.

Yes, zero. HEW would subtract $30 from $3,030, then deduct $1,000 as the one-third allowance, and then take off another $2,000 for his work expenses. The result is zero.

The Arizona test is more realistic because it would show the individual's remaining income to be $667 a month, taking him out of the welfare category, as he should be.

Mr. President, the faults of HEW's regulation are so obvious and extreme, I must wonder how anyone could ever have dreamed it up. The only answer I have is that some employee of HEW felt it would suit his own predetermined policy, regardless of its logic. In my view, this guideline should be shot down quickly and its author reprimanded for all the crisis he has created over a ridiculous, illogical practice.

This leaves but one regulation in question. It, too, lacks any plausible basis under the law.

Here the Government is trying to force upon the State the establishment of an advisory committee consisting of people on welfare and their representatives. The welfare recipients themselves are supposed to sit down with State authorities and be allowed to participate in policy development and program administration of the dependent children program.

But nowhere in the welfare law is there any such requirement. After a thorough examination, I can report there is no provision of law which specifically or impliedly requires the establishment of advisory committees under the cash assistance programs.

It is my feeling that if Congress had wanted the States to set up advisory committees it would have said so in plain language. This construction is fortified by four sections of law I have uncovered in which Congress has referred to advisory committees in a permissible, not mandatory, manner. These provisions were first added to the Social Security Act in 1968, and they probably have been overlooked by the HEW employees who drafted their inconsistent regulation.

The language is the same in each instance and it simply states that a State plan for aid to each program must provide for the use of volunteers "in assisting any advisory committees established by the State." This reference appears in the law under the old age, blind, disabled, and dependent children programs—Social Security Act, sections

2(a)(5)(B), 402(a)(5)(B), 1002(a)(5)(B), and 1402(a)(5)(B).

In no case does the law say a State has to create an advisory panel under these four programs. It merely requires that if the State should establish one, it must provide for volunteer help to it.

The clincher in finding congressional intent is the entirely different choice of words Congress used when it wanted to create advisory panels for the Day Care program. In this instance, Congress stated plainly that the Secretary of Health, Education, and Welfare should find each State plan provides, with respect to day care services, for an advisory committee—Social Security Act, section 422(1)(C).

It is especially significant this language was included in the same statute—Public Law 90-248—by which Congress added references to advisory bodies under the cash benefits programs. The fact Congress spelled out its wish to establish advisory committees for day care services, but chose to speak in permissive terms in the case of all other programs, creates a strong indication of Congress' meaning.

However, the lack of any specific grant of authority from Congress has not by any means deterred HEW. The Government bureaucrats rely upon a vague section of law which reads:

A State plan for aid and services to needy families with children must—

(5) provide * * * such methods of administration * * * as are found by the Secretary to be necessary for the proper and efficient operation of the plan * * * (Social Security Act, section 402(a)(5).)

Mr. President, I have already proven it would be a violation of congressional intent should HEW seek to require the establishment of advisory committees. But even had Congress not expressed its will, section 402 would not lend HEW one bit of support in this matter.

The section expressly restricts the Government to issuing rules which are "necessary." There has never been any finding, or statement of reasoning, however, by HEW which asserts advisory committees are "necessary" to the operation of the dependent child program. The most HEW has come up with is that it would be of "considerable assistance."

Accordingly, the Government is without a leg to stand on in its effort to put this regulation across.

In summary, Mr. President, I believe the HEW regulations are ill-considered and unfounded interpretations of the welfare law written by Congress. To my way of thinking, someone in a chair of authority at HEW should be quick to see the errors in the Government's position and this deplorable exercise in administrative lawmaking should be nipped at the bud.

In my book, bureaucrats should follow the law, not make it.

EFFECTIVENESS OF THE F-111 WEAPONS SYSTEM

Mr. TOWER. Mr. President, I wish to affirm again today my belief that the F-111 weapons system is vital to the continued effectiveness of our national defense. Recently the capability of the aircraft was demonstrated at the Strategic Air Command combat competition at McCoy Air Force Base in Orlando, Fla. Two FB-111's captured the top positions in the competition. For the first time in the history of the competition, an aircraft weapons system won before the aircraft had become entirely tactically operational.

In order to point out to the Senate the potential of the aircraft as a part of our defense system, I ask unanimous consent that an article about the competition published in the Omaha World-Herald, be printed in the RECORD.

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

UGLY DUCKLING PACES SAC BOMBERS

(By Howard Silber)

ORLANDO, FLA.—An ugly duckling was transformed Thursday into the beautiful bird of the Air Force.

The transformation began Sunday when two FB111 bombers were entered in the Strategic Air Command combat competition which was flown from McCoy Air Force Base here.

It ended with an announcement Thursday that the controversial plane had won an important part of the contest.

The FB111, which closely resembles and has shared many of the problems of the trouble-plagued F111 fighter-bomber, was declared the winner of the SAC bombing trophy.

The two swing-wing SAC planes competed against 27 SAC B52s and two Vulcan bombers of the British Royal Air Force in a test of precision bombing that was scored by radar.

FB111 VICTORY

The two-man FB111 crew of Lt. Col. Robert S. Russell, Paterson, N.J., and Maj. Arben R. Ely, Portland, Ore., scored the highest point total.

SAC's FB111 unit, the Ft. Worth-based 340th Bomb Wing, could not compete for the big prize, the Fairchild Trophy, because it does not yet have tanker aircraft, and an exercise in tanker navigation is one of the requirements.

In fact, the FB111 will not officially become part of the deterrent force until the middle of next year. The current mission of the 340th is testing the new bomber and training crews to fly it.

UNPRECEDENTED

The entry of the FB111 in the competition was unprecedented in that the contest which began in the 1950s had never before been opened to aircraft which were not available for tactical use.

SAC did not deny that the FB111 was entered in the hope that it would win at least part of the competition and, thus, begin to overcome a serious image handicap.

The bombing trophy victory was a big plus for an aircraft which has encountered many minuses, including the grounding of the entire fleet of more than 400 F111s and FB111s for the most rigid testing program ever undertaken by the Air Force.

The planes were grounded after a series of crashes.

OVER THE HUMP

Gen. John D. Ryan, Air Force chief of staff and a defender of the plane, arrived here shortly after the announcement was made. "We are over the hump," he said. "This is going to be a real fine airplane for us."

Gen. Bruce K. Holloway, SAC commander-in-chief, was equally enthusiastic. "The FB111 is working very well," he said. "It represents significant technical advances in electronics and bombing and navigation systems."

The SAC chief was an early project officer for the TFX, which became the F111 and the SAC variant, the FB111.

HAPPY CREW

Perhaps the greatest enthusiasm was demonstrated by the two 35-year-old members of the winning crew. Russell and Ely were assigned to fly an airplane which is regarded by some persons and, the said, even their wives—as unsafe and unreliable.

But they insisted that the plane has been maligned.

"It is simply magnificent," said Russell. "It does just about everything for you. It is the only plane that SAC has that can do the job."

Russell said that by "the job" he meant the penetration of Soviet air defenses.

"Structurally it is small. It isn't seen easily on radar. It flies very low and very fast," Russell explained.

The FB111 can move in on a target at a level of 200 feet above the terrain—too low to be readily tracked by radar, the pilot said.

Ely, the navigator-bombardier, described the plane as "the finest there is from the standpoint of being capable of doing what it was designed to do."

Present plans call for SAC to receive 70 operation planes along with a few spares and training aircraft.

ROBERT W. BENNER, FORMER MARYLAND DELEGATE

Mr. MATHIAS. Mr. President, Members of Congress are, or ought to be, acutely aware of the great contributions made to the Nation by our colleagues in State legislatures. While we exercise the delegated power authorized by the Constitution, they are dealing day by day with the life and death—dollars and cents—blood and tears—aspects of the lives of the American people.

Since a typical State legislative constituency is generally less populous than that of Congress, and since at least 48 State capitals are closer to those State constituencies than is Washington, State legislators are able to be in closer and more immediate contact with the people whom they represent. This is a privilege, but it is also a challenge of the highest order. In the State of Maryland, we have a fine record of public service in the legislature, but none finer than the record of Robert W. Benner. When he was chosen to be a member of the House of delegates, he brought with him the knowledge, experience, and maturity gained from a lifetime of prior public service. But, even more important, he brought with him a sense of dedication and humility.

It was my honor to join with him in several instances in projects affecting the needs of the people he represented and I can personally testify to the forceful and vigorous character of his advocacy. He also understood the educational role, implicit in public service, and was alert to national developments which needed translation into thought or action at the local level. One of his significant interests was the creation of a center for senior citizens to fill a growing need in the changing social and economic patterns of the seventies. His death on December 3 is a loss that will be felt by his friends and neighbors, together with the

wider community which knew, admired, and respected him.

His biography, as it appears in the Maryland Manual, follows:

Robert W. Benner, Republican, Calvert County, Maryland; born in Doylestown, Pa., June 17, 1901. Attended Washington, D.C. public schools; George Washington University; American Institute of Banking; Wisconsin School of Accountancy. Real estate broker. Retired staff assistant to U.S. Secretary of the Treasury and economic advisor to U.S. Small Business Administration. Vestryman, All Saints Episcopal Church, Sunderland. Chairman, Calvert County Area Redevelopment Committee. Charter member and director, Calvert County Chamber of Commerce. Member, Calvert County Board of Trade. Chairman, Calvert County Blood Program. President of Board, Calvert County Nursing Center, Inc. Member, Kappa Alpha; Masons. Married. Member of the House of Delegates since 1963.

SCIENTISTS, SATURDAY NIGHT, AND THE SST

Mr. GOLDWATER. Mr. President, earlier this month in the debate on the supersonic transport appropriation, I commented on half-truths and untruths emanating from a certain segment of the scientific community relative to what effect the development of the SST might produce. Since that time, the distinguished Senator from Illinois (Mr. PERCY) has sought to refute my remarks by placing in the RECORD the names of six scientists who unanimously opposed this Nation's research and development project in the field of supersonic transportation.

Senator PERCY assures us that the men he named are highly reputed in the scientific community and seems to think that this fact alone is sufficient evidence that some prominent scientists have not been acting—in my own words—like "some girls on a Saturday night."

With all due respect to the renown of the scientists mentioned by the gentlemen from Illinois, I feel I must point out that they are representative of the left-wing spectrum of the scientific community which sparked the drive against the SST and from which we heard all those ridiculous claims that a vote for the SST was a vote for skin cancer, for the possible melting of the polar ice cap, for the final, and fatal pollution of the earth's atmosphere, to name just a few.

For all the renown of the men mentioned by Mr. PERCY, I should like to point out that they represent that part of the scientific community which has been so wrong so often in its predictions of what the United States could or could not accomplish technologically and in predicting the possible result of American efforts.

The scientists most active in opposing the SST were also active in opposing Senate passage of the ABM, which they said we could not build successfully. Needless to say, they were 100-percent wrong.

Also, the scientific enemies of the SST include some scientists who were doubtful some years ago that we could even travel beyond the speed of sound without dire consequences. And this is the part of the scientific community also from which technological opposition to the development of the H-bomb came. The argument then was similar to the one used against the ABM—that it could not be perfected without tremendous danger to the entire world.

All of this brings me to the point of my remarks this morning. It is to place in the RECORD a statement endorsing the SST which was prepared by Dr. Edward E. David, Jr., the President's science adviser, and signed by 34 prominent and responsible American scientists. I did not want Senators to be left with the feeling that all the important brains in the scientific community were represented by Senator PERCY's six names. I ask unanimous consent to place in the RECORD a news release from the Department of Transportation listing those members of the scientific community who believe that the Senate action denying funds for the SST represents the wrong approach in dealing with technology.

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

SCIENTISTS ENDORSING SST

The following statement, prepared by the President's Science Adviser, Dr. Edward E. David, Jr., has been endorsed by a group of distinguished American scientists who opposed the action of the United States Senate in denying funds to continue experimental work on the Supersonic Transport Aircraft:

"The recent Senate Action denying funds for experimental work on the Supersonic Transport represents the wrong approach in dealing with new technology. Our society must not suppress technological advances, but through research, development, and experimentation make sure that those advances are obtained without undesired side effects. Instead of canceling work on the SST, we should mount a vigorous program of experimentation aimed not only at solving the technical problems of economic supersonic transportation but also at assuring no undesirable effects."

The following eminent scientists have expressed individual support for this statement (affiliations are given for identification purposes only):

Dr. Harold M. Agnew, Los Alamos Scientific Laboratory, Los Alamos, New Mexico; Dr. Ernest W. Anderson, Iowa State University, Ames, Iowa; Dr. Charles A. Barth, University of Colorado, Boulder, Colorado; Dr. Raymond L. Bisplinghoff, National Science Foundation, Washington, D.C.; Dr. Robert A. Charpie, Cabot Corporation, Boston, Massachusetts.

Also, Seymour J. Deitchman, Institute for Defense Analyses, Arlington, Virginia; Dr. Stark Draper, MIT Instrumentation Laboratory, Cambridge, Massachusetts; Dr. Eugene Fubini (formerly IBM), Washington, D.C.; Dr. Thomas Gold, Cornell University, Ithaca, New York; Dr. Robert Milton Howe, University of Michigan, Ann Arbor, Michigan.

Also, Dr. Richard H. Jahns, Stanford University, Stanford, California; Dr. William W. Kellogg, University of Colorado, Boulder, Colorado; Dr. Winston E. Koch, Bendix Corporation, Detroit, Michigan; Dr. Eric B. Kraus, University of Miami, Coral Gables, Florida; Dr. Paul W. Kruse, Jr., Honeywell, Inc., South Hopkins, Minnesota.

Also, Dr. Helmut D. Landsberg, University of Maryland, College Park, Maryland; Dr. Frank T. McClure, Johns Hopkins University, Silver Spring, Maryland; Dr. William G. McMillan, Jr., The Rand Corporation, Santa Monica, California; Dr. Ruben F. Mettler, TRW, Inc., Redondo Beach, California; Dr. Rene H. Miller, Massachusetts Institute of Technology, Cambridge, Massachusetts.

Also, Dr. Wilbur R. Nelson, University of Michigan, Ann Arbor, Michigan; Dr. William A. Nierenberg, Scripps Institution of Oceanography, La Jolla, California; Frank A. Parker, Jr., Research Analysis Corp., McLean, Virginia; Dr. Walter O. Roberts, Univ. Corp. Atmospheric Research, Boulder, Colorado; Dr. Leonard S. Sheingold, Corporate-Tech. Planning, Inc., Waltham, Massachusetts.

Also, Dr. Chauncey Starr, University of California, Los Angeles, California; Karl V. Steinbrugge, Pacific Fire Rating Bureau, San Francisco, California; Dr. Henry S. Stillwell, University of Illinois, Urbana, Illinois; Dr. C. Guy Suits, Crosswinds, Pilot Knob, New York; Dr. Edward Teller, University of California, Berkeley, California.

Also, Dr. Frederick E. Terman, Stanford University, Stanford, California; Dr. Milton J. Thompson, University of Texas, Austin, Texas; Dr. G. L. Von Eschen, Ohio State University, Columbus, Ohio; and Dr. Eric A. Walker, Pennsylvania State University, University Park, Pennsylvania.

GROWTH FOR THE FUTURE

Mr. MATHIAS. Mr. President, George Romney is as well known throughout America for his commonsense approach to business problems as he is for distinguished service as a former Governor of Michigan and as Secretary of Housing and Urban Development in the Nixon Cabinet. His analysis of the current status of our housing industry commands attention and respect.

It is worth noting that Secretary Romney's warning of the danger to our housing industry from inflationary pressures was underscored and confirmed by a speech delivered the same day by Dr. Arthur Burns, Chairman of the Board of Governors of the Federal Reserve System. Both of them saw the problem in realistic terms, and neither offered any easy, attractive cure-alls.

It is our responsibility to study closely Secretary Romney's frank assessment that the housing industry suffers at present from an absence of either effective internal discipline or absolute governmental authority, as well as his strong advocacy of the former. We need to consider all the reforms he recommends, including his call for a strengthening of our competitive enterprise policies which traditionally have underscored our unprecedented economic growth. I ask unanimous consent that Secretary Romney's speech be printed in the RECORD.

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

SPEECH BY GEORGE ROMNEY

Our nation confronts problems of unprecedented magnitude because our progress has been unprecedented in its magnitude.

As Walt Whitman pointed out in "Leaves of Grass," "It is provided in the essence of things that from any fruition of success, no matter what, shall come forth something to make a greater struggle necessary."

Our tremendous success as a nation is one reason we face unprecedented problems of great complexity in our cities and rural areas, in our economy and in our social relationships.

The magnitude of our success, together with our past failures to use our proven American formula for progress, are in my opinion primary reasons for the crises we face at home and abroad.

What is the American formula for progress? It is the adoption of basic policies by the Federal Government that will maximize private effort in achieving national goals. It was the adoption of the Homestead Act that accelerated settlement of the continent. It was the Morrill Act establishing land grant colleges that stimulated private effort to produce miracles of agricultural output. It was the policy of competition and the unique economy it gave us that produced the first nation in the history where only a minority of the people are poor. It was the policy of government insurance of mortgages that expanded home ownership.

In recent decades, as new problems arose from our "fruitions of success," we have failed to use the American formula for progress. Instead of adopting national policies that would maximize private effort, we adopted what Elliot Richardson has dubbed the "Washington Syndrome."

That's the simple-minded theory that problems just disappear when the Federal Government throws enough money and statute books at them through new government programs. Just from 1960 to 1968, the number of Federal domestic grant-in-aid programs jumped from 45 to over 435. When this Rube Goldberg bureaucratic creation didn't work, we began to add planning requirements. Planning programs have increased from 9 in 1961 to 39 at present and more are under Congressional consideration.

No wonder the President thinks it's time to quit putting good money into bad programs. What we need instead is a set of sound, up-to-date policies—not just a collection of programs or regulations.

In the department I head we are vitally interested in the development of effective government policies relating to housing, to the economy, and to community development, environment and growth.

Many of you are aware that the Congress in 1949 established the goal of a decent home and a suitable living environment for every American family. Well, we're a long way from achieving that goal, and we'll never get there unless we improve some of our policies that relate to housing. This isn't as easy as it sounds.

Our Department has instituted Operation Breakthrough to try to overcome some of the barriers that prevent us from producing a volume of housing sufficient to meet our current and rapidly expanding needs. It's true that this operation is calculated to stimulate new methods of building technology that will help us produce the tremendous volume of housing we will need in the coming years. But, that's only a part of the problem. It also aims at finding ways to adopt policies that will maximize private effort by unifying the fragmented market and cutting through the red tape that stands in the way of real housing progress.

Before you move into that new house, you should realize that the producer has not only had to contend with erecting the type of dwelling you'll be willing to buy—with the most attractive styling, the best features and arrangement, and at a price you can afford. More than that, he's also had to contend with the building code of a local jurisdiction, which may differ substantially from the code of a jurisdiction nearby, where he just finished another house. He also has had to deal for the land and get assurance of adequate utility service and curb and gutter. He must arrange for financing. All of these add to the cost of your house.

Just two months ago one of your member publications (*Automation in Housing*, October, 1970) carried an article clearly illustrating the building code problem. It quoted 1969 statistics of the National Commission of Urban Problems indicating that excessive code requirements added some $1800 to the cost of a $12,000 home excluding the lot. That's just one example of what we're up against.

One of the greatest factors inhibiting the production of housing has been the state of our inflated economy. And lest you might think I'm out of my area when discussing this subject, let me say that there is a direct relationship between inflation and housing production. Our economy has been in an inflated condition largely because of earlier out-moded economic policies.

In fact, this Administration inherited an inflationary economy that had grown out of the lack of a sound approach to economic problems.

At the risk of oversimplifying, let me say this about inflation. One basic cause of an inflation is an increasing demand for goods and services. More than enough money is available to buy less than enough goods. This is demand-pull inflation.

Demand-pull inflation can and does stimulate excessive increases in wages and prices as labor and management seek protection from such inflation. But there is also a form of wage-price or price-wage inflation that results from the lack of economic discipline.

Basically there are only two forms of effective economic discipline—competition or absolute authority. In this country we adopted the policy of competitive discipline. It worked miracles because it maximized private effort. But over recent decades we have permitted the discipline of competition to erode so that we now have neither the effective discipline of competition nor absolute authority.

Perhaps this is what the French economist, Michel Garibal, had in mind in his New York Times article of December 3 entitled, "A Warning to the Dollar." The key paragraph said, "The impression grows that, even if they wanted to, the Americans are no longer in a position to modify a policy that is getting out of control as they sink gradually into the 'permissive society.' This bodes ill, in the eyes of Europeans."

The deficiency of competitive discipline has been greatest in the collective-bargaining area, but it is also a growing factor in the pricing area.

In any event, with the erosion of our national competitive enterprise policies, we are now experiencing genuine "cost-push" inflation.

The worst type of inflation occurs when both causes operate simultaneously and that is what the Nixon Administration inherited.

Over the past two years various monetary and fiscal measures by this Administration have contributed to stabilizing the feverish rise of the rate of demand-pull inflation. Consequently, we have seen a recent lowering trend in interest rates.

But we still haven't found an effective way to gain control over the rising costs of land, labor and materials. The White House has just issued its second inflation alert, identifying specific corporate, union and governmental moves in the automobile, oil and rail industries that have contributed to rising inflation. But the cost-push phase of inflation has not been halted. We need to strengthen our competitive enterprise policies if we are to cure in a fundamental way the wage-price spiral of cost-push type inflation.

Just as competition made our economy the strongest, most productive, and most technologically advanced in the world, so too it is only the discipline of competition that will assure a continuation of our pre-eminent position. Again, the only other effective form of economic discipline is absolute authority—private or public. I am unalterably opposed to that except in the case of public utility type industries. We need, therefore, to strengthen our competitive environment in all our markets—both domestic and international. If we shrink from doing so, it is only a question of time before we will lose the economic base for our position of world leadership.

The serious weakening of competitive enterprise policies that undergird our free market economy is illustrated by the drastic increases that have been achieved in contract settlements. I believe it is essential to strengthen competitive policies, and to strengthen them in ways that reflect the major differences among the different basic types of industries and unions.

Furthermore, our present labor laws promote conflict, rather than cooperation, within enterprises. This is wrong. A company and its employees ought to work together as members of the same enterprise team, competing with other labor-management teams in other enterprises in achieving and sharing greater progress with consumers.

Our labor laws now encourage industry-wide or nation-wide monopolies in collective bargaining. Excessively powerful employer combines and excessively powerful labor unions in basic industries skim the cream off our economic progress. They fight with each other to get what each one wants—and too often the consumer gets it taken out of his pocketbook.

In the case of the construction industry, the fudamental problems are the imbalance currently existing at the bargaining table; the restrictions that unions are now able to impose on introduction of new products and the new technology; the closed nature of the construction unions; and, obsolete laws such as the Davis-Bacon Act.

I have been concerned for some time. But lately this concern has turned to alarm at the soaring inflationary wage settlements being negotiated by the construction trade unions.

In the third quarter of this year, the average construction wage settlement provided a first year increase of 22%. That's almost 2½ times the amount provided in manufacturing settlements, whose 9% increase could be called anything but modest.

The contracts from these settlements are having a direct effect on the cost of most heavy construction projects where union labor predominates, and a spillover effect on less unionized areas such as housing.

These high labor costs—together with other inflationary factors—have had the effect of pricing a steadily increasing percentage of families out of the housing market. Now most middle-income families find a new home beyond their reach, and Congress has just passed the first subsidy program to help them.

As President Nixon said in his speech to the National Association of Manufacturers three days ago, "The time is now for the construction trades and the construction industry to face up to reality—a reality where strikes and costs are limiting its own future. The Federal stake in the construction industry is enormous. Unless the industry wants government to intervene in wage negotiations on Federal projects to protect the public interest, the moment is here for labor and management to make their own reforms."

In the same speech the President proposed what could be a major step toward restoring competitive discipline in the construction industry. He called for more consolidated bargaining on an area or regional basis, and directed the Construction Industry Collective Bargaining Commission to study the possibility of appropriate legislation.

Since the fragmented construction industry, with its many small independent contractors in each community, is not suited to the traditional pattern of collective bargaining, new legislation could bind unions to bargaining with groups designated by the several employers. Contractors not a party to such bargaining negotiations could be prevented from hiring strikers or otherwise aiding the union position.

A number of additional approaches that could lead to an improvement of this frus-

trating situation have been suggested. These include the following:

First, new legislation is needed to keep trade unions from preventing introduction of new products or techniques and perhaps to restrict picketing of producers or sellers of such new products.

Second, we need legislation to change the restrictive practices on the entry of qualified workmen into the construction industry. This is vital to the success of any program to control inflationary wage costs in that industry.

Third, obsolete laws such as Davis-Bacon should either be repealed or modernized.

These suggestions deserve careful study. Actions such as these would be in the interest of workers, unions, employers, stockholders and customers. For some time now, we have been drifting because of outmoded, ineffective policies—a drift that, if continued, will produce pressures leading ultimately to some form of absolute authority.

For I cannot emphasize too strongly: there are only two basic ways to discipline an economy—if not by competition, then by absolute authority, public or private. And in America, absolute authority—if it comes—can only come from government.

If that happened, it would kill the competitive enterprise system composed of free labor and free management. We must not allow that to happen.

In commenting on the need for modern policies for community development, environment and growth, let me quote the words of President Nixon as he called for the development of a national growth policy.

"Our purpose will be to find those means by which Federal, State and local government can influence the course of urban settlement and growth so as positively to affect the quality of American life. In the future, decisions as to where to build highways, locate airports, acquire land or sell land should be made with a clear objective of aiding a balanced growth."

This continent was opened to settlement from sea to sea in the 19th century as private investment followed public encouragement and initiatives. But in this century the government has largely refrained from this sort of involvement. There has been a lack of national goals and national policies to achieve them.

The urbanization of America has grown largely out of individual and corporate investment decisions. Recent patterns of national growth have been characterized by metropolitan sprawl, deteriorating central cities, and declining small communities and rural areas.

The role of the Government has been to react to the initiatives of the private sector. Too often this role has taken on a patchwork aspect and contributed to the haphazard and costly development rather than to shaping our growth.

Local governments also have followed a similar pattern with the result that streets and sewers, for example, have been installed by localities *after and where* private development had already occurred. And invariably this has been at a greater cost and without regard to other development in a rapidly urbanizing area.

In other words, what we have had for the past several decades is non-policies. We have reacted when we should have acted.

These non-policies have contributed to a fragmentation of governmental responsibilities among small units of government. In the average Standard Metropolitan Statistical Area there are 91 government units. Think of it! An overall metropolitan problem might end up with 91 separate approaches. But even that high figure pales into insignificance when you realize that the Chicago SMSM—the most complex of all—contains 1,113 separate autonomous units of government!

The Federal Government has reacted, there's little question about that. But Federal response to these problems has taken an *ad hoc* form and has resulted in a proliferation of categorical grant and planning programs. In the current fiscal year, for instance, there will be $27.6 billion in assistance to State and local governments through over 400 categorical programs and 39 planning programs.

Now it's a simple matter for us to look back critically, and often smugly, from our present position and say, "This is what we *should* have done." The important consideration is, what should we do *now*?

The record of our past responses demonstrates the need for a national policy for community development, environmental protection, and economic development and growth. But we must insure first that the policy is the result of a partnership among various levels of government and between government and the private sector, and, second, that it strengthens state and local governments.

Private investment will and should continue to play the dominant role in shaping our environment. I am unalterably opposed to suggestions that this be changed. But public policy and investment—whether Federal, State or local—should take the lead. And that policy leadership should be according to a rational development-planning process that recognizes the realities of private investment decision while reflecting broader public objectives.

The policy should also be a balanced strategy permitting both the influencing of private investments and the setting of priorities in the investment of public resources. It should establish a planning and development framework which recognizes present social and economic trends. It should bring into balance metropolitan and non-metropolitan population growth. It should organize and rationalize suburban growth. It should recognize that suburban living is clearly the increasing choice of a majority of Americans. It should stimulate communities that show growth potential. And it should effect a change in the trends toward the increasing isolation and concentration of minority groups and the poor in metropolitan centers and older communities, polarization of the races, and hardening resistance to equal housing opportunity.

Building a nation is something like building a house.

I once saw a house that had been built haphazardly over a number of years. As the family grew, new rooms were tacked on without regard to any overall plan. To get to the bathroom from a certain bedroom one had to go through the living room and kitchen.

That house was not unlike some areas in our country. But a well-planned house can be a thing of beauty and order—and so can a well-planned community and nation.

A great challenge for us today is to provide for orderly national growth. This will require national policies of community development, environment and growth that will strengthen state and local governments and maximize private effort.

I believe we will rise to this challenge—to plan and build a nation whose communities and environment will enhance the quality of life for all Americans—just as we previously met the challenge of conquering the continent and creating an affluent society.

THE SOVIETS AND THE SST

Mr. GOLDWATER. Mr. President, when we were debating the commercial aspects of an American research and development program for a supersonic transport, the critics of the SST were always quick to scoff at the idea that the Soviet Union wanted to produce such an aircraft for export.

The opponents of the SST program seem to believe that Russia's efforts in this direction were primarily a prestige gambit to equal the British-French Concorde. There was never any tendency to take seriously claims that the Soviet Union is out to capture a big chunk of the commercial aircraft market, not only in Western Europe but in the United States.

For those who still wish to doubt, I call attention to the fact that Aviation Week and Space Technology magazine, published by McGraw-Hill, has published two four-color ads this year from the Soviet Aviaexport Organization. One of the advertisements was promotion for the YAK–40 STOL in the international market and the second advertisement offered the Russian TU–154 trijet airbus.

Mr. President, this activity in the American commercial aviation market is surprising and significant in itself. But the clincher will come on December 28 when Aviation Week & Space Technology is scheduled to run its third Soviet plane advertisement. It will feature—guess what: the TU–144, or the Soviet offering in the world's supersonic transportation race.

SHOW TRIALS OF JEWS IN SOVIET UNION BEGIN TODAY

Mr. SCHWEIKER. Mr. President, according to news reports from the Soviet Union, today is the start of trials in Leningrad of 33 Soviet Jews accused of anti-Soviet activities.

These trials, Mr. President, represent in my opinion the latest chapter in the long, bitter Soviet campaign to oppress the Jews of the Soviet Union and to crack down on those Jews, especially the young, who have come forth in recent years to demand their human rights.

This past summer 12 persons, nine of them Jews, were arrested as they boarded an airplane in Leningrad. They were charged with treason, for attempting to leave the country, and hijacking. In an obviously well-coordinated raid, other Jews throughout the Soviet Union that same day had their homes searched, were rounded up for police questioning or were actually arrested. These persons have been active in the new movement among Soviet Jews to seek emigration visas to Israel and to press for their full religious and cultural rights within the Soviet Union.

Now these persons, and others arrested since the summer for similar reasons, are facing trial in the Soviet Union in a "show" atmosphere.

Mr. President the plight of the Soviet Jews, and the denial to them of basic religious, cultural, and political rights, should be a concern touching all of us in this Nation. We must voice our concern once again with this problem and remind the Soviet Union that at these forthcoming show trials the eyes of the world will be focused on Leningrad.

Mr. President, on November 24, I was privileged to address a mass meeting, protesting these Soviet trials, held at the National Cathedral in Washington. Some

2,000 persons attended, and I was honored to share the platform with many distinguished national leaders, including the distinguished Senator from New York (Mr. JAVITS) and the distinguished Senator from Connecticut (Mr. RIBICOFF). Since my remarks at that time deal further with the Soviet Jewish problem, I ask unanimous consent that they be printed at this point in the RECORD.

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

REMARKS OF SENATOR SCHWEIKER

It is a real honor for me to take part this evening in this historic gathering. We have come together, as people of many different faiths, to this great National Cathedral in our Nation's Capital. We are here to show that we, as Americans of all religions and creeds, believe in justice and freedom for the oppressed Jewish community of the Soviet Union.

Today in the Soviet Union, Jews, especially young Jews, are standing up to demand their own rights. They will no longer let themselves be assimilated into the monolith of Soviet society. They want to live as Jews, with their religious observances and their cultural heritage given respect and freedom. And many of them have applied to leave the Soviet Union and emigrate to Israel, an act which exposes them to the risk of a prison sentence.

A few years ago, a well-known book was published, calling the Jews in the Soviet Union, "The Jews of Silence," which, at that time, they may have been. But today they are raising their voices, and their brethren in this country and around the world are doing it too. In my home state of Pennsylvania there have been many public demonstrations in recent months, and I am sure there will be more meetings in the future. I am proud to join in this effort, lending my voice to the many that are being raised in Pennsylvania in this community and across the Nation.

The time to raise our voices is right now. There are reports that the Soviet Union may be planing "show trials" in Leningrad for 50 Jews who were rounded up this summer and accused of anti-Soviet activities. What were these anti-Soviet activities? In most cases, these people simply went and asked for visas to leave the Soviet Union.

We in America are, fortunately, far removed from this type of oppression. Our national life has always afforded us the freedom of religion. It was this religious freedom that brought my ancestors, the Pennsylvania Dutch Schwenkfelder sect, to this country in the 1700's. But we cannot be complacent. The history of other countries compels us to be on guard for injustice and oppression, based on religion. The Jewish experience in Europe—from medieval times up to modern times—should be warned enough for us about what is happening now, inside the Soviet Union. Injustice and oppression are what they are, wherever they exist and whoever are their victims.

I call upon the Soviet Union to cease its harassment of Jewish citizens, and permit all those Jews to emigrate who desire to do so. For the Jews that will remain, the Soviet Union must improve the religious and cultural climate for them. It is time that the Soviet Union joined us on the side of humanity and on the side of mankind.

Mr. SCHWEIKER. In addition, Mr. President, this morning's Washington Post featured a most timely article on the recent visit to the Soviet Union by Lawrence Speiser, Washington director of the American Civil Liberties Union. The purpose of Mr. Speiser's visit was to try to assist and meet with the Jewish prisoners and their families involved with these trials.

The article describes Mr. Speiser's first-hand experiences and observations in the Soviet Union on the eve of these trials. Unfortunately, the article describes both the mood of life in the Soviet Union for its Jewish community on the eve of these trials, and the obstacles Mr. Speiser encountered when he tried to be of help. 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:

CONCERN FOR RUSSIAN JEWS

(By Michael Kernan)

Lawrence Speiser failed in his attempt to attend the Leningrad trial of several Jews accused of hijacking a plane, but he got a close look at the nervous life that some Jews lead in the Soviet Union.

Speiser, Washington director of the American Civil Liberties Union, flew to Leningrad last month at the request of B'nai B'rith, a Jewish cultural organization.

"The date of the trial was changed while I was in the air," he said, "and set for Dec. 15. I decided to try and see as many families of the arrested people as I could, to let them know that a lot of people on the outside were watching these events."

The events he spoke of came with a rapidity that suggested careful organization.

On June 15 while a scheduled 12-seater plane waited at Leningrad's Smolny Airport, 12 persons were arrested before they could board. The charge was treason, which in Russia can be an attempt to flee the country.

Within the hour, Speiser said, about 40 homes were searched—with search warrants—from Riga to Kharkov. In some cases the searches of one-room flats took 12 hours. Arrests followed, some as far away from Leningrad as Odessa. The charges, reduced later from treason to anti-state activities, apparently were connected with the fact that all those arrested had tried to promote Jewish cultural identity, defying government efforts at "Russification."

There was some suspicion, in fact, that the plane incident had been an entrapment, because eight of those arrested were Jews from Riga who already had been turned down for exit visas. They had planned to take the plane and abandon it at the Soviet border.

"I speak no Russian or Yiddish," said Speiser, "but I had some things written out phonetically. The first thing was the phones; it took me two hours to figure out how a pay phone works there. Then I called the families of the arrested men, and they hung up immediately. I kept trying, and after three or four calls I got through."

His first meeting was with a prisoner's wife and English-speaking friend by the statute of Pushkin on the Arts Circle. Next there was a two-hour walk on Mars Field, a Leningrad park. The following night he met six prisoners, relatives in the warmth of an apartment reached by dizzying indirection via subways.

"It was a two-room flat," Speiser said, "so small we sat with our knees touching. We talked in soft voices. They always kept a record player or radio on. Some of the wives were as young as 22, and they had their children there, never more than two in a family."

Speiser flew to Moscow to see high officials in the Ministry of Interior Affairs, which was running the show, but he had no luck. Meanwhile, he became increasingly candid about his interest in the fate of the Jews to be tried.

At first he had no trouble extending his visa to Dec. 18 and changing his itinerary to return to Leningrad for the trial on Tuesday. But Friday night, when he returned to his hotel, his Intourist guide, who had been waiting eight hours for him, took him to the deputy Intourist director, who said the extension was impossible.

Made cautious by this brusque efficiency, Speiser instead took the plane to New York that night.

ARTICLE II AND III OF GENOCIDE CONVENTION IS NECESSARY TO UNDERSTAND THE INTENT OF THE TREATY

Mr. PROXMIRE. Mr. President one of the many arguments used against the Genocide Convention is that it is vague and does not define genocide.

This argument is invalid. A review of articles II and III of the Genocide Convention shows that the convention does make itself clear.

Article II states that genocide means "any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such." This article then lists the acts which the treaty considers to be acts of genocide. This list includes, "killing members of the group, causing serious bodily or mental harm to members of the group, deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part, imposing measures intended to prevent births within the group, and finally forcibly transferring children of the group to another group."

This seems perfectly clear. The person or country who accused someone of genocide would have to prove that one of the above acts was committed with the "intent to destroy, in whole or in part, a national, ethnical, racial or religious group."

Article III lists the acts relating to genocide that shall be punishable under this convention. The list includes, "genocide, conspiracy to commit genocide, direct and public incitement to commit genocide, and complicitly in genocide." Again the burden of proof is on the accuser.

I hasten to add that if someone accuses an American citizen of genocide, that citizen, if he were in this country, would have the normal protection of our court system at his disposal.

Mr. President, the time has come for us to act on the merits of this convention, not the false and misleading rumors which surround it. The Senate should have the opportunity to debate this convention in the full public view. I again urge the Senate to follow the leadership of the Committee on Foreign Relations and take favorable action on this convention in the near future.

TOBACCO INDUSTRY CONTESTS FCC ACTION ON ANTISMOKING MESSAGES

Mr. COOK. Mr. President, I am delighted to see the tobacco industry go into Federal court contesting the FCC's action in regard to antismoking messages. As Horace Kornegay, president of the Tobacco Institute, so aptly put it

such action makes "a mockery of the fairness doctrine."

How far can the FCC violate the first amendment?

I ask unanimous consent that the institute's release on its court action be printed in the RECORD.

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

RELEASE FROM THE TOBACCO INSTITUTE, INC.

The cigarette industry today went to court to protest as "unconstitutional and illegal censorship" the Federal Communications Commission ruling on anti-smoking messages.

Horace R. Kornegay, president of The Tobacco Institute, called the decision "a mockery of the Fairness Doctrine," which he said is designed to insure access to the airwaves for both sides of a controversial issue. "The FCC action," he said, "guarantees a continuation of distorted, misleading and massive propaganda, and is a disservice to the American people and to the concept of fairness."

The FCC told radio and television stations that in effect they would be rendering a public service by continued broadcasting of free anti-smoking commercials after January 1, 1971 even though cigarette advertising will be barred from the airwaves after that date. The FCC also ruled that the smoking issue is no longer "controversial" and therefore, cigarette companies do not have the right to reply to the anti-smoking attacks.

In a petition filed today, three cigarette makers stated that the Federal Communications Commission's new ruling is a violation of the free speech provisions of the First Amendment of the U.S. Constitution, that it is not authorized by the Federal Communications Act, and that it consitutes illegal censorship.

Kornegay said that the suit was brought by Larus & Brother, Philip Morris and R. J. Reynolds in the U.S. Court of Appeals for the Fourth Circuit, located in Richmond, which has jurisdiction in the area in which these companies are incorporated or in which they maintain their corporate headquarters.

Kornegay said he has been informed that other major cigarette manufacturers are preparing petitions to intervene in the case. He said he has instructed counsel for the Institute itself to also intervene.

"There is no rational basis to single out the smoking issue for special treatment," he said. "If the FCC can rule that this issue is noncontroversial, what is to prevent its ruling someday that any other public issue has suddenly become non-controversial?"

Kornegay warned that if the FCC's decision were upheld, the FCC could require broadcast licensees to make a one-sided presentation with respect to other controversial issues while foreclosing the right of the other side to reply.

EARLY RETIREMENT OF FEDERAL EMPLOYEES

Mr. CASE. Mr. President, on December 14 I introduced S. 4584 to permit the early retirement of Federal employees during major reductions in force by a Federal department or agency.

I am pleased to have the support of the National Federation of Federal Employees for the bill and ask unanimous consent that a letter from NFFE President Nathan T. Wolkomir be printed in the RECORD.

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

NATIONAL FEDERATION OF FEDERAL EMPLOYEES,
Washington, D.C., December 11, 1970.

Hon. CLIFFORD P. CASE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR CASE: I understand that you propose to introduce in the Senate a bill which will permit the early retirement of certain Federal employees when the departments or agencies are undergoing major reductions in force.

The bill would give employees with long service the opportunity to retire when the departments or agencies are having major reductions in force and allow the retention of employees who wish to continue to work. There is a real need for such legislation. Major reductions in Department of Defense installations have been severe and for many employees the hardship of being without employment after years of Government service is a heavy catastrophe. The National Federation of Federal Employees supports wholeheartedly the objectives of your proposed bill.

The rise in national unemployment makes imperative the need for immediate legislative action and you are to be commended for your interest and initiative in the matter.

I would like to add that the legislative record should reflect that agency management should not use this bill except for the objectives intended and that any attempt to use the legislation as a device to get rid of a certain employee or employees will not be tolerated.

Thank you for giving me the opportunity to express my views on the proposed legislation.

With kindest regards, I am

Sincerely yours,

N. T. WOLKOMIR,
President.

TRADE LEGISLATION

Mr. TALMADGE. Mr. President, I wish to speak on the trade provisions of H.R. 17550. The Committee on Finance voted on two separate occasions to approve the motion made by myself and the Senator from Wyoming (Mr. HANSEN) to attach major provisions of the trade bill, H.R. 18970, passed by the House of Representatives, to the social security amendments.

The proposed trade legislation has been the subject of gross distortion. It has been subjected to some of the worst misrepresentation and the most sensational attacks that I have seen directed against any legislation during my entire career in the Senate.

We have been told that the trade legislation reported by the Finance Committee is another Smoot-Hawley protectionist tariff act. We have seen raised the specter of another great depression. We have been warned that the bill would increase consumer prices by billions of dollars.

None of these charges have been substantiated. I do not believe they can be substantiated. In any event, they are in no way related to the real issue involved in this legislation. We have not read much about it or heard much about it, but the compelling purpose of the trade bill is the protection of American jobs.

In my judgment, this legislation is not only imperative—it is very timely. It comes at a time when the U.S. economy is already in a sad state of disarray and when unemployment is already a matter of grave concern.

The time is late. Time is running out for the textile workers of this country. I shall not speak long for I am anxious that the Senate be given an opportunity to vote, to stand up and be counted on the issue of protecting the jobs of American workers.

I shall not go into all of the arguments which show clearly that we must have a trade bill or face economic disaster. These arguments have been made many times on the floor of the Senate. Each time we have pointed out the debilitating effect of textile imports upon the overall American economy.

We have shown what it has cost us in deficits in our balance of payments and in the tremendous drain upon our gold reserves. My good friend, the junior Senator from South Carolina (Mr. HOLLINGS), made an eloquent and scholarly speech on the Senate floor on December 4 in which he gave an extremely thorough analysis of the trade bill and justification for this legislation.

I shall confine my remarks to one basic issue which has been largely ignored in the national debate on trade legislation—the issue of jobs.

The forgotten man in the trade legislation debate is the textile worker, the shoeworker—the man who is trying to make a living for himself and his family.

It is a strange and sad commentary of our times that the man who all too often is glorified and exalted is the man who demands something and creates a disturbance in so doing.

Under this strange new dogma, it is considered dull and mediocre to be a working man, drawing a modest wage, and trying to be a good citizen. The man who demonstrates, breaks the law and demands a handout, by some perverse twist of logic, is somehow considered a noble American.

Meanwhile, the textile worker keeps punching the clock, going to work—when there is work, and hoping that he will not be out of a job soon. This is the forgotten man in American life. This is the man on whom we need to focus our attention in debate on the trade legislation.

This man has never been to Washington. He would never think of participating in a wild street demonstration or taking the law into his own hands. I doubt that he will ever be fully recognized by the national news media. His only claim to fame is that he is part of the American labor force.

Mr. President, I for one think this is a great tribute. I know of no more important force in the American economy than the working man.

To find out anything about the plight of textile workers who are unemployed or the men and women who have been put on short hours, we must look to local papers of North Carolina, the textile town newspapers of South Carolina, the smalltown weeklies of Georgia, or the trade papers.

News clippings from these papers show the same story being enacted all through the textile-producing section of the country.

The Charlotte News reported that Shelby Mills closed down half its plant in Shelby, N.C., permanently laying off

150 workers. Other layoffs are planned in the near future. Management says "imports are hurting the industry, and hurting it badly."

In Wilton, N.H., the story is repeated. A company spokesman said:

We have withstood the challenge of low wage imports for the last 19 years while every other textile mill of our same type closed its door. Every appeal to our federal government from our own mill, from New England textile leaders, and from national textile leaders has been ignored and overlooked by those who could have given aid to our industry. We can no longer bridge the wage gap between ourselves and foreign imports and maintain a profit-making business. Therefore, our regretful decision to announce the phasing out of our production and business.

The closing of the Wilton plant put 125 employees out of work.

The Charlotte Observer reports the same story in Gastonia, N.C. The closing of the Burlington Mill there displaced 185 workers. Here again imports are cited as a major factor.

Mr. President, I ask unanimous consent that the articles regarding these closings be printed in the RECORD.

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

[From the Charlotte News, Apr. 21, 1970]

SHELBY MILLS LAYING OFF 150 WORKERS

SHELBY.—Faced with competition from foreign imports, Shelby Mills is closing about half its spun synthetic yarn division here and permanently laying off about 150 workers.

The closing affects only the section of the plant making short staple synthetic yarns used in weaving and knitting dressgoods and other lightweight fabric, a company spokesman said.

The spokesman was V. O. Roberson Jr. of Greenville, S.C., vice president in charge of manufacturing for United Merchants and Manufacturers Inc. The firm, one of the nation's largest textile companies, owns the two Shelby Mills plants here.

Roberson said that in the affected plant, the section making synthetic yarns for the carpet, drapery, and upholstery trades will continue and be expanded slightly.

The second plant, which makes fiberglass fabric used in draperies, will not be affected by the shutdown, he added.

The layoff announced will affect about a fourth of the 650 to 700 Shelby Mills employees.

Roberson dispelled rumors that the whole Shelby Mills operation here might be closed. "We have no idea of phasing out the Shelby plants completely," he stated.

Explaining the closedown and layoffs, Roberson said, "Imports (of synthetics) are hurting the industry and hurting it badly.

[From the Charlotte Daily News Record, Mar. 23, 1970]

ABBOTT PLANS SHUTDOWN OF WEAVING MILL

(By Frank Stuart)

NEW YORK.—Abbott Worsted Mills, the nation's last small vertical producer of men's worsted and blend fabrics, will close its weaving mill soon, blaming competition from fabric imports.

When it completes orders now on its books in four to six months, the weaving operation at Wilton, N.H., will shut. Abbott's sales office at 1290 Avenue of the Americas will close July 1.

The company will continue to operate its Hillsborough unit, also at Wilton, which does wool combing, synthetic tow to top converting and dyeing.

Abbott's importance to the men's clothing market rested in its small size. With only 48 looms this weaver was set up to produce fancy fabrics in small quantities that are not economically feasible for the nation's big volume producers.

It also was able to deliver a fabric in a far shorter lead time than the textile giants producing worsteds.

The mill's specialty was top-dyed fancy worsteds and Dacron polyester and worsted blends for the natural shoulder suit market. It also turned out some specials for other suit producers who needed quick fill-ins on patterned goods.

Speaking for the company in Wilton, Francis Gros Louis explained the recent growing influx of Japanese top-dyed polyester and worsted blends was a significant factor in the mill's decision to close. Earlier the mill was able to withstand pressure from worsted imports because it did not face this same competition in the blends which formed an appreciable part of its production.

There are three small worsted weavers remaining in Massachusetts and Rhode Island which operate mostly on commission work given them by various men's and women's wear sellers and a few small units producing worsted and blend uniform cloths.

In a statement to its 125 employes at its Wilton, N.H., plant, the company said, "We have withstood the challenge of low-wage imports for the past 19 years while every other textile mill of our same type closed its doors.

"Every appeal to our Federal Government from our own mill, from New England textile leaders and from national textile leaders has been ignored and overlooked by those who could have given aid to our industry.

"We can no longer bridge the wage gap between ourselves and foreign imports and maintain a profit-making business. Therefore, our regretful decision to announce a phasing out of our production and business."

BURLINGTON CLOSING GASTON MILL

GASTONIA.—About 185 employes of the Modena plant of Klopman Mills here will have to find new jobs in three to four weeks.

The plant is part of the Burlington Industries division that spins cotton-polyester yarns used in making fabric for shirts, ladies' wear, men's wear and uniforms. It will be phased out of operation in about a month, Reid A. Cooke, director of personnel for the Klopman Division said Thursday.

Cooke, who noted that Burlington recently closed a plant in Greensboro which was not in the Klopman division, said the move here is due to poor markets brought about by general economic conditions in the textiles, aggravated by excessive foreign imports. Another factor is styling changes which affected markets for polyester-cotton yarn manufactured at the Modena plant, he said.

"We really don't think this will affect the economy in this area," he said. "In fact, we have some plants that would run seven days a week if we could get the people to work."

The Klopman official said the plant closing here does not represent a mass trimming down throughout the division. "It is an isolated incident," he said.

Whitaker said no plans have yet been made regarding future use on disposition of the plant building, which has been an east Gastonia landmark since it was built in 1895.

The plant, which manufactured tire cord for about 25 years, was sold to Ranlo Manufacturing Co. in 1920 and Burlington bought it in 1941.

It became a unit of the Klopman Mills Division in 1957.

Mr. TALMADGE. I could go on and on citing examples of mill closings, of layoffs, of displaced workers. Secretary of Commerce Stans testified before the Senate Finance Committee that we are losing 100,000 jobs per year in the textile and apparel industries because of imports.

I would like to discuss in more detail one example in my own State to show what foreign textile imports can do to a community.

The town is Aragon. Aragon Mills in Polk County, Ga., was no longer able to produce and compete with low-wage foreign textiles. Because of depressed conditions in a textile industry besieged with imports, Aragon Mills closed its doors last September. Almost 500 men and women were put out on the street, without a job.

What happened in Aragon is illustrative of the 6,300 textile jobs lost in Georgia in the past year. At one point during the year, textile unemployment reached a high of 9,000. What happened in Aragon, what has been taking place in Georgia and in many States throughout the country, is the story of people. These are people who were trying to hold down a job, make a decent living, support their families, and educate their children.

Suddenly, often without much warning, they have been added to the Nation's swelling unemployment rolls.

Aragon, Ga., is a small town of 1,200 people. The town had always been heavily dependent on the mill, which had been in operation for 70 years.

Aragon, and Polk County, today, because of the loss of 500 jobs in one fell swoop, is an area that the Economic Development Administration listed in October as "an area of substantial unemployment."

Aragon is a town where people were literally driven to the food stamp program and other forms of public assistance. It is a town where unemployment compensation became the order of the day. It is a town driven to joblessness at a time when the Federal Government is spending billions to combat unemployment and additional billions on welfare for some 12,200,000 Americans.

As can be expected, some of the former employees of Aragon Mills have found jobs. Others have not. Some former employees now travel 60 to 120 miles a day to get to new work. Others have no transportation.

Let us look closer at some of the individual cases involved here.

To get a better idea of the human tragedy involved in the closing of textile mills, my office has contacted some of these individuals personally.

Take the case of a man we shall call Mr. Jones, in order to respect his privacy. Mr. Jones is 53 years old. He had what was considered a good job at the textile mill. He was a senior mechanic. Mr. Jones was fortunate. He was able to get another job with the State highway department. However, in order to continue to work he was forced at age 53 to take a sizable pay reduction. Fortunately, for him, most of his children are grown. He only has one living at home.

Now let us look at another case of a lady who is not quite so fortunate. Miss Brown, a 45-year-old lady who has never

been married, has always lived at home and worked to support her mother and father. Miss Brown worked for the textile mill for more than 20 years. She has lived within walking distance of the mill and has never owned an automobile. When the mill closed, she looked elsewhere. There are no jobs nearby. There was a job available in a distant town, but Miss Brown cannot drive and had no transportation to the job. She is presently unemployed.

Let us take a look at another example. Mrs. Smith had worked in the textile plant for 19 years. Her husband still works there. He is one of the last 16 employees kept on for maintenance, but he knows his job will terminate soon.

Mrs. Smith has worked hard all her life to raise three children. Mrs. Smith managed to put a daughter in college. She is trying to help that daughter stay in college, but it is only because of a scholarship that she is able to be there at all. Here is what Mrs. Smith said:

I'm taking home $51 a week at my new job. I drive 35 to 40 miles a day. At my job in the mill here, I was taking home $100 to $103 a week. Textiles is all I know, and it's hard for all of us in this town to adjust to other jobs. About 30 to 40 per cent of the people at the plant had a good amount of seniority. But most of all there were so many women here who made good livings. They were close to home and were able to cook supper after they got off work. Now I drive six people to my new job. It's late when we get home and have to start cooking. I wish there were some way we could get our plant back or get a good industry in this town.

Mrs. Smith insists that she does not want a handout. She said:

If you have ever been to Aragon, you know most of us here are pretty independent.

The Mrs. Smiths of my State do not want a handout. They do want guaranteed incomes. They just want an opportunity to work and make a living and be productive citizens. They have a right to feel that the government is on their side, and not working at cross-purposes to them.

It must have been ludicrous for people who have lost their jobs because of foreign imports to see the Congress enact a $9.5 billion bill last Thursday for manpower training and to provide public service jobs for those who cannot find work in private industry.

I can see how this would be hard to understand, when the Government does not act to protect a basic American industry that is capable of providing thousands of more jobs, if given the chance.

Where is the logic in trying to protect the American worker with a minimum wage and then have him done out of a job because of unlimited textile imports from countries that produce goods at an hourly wage of 11 to 45 cents an hour, under conditions that would be illegal in the United States?

Where is the logic in putting through a multi-billion-dollar manpower development and make-work program when the government itself persists in pursuing a policy of job-destruction?

I hope that Members of the Senate will consider the forgotten American. I hope Senators will not forget that the basic and overriding issue in this debate is jobs.

The Senate, to its great credit, has voted for the past two years in favor of American jobs on this issue. In 1968, the Senate voted 55 to 31 for import quotas on textiles. Last year, the Senate passed a similar measure, 65 to 30. These were strong votes that reflected deep concern for American jobs that are being swept away by foreign imports.

We have had a similar significant showing from the House of Representatives. This year a sizable majority, 256 Members, of the House signed bills calling for controls on textile and footwear imports.

Last Thursday night, on national television, the President of the United States said the key question on the trade bill is jobs. He said his primary concern is saving jobs in America.

That is my concern. That is the purpose of this legislation.

We have had a tremendous show of force and mounting concern about the import problem. The time has now come to stop just talking about protecting American jobs and just lamenting unemployment.

We have now an opportunity to do something about it. We can act through this legislation to protect millions of American jobs and an industry that is second only to steel in terms of national security.

I hope the Senate will do so.

LAKE POLLUTION CONTROL

Mr. MONDALE. Mr. President, I wish to address myself to the funding of section 5 of the Water Quality Improvement Act of 1970, providing for research and development in lake pollution control, in the supplemental appropriations bill.

I have long been interested in these programs, and I appreciate the attention which the committee has given the budget request.

The report of the Senate Public Works Committee on the Water Quality Improvement Act stated, with reference to the inland lakes research provision:

The committee expects that funds to implement the provision of this new research directive shall be made available from the general section 5 authorization and that implementation of this area of research will receive a high priority.

Since this act was signed into law after the Interior Department's budget request was formulated and after the House had begun its work, neither the administration's request nor the House appropriations bill took into consideration this particular section authorizing $65 million a year for this and the eight other research and development subsections.

In August, during the Senate committee and floor consideration of the public works appropriations bill, I joined with the Senator from Wisconsin (Mr. NELSON) and a bipartisan group of 15 other Senators in expressing concern that no funds had been requested for these vital programs.

I was most appreciative of the favorable comments of the distinguished chairman of the Public Works Subcommittee, the Senator from Louisiana (Mr. ELLENDER) in colloquy with Senator NELSON on the Senate floor during the August 21 debate.

The supplemental budget for the four new pollution control research programs in section 5 was sent up in September, requesting $11,885,000, including $1,985,000 for inland lake programs. For all of section 5, the U.S. water pollution control research and development program, $65 million was authorized, and $59,166,000 has been requested by the administration in the supplemental. I appreciate the committee's action in appropriating the full budget request for inland lakes, and $59 million for all of section 5, and I applaud the Senate's approval.

I feel very strongly that our inland lakes are one of our Nation's most precious resources. I also feel that the problems of inland lakes have received insufficient attention to date, even compared to the attention which has been paid to the pollution of rivers and streams. This research and development authorization with the explicit provision for inland lakes research is a major breakthrough in this respect and represents the first Federal effort toward the needs of out Nation's community lakes.

The President's Council on Environmental Quality has called eutrophication—enrichment and aging—the Nation's single most difficult water pollution problem.

In my State, we have substantial need for these programs to reduce pollution and eutrophication in the community lakes around which many of our towns and cities are built. In Minneapolis and many other communities, hundreds of thousands of citizens and their children live beside endangered community lakes. We have several research programs underway under the auspices of the State Pollution Control Agency, universities, and other agencies. The researchers have told me of their hopes for such programs as shore line management, algae harvest, and control of eutrophication. These programs need to be better supported and expanded to meet the increasing need.

I also urge continuing support of the proposed 5-year, $20 million Great Lakes demonstration programs in pollution control, of which this year's committee figure of $815,000 is a beginning. As Minnesota and other States gear up to meet increasing pollution, the full 5-year figure, and perhaps more, will be needed to preserve the largest body of fresh water in the world.

In April I also introduced the Clean Lakes Act of 1970, which would increase operational grants for pollution control for inland lakes, through aid for: waste treatment facilities, eutrophication prevention, shoreline improvement, Federal technical assistance, and Federal assistance in enforcement in affected lakes. I will look forward to cooperating with the Public Works Committee in our further efforts to protect and improve our inland lakes.

I ask unanimous consent that a table on this subject be printed in the RECORD.

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

FEDERAL WATER QUALITY ADMINISTRATION PROPOSED FISCAL YEAR 1971 SUPPLEMENTAL REQUEST

[Dollars in thousands]

	Current program		Extension of current program		New program		Total	
	Positions	Amount	Positions	Amount	Positions	Amount	Positions	Amount
Research and development:								
Sec. 5(i), Oil pollution	4	$1,400			13	$5,100	17	$6,500
Sec. 5(j), Vessel wastes	1	300	5	$1,300			6	1,600
Sec. 5(l), Pesticides	8	700	36	3,000			44	3,700
Sec. 5(h), Lake pollution	22	1,400	2	1,985			24	3,385
Sec. 12, Hazardous materials	1	100	6	1,100			7	1,200
Sec. 14, Acid mine wastes	10	1,200			9	2,300	19	3,500
Sec. 15, Great Lakes	1	2,900			1	15	2	2,915
Sec. 20, Alaska villages	11	1,200					11	1,200
Planning, assistance, and training:								
Sec. 5(g)(1), Operator training	11	220			7	1,028	18	1,248
Sec. 5(g)(2), Manpower planning	3	160			1	72	4	232
Sec. 5(l), Pesticides	1	20			10	500	11	520
Sec. 5(m), Estuarine and oceanographic	9	400	10	500			19	900
Sec. 11, Oil pollution	8	100			49	670	57	770
Sec. 12, Hazardous materials	3	100			25	335	28	435
Sec. 13, Vessel wastes	1	20	2	150			3	170
Sec. 15, Great Lakes					4	800	4	800
Sec. 16, Undergraduate training					1	345	1	345
Sec. 21, Federal activities	65	1,158	77	600			142	1,758
Sec. 109, Financial study					3	300	3	300
Sec. 18, Training								
Enforcement: Sec. 11 and 12, Oil and hazardous materials					14	100	14	100
Executive direction and support: Sec. 22, Administration	148	2,000	30	200			178	2,200
Total	307	13,378	168	8,835	137	11,565	612	33,778

Supplemental: 305 positions, $20,400.

FEDERAL WATER QUALITY ADMINISTRATION SUPPLEMENTAL REQUEST

[In thousands of dollars]

	Research and development		Planning, assistance, and training		Enforcement		Executive direction and administrative support		Total	
	Positions	Amount	Positions	Amount	Positions	Amount	Positions	Amount	Positions	Amount
Oil and other hazardous materials	19	$6,200	74	$1,005	14	$100			107	$7,305
Sec. 5(1)	13	5,100							13	5,100
Sec. 11			74	[1] 1,005	14	[1] 100			88	1,105
Sec. 12	6	1,100							6	1,100
2. Vessel wastes	5	1,300	2	150					7	1,450
Sec. 5(j)	5	1,300							5	1,300
Sec. 13			2	150					2	150
3. Training			9	1,445					9	1,445
Sec. 5(g)(1)			7	1,028					7	1,028
Sec. 5(g)(2)			1	72					1	72
Sec. 16			1	345					1	345
Sec. 18										
4. Federal licensing and permit certification			77	600					77	600
Sec. 21			77	600					77	600
5. Pesticides	36	3,000	10	500					46	3,500
Sec. 5(l)(1, 2)	36	3,000	10	500					46	3,500
6. Great Lakes	1	15	4	800					5	815
Sec. 15	1	15	4	800					5	815
7. Mine wastes	9	2,300							9	2,300
Sec. 14	9	2,300							9	2,300
8. Lake and estuarine and oceanographic pollution	2	1,985	10	500					12	2,485
Sec. 5(h)	2	1,985							2	1,985
Sec. 5(m)			10	500					10	500
9. Financial study			3	300					3	300
Sec. 109			3	300					3	300
10. Executive direction and support							30	$200	30	200
Total	72	14,800	189	5,300	14	100	30	200	305	20,400

[1] Also includes support for sec. 12.

WHAT EXPORTS MEAN TO THE 50 STATES

Mr. MONDALE. Mr. President, the fear of nearly every economist and businessman—not to mention millions of farmers and workers—is that a protectionist trade bill will do severe damage to our exports.

We have known for some time that these exports are running now at an annual rate of nearly $43 billion, but we have had difficulty in translating this figure to something meaningful with respect to the individual 50 states.

Now, however, we have fresh data to point to the contribution which manufacturing exports make to each State. Together with the recent data from the Department of Agriculture showing the State-by-State value of agricultural exports, these figures can provide a vivid demonstration to any Senator of what exports mean to his State.

I hope this gives cause for every Senator to consider how far he wishes to go in jeopardizing these millions of dollars worth of agricultural and manufacturing exports to a short-sighted cause of protectionism.

I ask unanimous consent that the data for manufacturing and agricultural exports from the Department of Agriculture and the Bureau of Census be printed in the RECORD.

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

TABLE 11.—LEADING STATES FOR AGRICULTURAL EXPORT SHARES, FISCAL YEAR 1970

[In millions of dollars]

Commodity	United States	Leading 10 States by rank										10 high States	All others
		1	2	3	4	5	6	7	8	9	10		
All commodities	6,646.3	Ill. 650.0	Calif. 555.6	Iowa 504.8	Tex. 421.6	N.C. 406.4	Kans. 314.0	Ind. 304.5	Ark. 295.7	Minn. 275.6	Nebr. 270.3	3,998.5	2,647.8
Soybeans	1,069.0	Ill. 211.5	Iowa 166.9	Nebr. 100.4	Ind. 83.0	Ark. Mo. 78.4	Minn. 72.7	Ohio 65.1	Miss. 48.2	La. 29.2	Tenn. 27.4	882.8	186.2
Feed grains	995.3	Ill. 232.5	Iowa 135.4	Nebr. 100.4	Ind. 95.2	Tex. 79.7	Minn. 52.3	Kans. 51.5	Ohio 42.7	Mo. 25.3	N.C. 19.9	834.9	160.4
Wheat and flour	941.6	Kans. 183.6	N.Dak. 155.4	Okla. 71.5	Mont. 67.8	Wash. 59.3	Nebr. 51.7	Tex. 41.4	S.Dak. 33.0	Idaho 32.1	Ill. 29.2	725.0	216.6
Tobacco, unmanufactured	539.6	N.C. 293.6	S.C. 57.4	Va. 47.8	Ky. 45.0	Ga. 40.6	Tenn. 16.3	Fla. 9.9	Md. 9.4	Pa. 8.9	Wis. 3.1	532.0	7.6
Cotton, including linters	352.4	Tex. 101.4	Miss. 46.3	Calif. 46.1	Ark. 39.7	Ariz. 22.5	La. 16.9	Ala. 16.3	Tenn. 14.9	Mo. 11.4	Okla. 10.1	325.6	26.8
Fruits and preparations	341.3	Calif. 194.8	Fla. 70.2	Hawaii 15.7	Ariz. 10.8	Wash. 8.7	Tex. 7.5	Oreg. 6.8	Mich. 6.1	N.Y. 4.8	S.C. 2.5	327.9	13.4
Protein meal	322.6	Ill. 62.6	Iowa 49.4	Ind. 29.7	Ark. 24.7	Mo. 23.2	Minn. 22.5	Ohio 19.3	Miss. 14.4	La. 8.7	Tenn. 8.1	262.6	60.0
Rice	321.7	Ark. 87.1	Tex. 76.2	Calif. 75.4	La. 73.2	Miss. 8.9	Mo. 0.9					321.7	0
Tallow, lard, etc	213.1	Iowa 30.7	Nebr. 22.2	Calif. 15.3	Tex. 13.9	Minn. 12.5	Ill. 9.8	Mo. 9.3	Colo. 9.1	Kans. 9.1	Wis. 8.2	140.1	73.0
Vegetables and preparations	209.0	Calif. 58.5	Mich. 19.4	Wash. 18.7	Fla. 17.8	Idaho 16.8	Tex. 10.5	N.Y. 8.5	Hawaii 6.3	Ariz. 6.0	Oreg. 5.9	168.4	40.6
Hides and skins	157.3	Iowa 18.2	Nebr. 18.1	Tex. 13.4	Calif. 13.0	Minn. 8.2	Colo. 7.5	Kans. 7.2	Mo. 7.0	Ill. 6.3	Wis. 5.8	104.7	52.6
Meats and products (excluding poultry)	140.0	Iowa 25.2	Nebr. 10.8	Minn. 8.9	Ill. 7.6	Calif. 7.4	Tex. 7.3	Mo. 5.7	Ohio 5.6	Wis. 5.3	Kans. 4.9	88.7	51.3
Soybean oil	138.7	Ill. 27.4	Iowa 21.7	Ind. 13.0	Ark. 10.8	Mo. 10.2	Minn. 9.4	Ohio 8.4	Miss. 6.3	La. 3.8	Tenn. 3.6	114.6	24.1
Dairy products	108.9	Minn. 35.2	Wis. 18.1	Iowa 9.4	N.Y. 8.3	Calif. 5.8	Pa. 3.8	Mich. 3.5	Ohio 3.2	Idaho 2.7	S. Dak. 2.7	92.7	16.2
Nuts	60.1	Calif. 53.2	Ga. 2.3	Ala. .8	Texas .8	Oreg. .7	N.C. .5	Okla. .4	La .4	Va. .3	Fla. .2	59.6	.5
Poultry products	55.5	Ga. 7.5	Ark. 7.3	Ala. 6.0	N.C. 5.8	Miss. 3.6	Texas 3.5	Md. 3.2	Calif. 2.8	Del. 2.5	Va. 1.4	43.6	11.9
Cottonseed oil	54.1	Texas 15.6	Miss. 7.1	Calif. 7.1	Ark. 6.1	Ariz. 3.5	La. 2.3	Ala. 2.5	Tenn. 2.3	Mo. 1.7	Okla. 1.6	50.1	4.0
Flaxseed	16.6	N. Dak. 8.7	S. Dak. 4.3	Minn. 2.9	Texas .6	Mont. .1						16.6	0

Source: "Foreign Agricultural Trade of the United States," U.S.D.A. October, 1970.

TABLE 12.—VALUE OF EXPORT SHARES OF AGRICULTURAL COMMODITIES, BY REGIONS AND STATES, AND TYPE OF EXPORT, UNITED STATES, FISCAL YEAR 1970

[In millions of dollars]

Region, State, and type of export	Wheat and flour	Rice, including paddy	Total feed grains [1]	Cotton, including linters	Soybeans	Flaxseed	Soybean oil	Cotton-seed oil	Protein meal	Tobacco, unmanufactured	Fruits and preparations	Vegetables and preparations	Dairy products	Meats and products, excluding poultry	Hides and skins	Poultry products	Lard and tallow (edible and inedible)	Nuts and preparations	Other	Total
New England										2.8	1.4	2.0	1.9			1.5	1.0		1.1	11.7
Government program										.1			1.5						.2	1.8
Commercial										2.7	1.4	2.0	.4			1.5	1.0		.9	9.9
Maine											.2	.9				1.4	.4		.3	3.2
Government program																				
Commercial											.2	.9				1.4	.4		.3	3.2
New Hampshire											.1						.2		.1	.4
Government program																				
Commercial											.1						.2		.1	.4
Vermont											.1		1.9				.2		.2	2.4
Government program													1.5						.2	1.7
Commercial											.1		.4				.2			.7
Massachusetts										.8	.9	.6					.1		.2	2.1
Government program																				
Commercial										.8	.9	.6					.1		.2	2.1
Rhode Island												.1								.1
Government program																				
Commercial																				
Connecticut										2.0	.1	.4				.1	.1		.3	3.0
Government program										.1										.1
Commercial										1.9	.1	.4				.1	.1		.3	2.9
Middle Atlantic	12.2		13.3		2.0		.3		.6	8.9	7.9	13.8	12.1	7.8	7.8	1.1	10.5		9.9	108.2
Government program	5.0		.9				.2			.4			8.8				.4		1.5	17.2
Commercial	7.2		12.4		2.0		.1		.6	8.5	7.9	13.8	3.3	7.8	7.8	1.1	10.1		8.4	91.0
New York	4.7		2.7		.1						4.8	8.5	8.3	1.8	2.3		2.5		3.6	39.3
Government program	1.9		.2										5.7				.1		.8	8.7
Commercial	2.8		2.5		.1						4.8	8.5	2.6	1.8	2.3		2.4		2.8	30.6
New Jersey	.9		1.1		1.2		.2		.4		1.1	4.0		1.3	1.8		2.2		1.4	15.6
Government program	.4		.1				.1										.1			.4
Commercial	.5		1.0		1.2		.1		.4		1.1	4.0		1.3	1.8		2.1		1.4	14.9
Pennsylvania	6.6		9.5		.7		.1		.2	8.9	2.0	1.3	3.8	4.7	3.7	1.1	5.8		4.9	53.3
Government program	2.7		.6				.1			.4			3.1				.2		.7	7.8
Commercial	3.9		8.9		.7				.2	8.5	2.0	1.3	.7	4.7	3.7	1.1	5.6		4.2	45.5
East North Central	89.6		395.9		391.5		50.7		115.9	6.6	8.6	30.7	27.4	26.2	23.0	1.5	35.0		121.4	1,324.0
Government program	36.5		24.9				30.5			.4		.1	19.0				1.5		10.8	123.7
Commercial	53.1		371.0		391.5		20.2		115.9	6.2	8.6	30.6	8.4	26.2	23.0	1.5	33.5		110.6	1,200.3
Ohio	23.6		42.7		65.1		8.4		19.3	2.2	.7	2.6	3.2	5.6	5.0	.4	7.5		18.8	205.1
Government program	9.6		2.7				5.1			.2			2.6				.3		1.9	22.4
Commercial	14.0		40.0		65.1		3.3		19.3	2.0	.7	2.6	.6	5.6	5.0	.4	7.2		16.9	182.7
Indiana	20.8		95.2		100.4		13.0		29.7	1.3	.5	1.6	1.3	4.4	2.8	.6	5.0		27.9	304.5
Governmental	8.5		6.0				7.8			.1			1.0				.2		2.3	25.9
Commercial	12.3		89.2		100.4		5.2		29.7	1.2	.5	1.6	.3	4.4	2.8	.6	4.8		25.6	278.6
Illinois	29.2		232.5		211.5		27.4		62.6		.2	1.9	1.3	7.6	6.3	.1	9.8		59.6	650.0
Government program	11.9		14.6				16.5						.2				.4		4.2	47.8
Commercial	17.3		217.9		211.5		10.9		62.6		.2	1.9	1.1	7.6	6.3	.1	9.4		55.4	602.2
Michigan	15.1		13.7		11.3		1.5		3.4		6.1	19.4	3.5	3.3	3.1	.1	4.5		8.6	93.6
Government program	6.1		.9				.9					.1	2.6				.2		1.0	11.8
Commercial	9.0		12.8		11.3		.6		3.4		6.1	19.3	.9	3.3	3.1	.1	4.3		7.6	81.8

Footnotes at end of table.

Region, State, and type of export	Wheat and flour	Rice, including paddy	Total feed grains [1]	Cotton, including linters	Soybeans	Flaxseed	Soybean oil	Cotton-seed oil	Protein meal	Tobacco, unmanufactured	Fruits and preparations	Vegetables and preparations	Dairy products	Meats and products, excluding poultry	Hides and skins	Poultry products	Laird and tallow (edible and inedible)	Nuts and preparations	Other	Total
Wisconsin	0.9	.....	11.8	.....	3.2	.....	0.4	.....	0.9	3.1	1.1	5.2	18.1	5.3	5.8	0.3	8.2	.....	6.5	70.8
Government program	.4	.....	.7	.....	.....	.....	.2	.....	.....	.1	.....	.....	12.6	.....	.....	.....	.4	.....	1.4	15.8
Commercial	.5	.....	11.1	.....	3.2	.....	.2	.....	.9	3.0	1.1	5.2	5.5	5.3	5.8	.3	7.8	.....	5.1	55.0
West North Central	466.1	0.9	385.8	11.4	371.4	15.9	48.2	1.7	115.2	.5	.4	7.4	52.9	59.5	62.5	3.2	8.5	.....	170.9	1,863.4
Government program	189.6	.4	24.2	3.7	.....	.....	29.2	.....	.....	.1	.....	.....	41.1	.....	.2	.....	3.8	.....	28.5	320.8
Commercial	276.5	.5	361.6	7.7	371.4	15.9	19.0	1.7	115.2	.4	.4	7.4	11.8	59.5	62.3	3.2	85.7	.....	142.4	1,542.6
Minnesota	21.7	.....	52.3	.....	72.7	2.9	9.4	.....	22.5	.....	.....	2.7	35.2	8.9	8.2	1.3	12.5	.....	25.3	275.6
Government program	8.8	.....	3.3	.....	.....	.....	5.7	.....	.....	.....	.....	.....	27.1	.....	.....	.....	.5	.....	4.4	49.8
Commercial	12.9	.....	49.0	.....	72.7	2.9	3.7	.....	22.5	.....	.....	2.7	8.1	8.9	8.2	1.3	12.0	.....	20.9	225.8
Iowa	.9	.....	135.4	.....	166.9	.....	21.7	.....	49.4	.....	.....	.2	9.4	25.2	18.2	.5	30.7	.....	46.3	504.8
Government program	.4	.....	8.5	.....	.....	.....	13.1	.....	.....	.....	.....	.....	7.6	.....	.1	.....	1.3	.....	3.0	34.0
Commercial	.5	.....	126.9	.....	166.9	.....	8.6	.....	49.4	.....	.....	.2	1.8	25.2	18.1	.5	29.4	.....	43.3	470.8
Missouri	19.8	.9	25.3	11.4	78.4	.....	10.2	1.7	23.2	.5	.4	.3	1.3	5.7	7.0	1.1	9.3	.....	19.8	216.3
Government program	8.0	.4	1.6	3.7	.....	.....	6.2	.....	.....	.1	.....	.....	.9	.....	.....	.....	.4	.....	2.0	23.3
Commercial	11.8	.5	23.7	7.7	78.4	.....	4.0	1.7	23.2	.4	.4	.3	.4	5.7	7.0	1.1	8.9	.....	17.8	193.0
North Dakota	155.4	.....	2.9	.....	2.9	8.7	.4	.....	3.7	.....	.....	.7	.1	.4	.8	.1	1.0	.....	17.9	195.0
Government program	63.3	.....	.2	.....	.....	.....	.2	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	6.2	69.9
Commercial	92.1	.....	2.7	.....	2.9	8.7	.2	.....	3.7	.....	.....	.7	.1	.4	.8	.1	1.0	.....	11.7	125.1
South Dakota	33.0	.....	18.0	.....	6.0	4.3	.8	.....	3.2	.....	.....	.....	2.7	3.6	3.0	.1	4.7	.....	8.0	87.4
Government program	13.4	.....	1.1	.....	.....	.....	.5	.....	.....	.....	.....	.....	2.2	.....	.....	.....	.2	.....	1.7	19.1
Commercial	19.6	.....	16.9	.....	6.0	4.3	.3	.....	3.2	.....	.....	.....	.5	3.6	3.0	.1	4.5	.....	6.3	68.3
Nebraska	51.7	.....	100.4	.....	25.7	.....	3.3	.....	7.6	.....	.....	3.2	2.4	10.8	18.1	.1	22.2	.....	24.8	270.3
Government program	21.0	.....	6.3	.....	.....	.....	2.0	.....	.....	.....	.....	.....	1.9	.....	.1	.....	1.0	.....	3.2	35.5
Commercial	30.7	.....	94.1	.....	25.7	.....	1.3	.....	7.6	.....	.....	3.2	.5	10.8	18.0	.1	21.2	.....	21.6	234.8
Kansas	183.6	.....	51.5	.....	18.8	.....	2.4	.....	5.6	.....	.....	.3	1.8	4.9	7.2	.....	9.1	.....	28.8	314.0
Government program	74.7	.....	3.2	.....	.....	.....	1.5	.....	.....	.....	.....	.....	1.4	.....	.....	.....	.4	.....	8.0	89.2
Commercial	108.9	.....	48.3	.....	18.8	.....	.9	.....	5.6	.....	.....	.3	.4	4.9	7.2	.....	8.7	.....	20.8	224.8
South Atlantic	17.0	.....	55.3	20.7	78.6	.....	10.2	3.1	23.3	459.1	76.3	26.5	1.0	9.0	6.4	21.9	9.8	3.4	83.0	904.6
Government program	7.0	.....	3.5	6.7	.....	.....	6.2	.....	.....	11.7	.....	.....	.9	.....	.....	.....	.4	.....	3.5	39.9
Commercial	10.0	.....	51.8	14.0	78.6	.....	4.0	3.1	23.3	447.4	76.3	26.5	.1	9.0	6.4	21.9	9.4	3.4	79.5	864.7
Delaware	.9	.....	4.4	.....	4.5	.....	.6	.....	1.3	.....	.....	.8	.....	[2].6	[2].5	2.5	[2].8	.....	1.7	18.6
Government program	.4	.....	.3	.....	.....	.....	.4	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.1	1.2
Commercial	.5	.....	4.1	.....	4.5	.....	.2	.....	1.3	.....	.....	.8	.....	.6	.5	2.5	.8	.....	1.6	17.4
Maryland	2.8	.....	10.0	.....	6.5	.....	.8	.....	1.9	9.4	.3	1.4	.3	[3]	[3]	3.2	[3]	.....	3.7	40.3
Government program	1.2	.....	.6	.....	.....	.....	.5	.....	.....	.3	.....	.....	.3	.....	.....	.....	.....	.....	.3	3.2
Commercial	1.6	.....	9.4	.....	6.5	.....	.3	.....	1.9	9.1	.3	1.4	.....	.....	.....	3.2	.....	.....	3.4	37.1
Virginia	3.8	.....	4.9	.1	8.6	.....	1.1	.....	2.6	47.8	.6	1.3	.7	2.9	1.0	1.4	2.4	.3	8.1	87.6
Government program	1.5	.....	.3	.....	.....	.....	.7	.....	.....	1.4	.....	.....	.6	.....	.....	.....	.1	.....	.4	5.0
Commercial	2.3	.....	4.6	.1	8.6	.....	.4	.....	2.6	46.4	.6	1.3	.1	2.9	1.0	1.4	2.3	.3	7.7	82.6
West Virginia	.....	.....	.2	.....	.....	.....	.....	.....	.....	.4	.4	.1	.....	.2	.3	.3	.4	.....	.3	2.6
Government program	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Commercial	.....	.....	.2	.....	.....	.....	.....	.....	.....	.4	.4	.1	.....	.2	.3	.3	.4	.....	.3	2.6
North Carolina	4.8	.....	19.9	3.5	23.2	.....	3.0	.5	6.9	293.6	.9	2.6	.....	1.6	.8	5.8	1.6	.5	37.2	406.4
Government program	1.9	.....	1.3	1.1	.....	.....	1.8	.....	.....	7.3	.....	.....	.....	.....	.....	.....	.....	.....	1.3	14.8
Commercial	2.9	.....	18.6	2.4	23.2	.....	1.2	.5	6.9	286.3	.9	2.6	.....	1.6	.8	5.8	1.5	.5	35.9	391.6
South Carolina	1.9	.....	3.8	7.2	20.7	.....	2.7	1.1	6.1	57.4	2.5	1.3	.....	.6	.5	.6	.5	.1	10.8	117.8
Government program	.8	.....	.2	2.4	.....	.....	1.6	.....	.....	1.4	.....	.....	.....	.....	.....	.....	.....	.....	.6	7.0
Commercial	1.1	.....	3.6	4.8	20.7	.....	1.1	1.1	6.1	56.0	2.5	1.3	.....	.6	.5	.6	.5	.1	10.2	110.8
Georgia	1.9	.....	9.3	9.6	10.7	.....	1.4	1.5	3.2	40.6	1.4	1.2	.....	1.9	1.4	7.5	2.1	2.3	9.7	105.7
Government program	.8	.....	.6	3.1	.....	.....	.8	.....	.....	1.0	.....	.....	.....	.....	.....	.....	.1	.....	.6	7.0
Commercial	1.1	.....	8.7	6.5	10.7	.....	.6	1.5	3.2	39.6	1.4	1.2	.....	1.9	1.4	7.5	2.0	2.3	9.1	98.7
Florida	.9	.....	2.8	.3	4.4	.....	.6	.....	1.3	9.9	70.2	17.8	.....	1.2	1.9	.6	2.0	.2	11.5	125.6
Government program	.4	.....	.2	.1	.....	.....	.4	.....	.....	.3	.....	.....	.....	.....	.....	.....	.1	.....	.2	1.7
Commercial	.5	.....	2.6	.2	4.4	.....	.2	.....	1.3	9.6	70.2	17.8	.....	1.2	1.9	.6	1.9	.2	11.3	123.9
East South Central	11.3	8.9	18.6	77.7	102.7	.....	13.4	11.9	30.5	61.7	.3	1.9	1.8	7.9	6.6	10.4	9.4	.9	37.9	413.8
Government program	4.6	3.8	1.2	25.6	.....	.....	8.1	.....	.....	5.7	.....	.....	1.4	.....	.....	.....	.5	.....	4.9	55.8
Commercial	6.7	5.1	17.4	52.1	102.7	.....	5.3	11.9	30.5	56.0	.3	1.9	.4	7.9	6.6	10.4	8.9	.9	33.0	358.0
Kentucky	3.7	.....	11.6	.2	13.0	.....	1.7	.....	3.8	45.0	.....	.2	.1	1.7	1.1	.....	1.8	.....	8.5	92.4
Government program	1.5	.....	.7	.1	.....	.....	1.0	.....	.....	4.4	.....	.....	.....	.....	.....	.....	.1	.....	.7	8.5
Commercial	2.2	.....	10.9	.1	13.0	.....	.7	.....	3.8	40.6	.....	.2	.1	1.7	1.1	.....	1.7	.....	7.8	83.9
Tennessee	4.7	.....	3.9	14.9	27.4	.....	3.6	2.3	8.1	16.3	.....	.5	1.5	3.5	2.8	.8	4.2	.....	9.5	104.
Government program	1.9	.....	.3	4.9	.....	.....	2.2	.....	.....	1.3	.....	.....	1.2	.....	.....	.....	.2	.....	1.2	13.2
Commercial	2.8	.....	3.6	10.0	27.4	.....	1.4	2.3	8.1	15.0	.....	.5	.3	3.5	2.8	.8	4.0	.....	8.3	90.8
Alabama	.9	.....	2.3	16.3	14.1	.....	1.8	2.5	4.2	.4	.3	.8	.....	1.2	1.1	6.0	1.5	.8	5.5	59.7
Government program	.4	.....	.1	5.4	.....	.....	1.1	.....	.....	.....	.....	.....	.....	.....	.....	.....	.1	.....	.7	7.8
Commercial	.5	.....	2.2	10.9	14.1	.....	.7	2.5	4.2	.4	.3	.8	.....	1.2	1.1	6.0	1.4	.8	4.8	51.9
Mississippi	2.0	8.9	.8	46.3	48.2	.....	6.3	7.1	14.4	.....	.....	.4	.2	1.5	1.6	3.6	1.9	.1	14.4	157.7
Government program	.8	3.8	.1	15.2	.....	.....	3.8	.....	.....	.....	.....	.....	.2	.....	.....	.....	.1	.....	2.3	26.3
Commercial	1.2	5.1	.7	31.1	48.2	.....	2.5	7.1	14.4	.....	.....	.4	.....	1.5	1.6	3.6	1.8	.1	12.1	131.4
West South Central	119.4	236.5	86.6	168.1	122.8	.6	15.9	25.9	37.0	.....	8.2	11.7	1.4	10.6	18.2	11.8	19.2	1.7	90.4	986.0
Government program	48.7	101.1	5.4	55.4	.....	.....	9.5	.....	.....	.....	.....	.....	1.2	.....	.....	.....	.8	.....	21.5	243.6
Commercial	70.7	135.4	81.2	112.7	122.8	.6	6.4	25.9	37.0	.....	8.2	11.7	.2	10.6	18.2	11.8	18.4	1.7	68.9	742.4
Arkansas	5.6	87.1	.7	39.7	83.0	.....	10.8	6.1	24.7	.....	.5	.5	.....	.7	.8	7.3	1.0	.1	27.1	295.7
Government program	2.3	37.1	.....	13.1	.....	.....	6.5	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	5.7	64.7
Commercial	3.3	50.	.7	26.6	83.0	.....	4.3	6.1	24.7	.....	.5	.5	.....	.7	.8	7.3	1.	.1	21.4	231.0
Louisiana	.9	73.2	.6	16.9	29.2	.....	3.8	2.6	8.7	.....	.1	.4	.1	.6	.9	.8	.7	.4	14.1	154.0
Government program	.4	31.4	.....	5.6	.....	.....	2.3	.....	.....	.....	.....	.....	.1	.....	.....	.....	.....	.....	3.8	43.6
Commercial	.5	41.8	.6	11.3	29.2	.....	1.5	2.6	8.7	.....	.1	.4	.....	.6	.9	.8	.7	.4	10.3	110.4
Oklahoma	71.5	.....	5.6	10.1	3.3	.....	.4	1.6	1.0	.....	.1	.3	.9	2.0	3.1	.2	3.6	.4	10.6	114.7
Government program	29.1	.....	.4	3.3	.....	.....	.2	.....	.....	.....	.....	.....	.8	.....	.....	.....	.2	.....	3.4	37.4
Commerical	42.4	.....	5.2	6.8	3.3	.....	.2	1.6	1.0	.....	.1	.3	.1	2.0	3.1	.2	3.4	.4	7.2	77.3
Texas	41.4	76.2	79.7	101.4	7.3	.6	.9	15.6	2.6	.....	7.5	10.5	.4	7.3	13.4	3.5	13.9	.8	38.6	421.6
Government program	16.9	32.6	5.0	33.4	.....	.....	.5	.....	.....	.....	.....	.....	.3	.....	.....	.....	.6	.....	8.6	97.9
Commercial	24.5	43.6	74.7	68.0	7.3	.6	.4	15.6	2.6	.....	7.5	10.5	.1	7.3	13.4	3.5	13.3	.8	30.0	323.7
Mountain	140.5	.....	20.0	28.4	.....	.1	.....	4.4	.....	.....	12.2	31.6	3.6	8.7	15.3	.5	17.9	.1	28.6	311.9
Government program	57.2	.....	1.3	9.3	.....	.....	.....	.....	.....	.....	.....	1	2.8	.....	.....	.....	.9	.....	7.0	78.6
Commercial	83.3	.....	18.7	19.1	.....	.1	.....	4.4	.....	.....	12.2	31.5	.8	8.7	15.3	.5	17.0	.1	21.6	233.3
Montana	67.8	.....	1.6	.....	.....	.1	.....	.....	.....	.....	.....	.6	.....	.7	.9	.....	1.1	.....	7.4	80.2
Government program	27.6	.....	.1	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.1	.....	2.8	30.6
Commercial	40.2	.....	1.5	.....	.....	.1	.....	.....	.....	.....	.....	.6	.....	.7	.9	.....	1.0	.....	4.6	49.6
Idaho	32.1	.....	1.1	.....	.....	.....	.....	.....	.....	.....	1.0	16.8	2.7	.9	1.7	.....	2.0	.....	5.9	64.2
Government program	13.0	.....	.1	.....	.....	.....	.....	.....	.....	.....	.....	.1	2.1	.....	.....	.....	.1	.....	1.5	16.9
Commercial	19.1	.....	1.0	.....	.....	.....	.....	.....	.....	.....	1.0	16.7	.6	.9	1.7	.....	1.9	.....	4.4	47.3
Wyoming	2.9	.....	.3	.....	.....	.....	.....	.....	.....	.....	.....	1.0	.....	.2	.2	.....	.1	.....	.5	5.2
Government program	1.2	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.1	1.3
Commercial	1.7	.....	.3	.....	.....	.....	.....	.....	.....	.....	.....	1.0	.....	.2	.2	.....	.1	.....	.4	3.9
Colorado	27.3	.....	8.2	.....	.....	.....	.....	.....	.....	.....	.1	5.9	.....	4.3	7.5	.2	9.1	.....	6.3	68.9
Government program	11.1	.....	.5	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.4	.....	1.2	13.2
Commercial	16.2	.....	7.7	.....	.....	.....	.....	.....	.....	.....	.1	5.9	.....	4.3	7.5	.2	8.7	.....	5.1	55.7
New Mexico	2.9	.....	3.9	5.8	.....	.....	.....	.9	.....	.....	.....	.9	.....	.7	1.5	.....	1.6	.1	1.8	20.1
Government program	1.2	.....	.3	1.9	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.1	.....	.3	3.8
Commercial	1.7	.....	3.6	3.9	.....	.....	.....	.9	.....	.....	.....	.9	.....	.7	1.5	.....	1.5	.1	1.5	16.3
Arizona	2.8	.....	4.8	22.5	.....	.....	.....	3.5	.....	.....	10.8	6.0	.....	1.1	2.2	.....	2.5	.....	5.7	61.9

Footnotes at end of table.

TABLE 12.—VALUE OF EXPORT SHARES OF AGRICULTURAL COMMODITIES, BY REGIONS AND STATES, AND TYPE OF EXPORT, UNITED STATES, FISCAL YEAR 1970—Continued

[In millions of dollars]

Region, State, and type of export	Wheat and flour	Rice, including paddy	Total feed grains [1]	Cotton, including linters	Soybeans	Flaxseed	Soybean oil	Cotton-seed oil	Protein meal	Tobacco, unmanufactured	Fruits and preparations	Vegetables and preparations	Dairy products	Meats and products, excluding poultry	Hides and skins	Poultry products	Lard and tallow (edible and inedible)	Nuts and preparations	Other	Total
Mountain—Continued																				
Arizona—Continued																				
Government program	1.2		.3	7.4													.1		.9	9.9
Commercial	1.6		4.5	15.1				3.5			10.8	6.0		1.1	2.2		2.4		4.8	52.0
Utah	3.8		.1								.3	.4	.9	.7	1.2	.3	1.4		.9	10.0
Government program	1.5												.7				.1		.2	2.5
Commercial	2.3		.1								.3	.4	.2	.7	1.2	.3	1.3		.7	7.5
Nevada	.5			.1										.1	.1		.1		.1	1.4
Government program	4																			.4
Commercial	.9			.1										.1	.1		.1		.1	1.0
Pacific	85.5	75.4	19.8	46.1				7.1	.1		226.0	83.4	6.8	10.3	17.5	3.6	20.8	54.0	66.3	722.7
Government program	34.8	32.2	1.2	15.2								.2	5.6				.9		8.6	98.7
Commercial	50.7	43.2	18.6	30.9				7.1	.1		226.0	83.2	1.2	10.3	17.5	3.6	19.9	54.0	57.7	624.0
Washington	59.3		1.4								8.7	18.7	1.0	1.8	2.6	.4	3.3		9.8	107.0
Government program	24.1		.1									.1	.8				.1		2.4	27.6
Commercial	35.2		1.3								8.7	18.6	.2	1.8	2.6	.4	3.2		7.4	79.4
Oregon	18.8		.7								6.8	5.9		.9	1.6	.4	1.9	.7	3.8	41.5
Government program	7.6																.1		.7	8.4
Commercial	11.2		.7								6.8	5.9		.9	1.6	.4	1.8	.7	3.1	33.1
California	7.4	75.4	17.7	46.1				7.1	.1		194.8	58.5	5.8	7.4	13.0	2.8	15.3	53.2	51.0	555.6
Government program	3.1	32.2	1.1	15.2								.1	4.8				.7		5.5	62.7
Commercial	4.3	43.2	16.6	30.9				7.1	.1		194.8	58.4	1.0	7.4	13.0	2.8	14.7	53.2	45.5	492.9
Hawaii											15.7	.3		.2	.3		.3	.1	1.7	18.6
Government program																				
Commercial											15.7	.3		.2	.3		.3	.1	1.7	18.6
Alaska																				
Government program																				
Commercial																				
United States	941.6	321.7	995.3	352.4	1,069.0	16.6	138.7	54.1	322.6	539.6	341.3	209.0	108.9	140.0	157.3	55.5	213.1	60.1	609.5	6,646.3
Government program	383.4	137.5	62.6	115.9			83.7			18.4		.4	82.3		.2		9.2		86.5	980.1
Commercial	558.2	184.2	932.7	236.5	1,069.0	16.6	55.0	54.1	322.6	521.2	341.3	208.6	26.6	140.0	157.1	55.5	203.9	60.1	523.0	5,666.2

[1] Includes corn, sorghum grains, barley, and oats.
[2] Includes Maryland.
[3] Included with Delaware.

TABLE 13.—VALUE OF EXPORT SHARES OF AGRICULTURAL COMMODITIES, BY REGION AND STATE, UNITED STATES, FISCAL YEARS 1954, 1960, 1966, 1968, AND 1970

[In millions of dollars]

Region and State	1954	1960	1966	1968	1970
New England	16.0	25.4	34.3	22.3	11.7
Maine	3.9	11.2	14.8	6.3	3.2
New Hampshire	.8	1.0	1.2	1.1	.4
Vermont	1.2	1.4	1.9	1.5	2.4
Massachusetts	4.2	4.8	6.1	4.9	2.6
Rhode Island	.4	.5	.3	.3	.1
Connecticut	5.5	6.5	10.0	8.2	3.0
Middle Atlantic	91.4	137.0	181.4	146.6	108.2
New York	46.4	65.4	81.3	62.8	39.3
New Jersey	12.5	18.5	21.9	18.8	15.6
Pennsylvania	32.5	53.1	78.2	65.0	53.3
East North Central	426.0	702.9	1,395.4	1,181.9	1,324.0
Ohio	83.1	129.5	218.7	194.1	205.1
Indiana	77.7	135.0	317.3	251.5	304.5
Illinois	165.1	302.8	666.0	585.3	650.0
Michigan	51.7	76.8	110.4	92.4	93.6
Wisconsin	48.4	58.8	83.0	58.6	70.8
West North Central	524.7	998.1	1,785.3	1,578.9	1,863.4
Minnesota	87.4	156.5	240.5	226.3	275.6
Iowa	103.8	211.0	426.1	392.3	504.8
Missouri	81.0	150.9	204.3	174.1	216.3
North Dakota	54.8	85.7	205.6	165.6	195.0
South Dakota	31.6	33.1	84.3	95.1	87.4
Nebraska	72.8	135.4	232.3	229.5	270.3
Kansas	93.3	225.5	392.2	296.0	314.0
South Atlantic	497.6	617.0	777.4	841.4	904.6
Delaware	7.3	11.2	17.7	14.7	18.6
Maryland	15.3	25.5	40.9	35.1	40.3
Virginia	42.1	58.3	78.6	79.7	87.6
West Virginia	3.5	5.8	6.4	5.7	2.6
North Carolina	217.2	251.7	306.0	366.2	406.4
South Carolina	76.0	81.4	97.7	106.9	117.8
Georgia	79.4	92.0	112.6	132.0	105.7
Florida	56.8	91.1	117.5	101.1	125.6
East South Central	255.4	336.5	379.2	390.5	413.8
Kentucky	31.9	45.6	73.6	69.2	92.4
Tennessee	55.1	93.9	111.7	101.9	104.0
Alabama	57.5	62.5	57.2	55.6	59.7
Mississippi	110.9	134.5	136.7	163.8	157.7
West South Central	551.8	834.5	975.9	1,076.1	986.0
Arkansas	118.3	184.1	204.8	254.8	295.7
Louisiana	78.5	76.0	98.9	155.2	154.0
Oklahoma	57.5	105.1	181.8	114.9	114.7
Texas	297.5	469.3	490.4	551.2	421.6
Mountain	185.0	283.1	365.2	344.8	311.9
Montana	46.9	65.4	126.6	107.1	80.2
Idaho	26.8	46.6	80.9	66.2	64.2
Wyoming	3.4	6.9	5.2	7.8	5.2
Colorado	28.5	59.4	56.9	62.8	68.9
New Mexico	16.0	24.6	22.5	23.5	20.1
Arizona	53.7	65.6	55.6	61.1	61.9
Utah	9.4	13.4	17.1	14.5	10.0
Nevada	.3	1.2	.4	1.8	1.4
Pacific	356.8	528.0	654.2	629.9	722.7
Washington	63.6	93.6	154.6	152.2	107.0
Oregon	26.9	42.3	64.6	48.8	41.5
California	266.3	392.1	415.2	413.3	555.6
Hawaii	(1)	(1)	19.8	15.6	18.6
Alaska					
Other	31.2	54.3	132.6	102.7	
United States	2,935.9	4,516.8	6,680.9	6,315.1	6,646.3

[1] Not available.

TABLE 1.—VALUE OF EXPORT SHIPMENTS (ESTIMATED AND REPORTED) BY MANUFACTURING ESTABLISHMENTS FOR GEOGRAPHIC AREAS AND MAJOR INDUSTRY GROUPS, 1969

[In millions of dollars. Value f.o.b. producing plant]

[Ranges: (S) Less than $1,000,000; (T) $1,000,000 but less than $5,000,000; (U) $5,000,000 but less than $10,000,000; (V) $10,000,000 but less than $25,000,000; (W) $25,000,000 but less than $50,000,000; (X) $50,000,000 but less than $100,000,000; (Y) $100,000,000 but less than $200,000,000; (Z) $200,000,000 or more. Blanks represent zeros]

Geographic area	Total exports		Food and kindred products (SIC 20)		Tobacco manufactures (SIC 21)		Textile mill products (SIC 22)		Apparel and other textile mill products (SIC 23)		Lumber and wood products (SIC 24)	
	Estimated total	Reported data	Estimated total	Reported data	Estimated total	Reported data	Estimated total	Reported data	Estimated total	Reported data	Estimated total	Reported data
United States, total	29,210.0	20,403.3	2,160.0	1,144.5	666.8	457.0	428.9	52.5	226.2	(V)	512.2	61.7
New England	1,790.4	1,093.4	48.4	3.8	(S)		40.1	2.5	(V)	(S)	(V)	
Maine	77.0	33.9	(U)				(T)		(S)		(V)	
New Hampshire	73.8	41.0	(T)				(T)		(S)		(T)	
Vermont	51.9	32.4	(T)	(S)					(S)		(T)	
Massachusetts	817.8	534.9	26.5	3.2			(V)	(T)	(U)	(S)	(T)	
Rhode Island	110.3	48.9	(T)				(U)		(S)		(S)	
Connecticut	659.4	402.5	(U)	(S)	(S)		(U)	(T)	(T)		(T)	(S)
Middle Atlantic	5,311.9	3,608.8	271.4	97.7	30.4	1.9	(X)	(T)	(X)	(T)	(W)	
New York	2,295.7	1,561.7	110.6	41.5	(S)		(V)	(S)	(W)	(T)	(V)	
New Jersey	1,113.9	756.7	77.2	39.7	(T)		(V)	(S)	(V)	(S)	(T)	(S)
Pennsylvania	1,902.2	1,280.4	83.5	16.5	28.5	1.9	(W)	(S)	(W)	(T)	(V)	
East north-central	9,078.2	6,712.5	396.9	181.8	(U)		(V)	(T)	(W)	(V)	(X)	(S)
Ohio	2,337.6	1,716.8	57.5	8.8	(T)		(U)	(T)	(T)		(U)	
Indiana	998.5	677.3	58.3	32.0	(T)				(T)		(U)	
Illinois	2,343.4	1,753.1	177.2	103.2	(S)		(T)		(U)		(U)	
Michigan	2,613.1	2,018.1	50.2	18.7	(S)		(T)	(S)	(V)	(V)	(V)	
Wisconsin	785.3	544.5	53.5	19.1			(T)		(T)		(V)	(S)
West north-central	1,899.4	1,300.7	312.0	187.1	(S)	(S)	(T)	(T)	(U)	(S)	(V)	
Minnesota	492.2	353.7	66.3	35.9			(T)	(T)	(T)	(S)	(T)	
Iowa	412.0	305.8	95.4	65.0					(S)		(T)	
Missouri	633.5	416.4	53.5	24.1	(S)	(S)	(T)	(S)	(U)	(S)	(U)	
North Dakota	6.8	3.1	(T)	(T)								
South Dakota	12.7	5.0	(U)	(T)							(S)	
Nebraska	100.5	61.3	42.4	26.2					(S)		(S)	
Kansas	241.4	155.4	41.9	30.8					(S)		(S)	
South Atlantic	3,160.7	1,985.2	225.4	87.3	579.4	443.1	262.2	38.6	(W)	(T)	(X)	(T)
Delaware	124.0	96.6	(U)		(T)		(S)		(S)		(S)	
Maryland	361.9	237.4	31.0	9.8			(T)		(T)		(T)	
District of Columbia	14.1	9.0	(T)									
Virginia	581.2	393.6	48.4	29.1	193.7	155.3	35.5	19.7	(T)		(V)	
West Virginia	234.9	179.6	(T)	(S)	(T)		(S)		(S)		(T)	
North Carolina	739.0	433.6	(V)	(S)	362.0	285.7	117.5	14.0	(V)	(S)	(V)	
South Carolina	253.5	125.9	(U)	(S)	(T)	(T)	(X)	(T)	(U)		(V)	(S)
Georgia	427.9	238.5	45.1	16.7	(T)		(W)	(T)	(V)	(T)	(V)	(T)
Florida	425.5	271.0	52.6	25.2	(V)	(S)	(S)		(T)		(V)	(S)
East south-central	1,315.6	826.3	129.6	71.7	49.2	12.0	37.0	3.6	(W)	(T)	53.9	2.6
Kentucky	345.4	226.0	15.5	1.3	43.6	12.0	(T)		(T)	(S)	(U)	(T)
Tennessee	471.5	296.7	76.8	56.6	(T)		(V)	(S)	(V)		(V)	
Alabama	317.8	191.9	17.0	2.8	(T)		(V)	(T)	(U)	(S)	(V)	
Mississippi	180.8	111.7	20.0	11.0			(T)	(T)	(U)		(V)	(T)
West south-central	2,225.9	1,719.7	361.5	272.2	(S)		(U)	(T)	(V)	(S)	(W)	(S)
Arkansas	204.0	141.0	(Y)	(Y)			(T)	(T)	(T)		(V)	(S)
Louisiana	396.4	308.8	70.7	52.9					(T)	(S)	(V)	
Oklahoma	157.7	111.6	(V)	(V)			(S)		(T)		(T)	
Texas	1,467.8	1,158.4	146.2	97.0	(S)		(T)		(U)		(V)	
Mountain	441.7	288.7	52.1	18.7					(T)		(V)	(S)
Montana	13.7	3.7	(T)	(S)							(U)	
Idaho	34.8	10.4	9.2	2.1							(U)	(S)
Wyoming	(T)	(S)	(T)								(S)	
Colorado	157.0	111.0	24.6	13.4					(S)		(T)	
New Mexico	16.3	8.4	(T)	(S)							(T)	
Arizona	156.8	120.4	(U)	(T)					(S)		(T)	
Utah	48.2	25.9	(U)	(S)					(S)		(S)	
Nevada	(V)	(U)	(T)									
Pacific	3,973.4	2,862.8	363.5	223.5	(S)		(T)		(V)	(S)	185.6	55.5
Washington	954.5	778.0	44.2	27.0			(S)		(T)	(S)	(X)	(V)
Oregon	240.5	142.8	(W)	(V)			(S)		(S)		81.9	24.8
California	2,720.6	1,899.4	277.8	179.3	(S)		(T)		(V)		(W)	(U)
Alaska	(W)	(W)	(T)								(T)	
Hawaii	(V)	(V)	(V)	(T)					(S)		(S)	

Geographic area	Furniture and fixtures (SIC 25)		Paper and allied products (SIC 26)		Printing and publishing (SIC 27)		Chemicals and allied products (SIC 28)		Petroleum and coal products (SIC 29)	
	Estimated total	Reported data	Estimated total	Reported data	Estimated total	Reported data	Estimated total	Reported data	Estimated total	Reported data
United States total	43.8	(T)	790.0	643.8	298.9	166.9	3,049.0	2,344.4	434.3	431.0
New England	(T)	(S)	67.4	50.9	17.1	7.3	87.1	58.9	(S)	
Maine			20.1	15.9	(S)		(T)	(T)		
New Hampshire	(S)		(U)	(U)	(S)		(T)	(S)		
Vermont	(S)		(T)	(S)	(S)					
Massachusetts	(T)		28.7	20.7	(U)	(T)	37.9	23.8	(S)	
Rhode Island			(S)		(S)		7.5	4.7		
Connecticut	(T)	(S)	(U)	(U)	(U)	(T)	38.0	28.1		
Middle Atlantic	(U)		72.1	40.9	134.1	96.0	687.1	511.0	59.7	59.3
New York	(T)		24.6	10.8	113.0	88.8	178.8	126.0	2.4	2.4
New Jersey	(S)		22.6	15.2	(U)	(T)	322.0	240.3	26.9	26.8
Pennsylvania	(T)		24.8	14.8	(V)	(U)	186.1	144.6	30.3	30.0
East north-central	(U)	(S)	71.5	34.5	80.1	47.1	481.6	334.4	23.5	22.8
Ohio	(T)	(S)	21.0	12.1	18.7	10.2	122.3	82.1	5.7	5.6
Indiana	(T)		(T)	(S)	(U)	(T)	64.3	43.9	1.6	1.5
Illinois	(T)		(V)	(T)	44.4	30.7	139.6	91.8	14.5	14.3
Michigan	(T)		13.4	7.0	(T)	(S)	141.6	110.7	1.4	1.4
Wisconsin	(S)	(S)	21.5	12.3	7.1	4.0	13.6	5.9		

TABLE 1.—VALUE OF EXPORT SHIPMENTS (ESTIMATED AND REPORTED) BY MANUFACTURING ESTABLISHMENTS FOR GEOGRAPHIC AREAS AND MAJOR INDUSTRY GROUPS, 1969—Con.

[In millions of dollars. Value f.o.b. producing plant]

[Ranges: (S) Less than $1,000,000; (T) $1,000,000 but less than $5,000,000; (U) $5,000,000 but less than $10,000,000; (V) $10,000,000 but less than $25,000,000; (W) $25,000,000 but less than $50,000,000; (X) $50,000,000 but less than $100,000,000; (Y) $100,000,000 but less than $200,000,000; (Z) $200,000,000 or more. Blanks represent zeros]

Geographic area	Furniture and fixtures (SIC 25)		Paper and allied products (SIC 26)		Printing and publishing (SIC 27)		Chemicals and allied products (SIC 28)		Petroleum and coal products (SIC 29)	
	Estimated total	Reported data	Estimated total	Reported data	Estimated total	Reported data	Estimated total	Reported data	Estimated total	Reported data
West north-central	(T)		15.0	7.0	14.4	3.4	93.4	55.4	3.7	3.6
Minnesota	(S)		9.0	5.7	(T)	(S)	(V)	(V)	(S)	(S)
Iowa	(S)		(T)		(T)	(S)	7.7	3.6		
Missouri	(S)		3.9	1.2	6.2	2.2	51.5	33.2	2.0	2.0
North Dakota					(S)				(S)	(S)
South Dakota					(S)					
Nebraska	(S)		(S)		(S)		(T)	(T)		
Kansas	(S)		(S)		(T)		139.2	6.4	(T)	(T)
South Atlantic	(V)	(S)	261.1	239.9	22.9	10.4	603.1	467.9	(T)	(T)
Delaware			(T)		(S)		(W)	(W)	(T)	(T)
Maryland	(T)	(S)	(U)	(T)	(T)	(T)	39.7	24.9	(S)	(S)
District of Columbia			(S)		10.8	9.0				
Virginia	(T)		15.6	12.5	(T)	(S)	143.1	108.6		
West Virginia	(S)		(S)		(S)		142.0	123.1		
North Carolina	(U)	(S)	(V)	(V)	(T)		(W)	(W)		
South Carolina	(S)		46.2	43.9	(S)		51.9	35.0	(S)	(S)
Georgia	(S)		81.1	75.8	(T)		51.4	41.5		
Florida	(S)		91.5	87.8	(T)		81.8	64.3		
East south-central	(T)	(S)	72.5	63.8	(U)	(S)	324.7	255.7	(T)	(T)
Kentucky	(S)		(T)	(S)	(T)	(S)	66.2	44.0		
Tennessee	(T)	(S)	(U)	(U)	(T)	(S)	146.9	103.3		
Alabama	(S)		14.1	10.6	(S)		88.6	78.8		
Mississippi	(T)		(W)	(W)	(S)		22.8	18.6	(T)	(T)
West south-central	(T)		48.1	39.4	(U)	(S)	607.6	547.1	249.2	248.2
Arkansas	(S)		(U)	(U)	(S)		(U)	(T)		(S)
Louisiana	(S)		22.3	19.0	(S)		163.7	147.5	55.9	55.7
Oklahoma	(S)		(S)		(S)		(T)	(T)	(U)	(U)
Texas	(T)		(V)	(V)	(T)	(S)	432.3	392.2	185.3	184.6
Mountain	(S)		(U)	(T)	(S)	(S)	23 2	16.2	(S)	(S)
Montana			(S)		(S)					
Idaho			(T)	(T)	(S)		(U)	(T)		
Wyoming					(S)				(S)	(S)
Colorado	(S)		(S)		(T)		(U)	(S)		
New Mexico					(S)		(U)	(U)		
Arizona			(S)	(S)	(S)		(S)			
Utah			(S)	(S)	(S)	(S)	(T)	(S)		
Nevada					(S)		(T)	(T)		
Pacific	(T)		176.8	162.8	(V)	(T)	139.2	97.0	89.2	88.8
Washington	(S)		110.1	105.8	(T)		(U)	(T)	(T)	(T)
Oregon	(S)		14.7	12.9	(S)		(T)	(T)		
California	(T)		(V)	(V)	(V)	(T)	127.7	92.5	85.8	85.4
Alaska			(W)	(W)	(S)					
Hawaii					(S)				(T)	(T)

Geographic area	Rubber and plastics products, n.e.c. (SIC 30)		Leather and leather products (SIC 31)		Stone, clay, and glass products (SIC 32)		Primary metal industries (SIC 33)		Fabricated metal products (SIC 34)	
	Estimated total	Reported data	Estimated total	Reported data	Estimated total	Reported data	Estimated total	Reported data	Estimated total	Reported data
United States, total	387.8	295.8	69.0	20.1	341.6	247.3	1,782.0	1,377.3	1,180.6	935.9
New England	37.1	24.4	20.1	5.7	24.9	20.4	49.5	28.9	68.0	48.9
Maine	(T)	(S)	5.7	1.6	(S)		(T)	(T)	(S)	(S)
New Hampshire	(T)	(T)	(T)	(T)	(S)	(S)	(S)	(S)	(T)	(S)
Vermont	(S)	(S)			(S)		(S)	(S)		
Massachusetts	22.7	16.2	(U)	(T)	18.3	16.3	19.7	12.4	31.6	23.6
Rhode Island	1.9	0.6	(S)		(T)	(T)	10.2	7.0	2.7	1.3
Connecticut	6.5	3.5	(S)		3.5	2.3	16.6	7.7	32.2	23.4
Middle Atlantic	63.7	46.1	16.2	3.1	89.9	68.4	501.1	392.7	223.3	172.7
New York	17.9	12.0	(U)	(T)	33.1	26.6	101.4	78.4	75.8	58.5
New Jersey	22.3	16.3	(T)	(S)	20.4	14.5	71.6	59.9	43.2	31.8
Pennsylvania	23.3	17.9	(T)	(S)	36.4	27.3	328.0	254.4	104.2	82.4
East north-central	152.2	120.0	13.8	7.3	95.1	70.6	512.4	348.6	557.8	462.4
Ohio	83.4	66.8	(T)	(S)	41.1	31.4	180.8	127.0	151.7	124.4
Indiana	23.0	17.9	(S)		6.3	2.3	111.3	76.5	49.0	39.7
Illinois	27.8	21.1	(T)	(S)	17.1	11.2	93.6	59.3	135.0	108.6
Michigan	13.2	9.2	(U)	(U)	27.1	23.7	109.4	78.7	190.1	165.7
Wisconsin	6.6	5.0	(T)	(S)	3.3	1.9	17.1	7.1	31.8	24.0
West north-central	29.6	24.8	(T)		20.7	14.4	26.9	15.6	52.7	39.8
Minnesota	(T)	(S)	(S)		(T)		(T)	(S)	6.5	3.4
Iowa	12.7	11.4			(S)		(V)	(U)	10.9	8.8
Missouri	5.0	3.7	(T)		15.5	13.4	11.3	6.9	27.6	22.3
North Dakota										
South Dakota	(S)	(S)							(S)	(S)
Nebraska	(T)	(T)			(S)	(S)	(S)		(T)	(T)
Kansas	(U)	(U)			(T)	(S)	(T)	(S)	3.9	2.7
South Atlantic	24.2	17.3	(T)	(S)	43.6	29.4	158.4	132.7	59.0	43.2
Delaware	4.5	4.0	(S)	(S)	(S)	(S)	(T)	(T)	2.7	2.5
Maryland	(T)	(S)	(S)		7.7	6.1	102.4	90.4	9.2	6.5
District of Columbia										
Virginia	6.5	5.4	(S)		4.0	2.5	(U)	(T)	5.7	3.8
West Virginia	(S)	(S)	(S)	(S)	12.5	9.3	33.6	26.3	6.0	4.9
North Carolina	(T)	(S)	(S)		(T)	(S)	(U)	(T)	13.4	11.0
South Carolina	(U)	(U)			5.9	4.6	(T)	(T)	2.0	1.1
Georgia	(T)	(S)	(S)		4.7	2.6	(T)	(T)	8.3	5.7
Florida	(S)	(S)	(S)		5.4	3.4	(T)	(S)	11.3	7.7
East south-central	27.1	22.7	(T)		28.2	22.9	102.7	78.4	60.9	49.4
Kentucky	(T)	(T)	(T)		10.8	9.9	(V)	(U)	14.1	11.2
Tennessee	7.8	6.2	(T)		(V)	(V)	17.0	11.8	27.6	23.5
Alabama	(V)	(V)	(T)		(T)	(T)	74.7	60.2	9.4	6.5
Mississippi	(T)	(T)	(S)		(T)	(T)	(S)	(S)	9.6	8.2

Geographic area	Rubber and plastics products, n.e.c. (SIC 30)		Leather and leather products (SIC 31)		Stone, clay, and glass products (SIC 32)		Primary metal industries (SIC 33)		Fabricated metal products (SIC 34)	
	Estimated total	Reported data	Estimated total	Reported data	Estimated total	Reported data	Estimated total	Reported data	Estimated total	Reported data
West south-central	20.3	17.2	(T)		17.1	10.2	117.8	102.5	72.7	58.8
Arkansas	2.3	1.4	(T)		(S)		(T)	(T)	4.2	3.1
Louisiana					8.4	7.3	(V)	(V)	7.1	5.2
Oklahoma	8.5	8.0			(T)	(T)	(T)	(S)	17.6	15.2
Texas	9.4	7.8	(S)		(U)	(T)	96.8	85.1	43.6	35.3
Mountain	(U)	(U)	(T)	(T)	3.6	1.3	35.3	27.7	12.4	10.2
Montana					(S)	(S)	(T)	(T)		
Idaho					(S)		(S)			
Wyoming										
Colorado	(U)	(U)	(T)	(T)	(S)		(U)	(U)	4.8	3.9
New Mexico					(S)		(T)	(T)		
Arizona					(S)		(U)	(T)	(S)	(S)
Utah	(S)	(S)			(S)	(S)	(U)	(T)	(U)	(U)
Nevada					(S)	(S)	(U)	(U)		
Pacific	23.3	16.6	(T)		18.2	9.7	275.0	249.9	72.1	49.8
Washington	(S)				(T)	(S)	(Y)	(Y)	(Y)	(S)
Oregon	(S)				(S)	(S)	(V)	(V)	(T)	(S)
California	22.9	16.6	(S)		16.1	9.3	118.2	99.3	63.6	44.1
Alaska										
Hawaii			(S)		(S)				(T)	(T)

Geographic area	Machinery, except electrical (SIC 35)		Electrical equipment and supplies (SIC 36)		Transportation equipment (SIC 37)		Instruments and related products (SIC 38)		Miscellaneous manufacturing industries (SIC 39) Ordnance and accessories (SIC 19)	
	Estimated total	Reported data	Estimated total	Reported data	Estimated total	Reported data	Estimated total	Reported data	Estimated total	Reported data
United States, total	6,021.1	4,602.2	2,480.0	1,996.5	6,174.4	4,532.0	1,086.8	751.1	1,076.4	321.6
New England	411.2	275.0	239.4	191.1	332.2	207.4	183.5	128.2	123.6	20.1
Maine	(T)	(S)	10.4	9.5	(U)	(T)	(S)	(S)	(T)	(S)
New Hampshire	23.6	15.1	13.2	9.3	(S)	(S)	(T)	(T)	(T)	
Vermont	(V)	(V)	(V)	(V)	(T)	(U)	(T)	(S)	(U)	(U)
Massachusetts	212.0	152.5	150.2	122.7	(X)	(W)	121.3	91.5	42.9	10.5
Rhode Island	31.6	23.1	(U)	(T)	(T)	(S)	(T)	(T)	(W)	(T)
Connecticut	123.9	71.4	44.9	32.4	(Z)	(Y)	52.7	33.0	42.0	16.4
Middle Atlantic	1,134.3	862.0	586.9	462.7	523.0	325.9	490.3	365.2	245.0	95.6
New York	552.5	437.6	279.7	225.2	196.3	101.8	370.3	290.1	145.9	56.1
New Jersey	152.3	98.5	115.3	82.0	130.5	101.0	36.6	20.5	33.9	7.5
Pennsylvania	429.4	325.9	191.8	155.5	197.0	123.2	83.4	54.6	65.2	32.0
East north-central	2,712.3	2,117.8	730.5	586.0	2,737.5	2,148.0	203.1	131.7	202.8	86.7
Ohio	644.0	480.8	173.2	139.4	747.5	594.8	32.5	21.6	34.7	9.8
Indiana	180.7	126.9	114.9	84.5	318.9	231.9	19.7	14.8	25.9	2.6
Illinois	1,033.2	863.0	300.2	245.6	130.8	89.8	117.5	80.0	76.5	35.0
Michigan	474.1	347.9	82.0	69.9	1,417.5	1,138.3	17.7	8.1	34.9	21.4
Wisconsin	380.1	299.2	60.1	46.6	122.8	93.2	15.4	7.4	30.6	17.8
West north-central	544.3	426.6	120.6	97.0	507.8	376.5	43.6	27.8	78.4	18.0
Minnesota	243.3	203.7	19.7	13.4	(X)	(W)	27.5	19.9	25.8	7.0
Iowa	173.5	138.1	68.1	61.4	6.7	3.4	(T)	(S)	14.5	4.7
Missouri	65.9	41.8	26.0	18.3	314.0	241.8	5.9	2.6	26.9	2.0
North Dakota	(T)	(T)								
South Dakota	(T)	(S)	(S)	(S)						
Nebraska	(V)	(V)	(T)	(T)	(U)	(T)	(U)	(T)	(U)	(S)
Kansas	32.8	21.5	(T)	(T)	125.1	80.8	(S)		(U)	(T)
South Atlantic	231.9	163.9	158.6	122.9	277.4	146.0	31.4	15.4	79.2	19.7
Delaware	(T)	(T)	(S)	(S)	(W)	(W)	(S)			
Maryland	38.1	26.8	42.0	33.8	56.2	28.4	(T)	(T)	(U)	(T)
District of Columbia										
Virginia	25.3	18.3	38.3	32.6	(W)	(T)	(T)	(S)	(U)	(S)
West Virginia	(T)	(T)	(T)	(T)	(T)	(T)	(S)	(S)	(V)	(U)
North Carolina	52.6	35.6	29.6	21.0	8.4	3.5	10.1	5.8	(U)	(T)
South Carolina	22.0	12.1	11.6	8.8	(T)	(T)	4.0	1.7	5.9	2.1
Georgia	26.5	18.0	10.6	8.2	94.7	55.3	(T)	(T)	11.0	3.5
Florida	60.9	50.2	21.3	15.1	35.9	12.9	4.9	2.3	(W)	(S)
East south-central	155.7	113.2	69.5	48.7	117.2	68.0	8.4	3.4	33.5	3.3
Kentucky	58.9	41.9	34.5	26.4	(X)	(X)	(T)	(T)	(T)	(T)
Tennessee	65.9	53.2	22.8	14.7	22.5	7.8	(T)	(T)	(V)	(S)
Alabama	18.8	11.8	5.7	3.8	16.3	1.6	(S)	(S)	(V)	(S)
Mississippi	12.0	6.4	6.3	3.9	(V)	(T)	(T)	(S)	(T)	(S)
West south-central	303.4	241.1	115.4	98.0	173.8	72.1	16.0	5.7	47.0	3.3
Arkansas	7.8	3.6	(U)	(T)	(T)	(S)	(U)	(T)	(U)	(S)
Louisiana	9.6	5.4	(T)	(S)	(V)	(S)	(S)		(V)	
Oklahoma	68.6	57.3	3.7	1.8	(V)	(T)	(S)		(T)	(S)
Texas	217.4	174.9	105.3	93.2	138.6	65.8	(U)	(T)	(W)	(T)
Mountain	121.1	98.5	88.0	80.3	19.2	2.8	(V)	(V)	19.8	3.1
Montana										
Idaho	1.4		(S)	(S)	(T)	(S)			(S)	(S)
Wyoming										
Colorado	55.6	47.1	24.6	22.7	(U)	(T)	(T)	(T)	(T)	(S)
New Mexico			(S)		(S)	(S)	(S)	(S)	3.0	
Arizona	(X)	(W)	(X)	(X)	(T)	(S)	(V)	(V)	(U)	(T)
Utah	(V)	(U)	4.4	4.0	(U)		(S)		(T)	(S)
Nevada										
Pacific	408.1	301.9	367.2	308.3	1,483.5	1,184.6	88.9	58.4	245.9	54.2
Washington	24.7	17.7	(T)	(T)	(Z)	(Z)	(S)	(S)	(V)	(S)
Oregon	(V)	(V)	(W)	(W)	16.0	9.4	(V)	(U)	(T)	(S)
California	363.1	269.5	327.6	272.6	(Z)	(Z)	76.4	48.3	(Z)	(X)
Alaska										
Hawaii	(S)	(S)							(S)	

Note: See text and summary table for explanation of terms used and the methodology followed in deriving these estimates. Detailed figures may not add to totals because of independent rounding and because U.S. total figures include small export values (less than 0.1 percent of the total) undistributed by State. The figures shown for geographic division and State totals include data for all component industry groups whether or not separate figures are shown for the individual industry groups comprising the total. In some instances, data are withheld to avoid disclosing information relating to the operations of individual companies. In such cases, the value of exports is expressed in terms of the ranges listed below. For tables 1 and 2, when the reported State or division figure can only be shown in a range, the related total estimate is considered of equal quality and is also shown in a range. When blank is reported, the related total estimate in tables 1 and 2 is also shown in a range.

Source: "Survey of the Origin of Exports of Manufacturing Establishments in 1969," U.S. Department of Commerce, December 1970.

PUBLIC ASSISTANCE PROGRAMS

Mr. KENNEDY. Mr. President, recent public debates about our Nation's public assistance programs have generated widespread interest in the need to make major references to the welfare system.

The bulk of recipients on the welfare rolls have complained for many years, that the system fails to meet their needs. Sadly, the general public has paid scant attention to their pleas. The poor are not powerful. They fail to be accepted as "deserving factors" of the economy because myth, prejudice, and indifference effectively isolate them from those who are not poor.

I am intrigued now by what may become the public's call to "do something" about welfare because of the increasing number of new "members" added to the rolls.

As Dexter Eure recently wrote in his column in the Boston Globe:

> Welfare recipients have increased considerably because the electronic industry has had to lay off engineers, scientists and other plant employees.

Layoffs in other industries, especially those that are defense oriented, have also contributed to the rise in "middle class" people on welfare.

Perhaps this is a condition that will parallel the Nation's reaction to the problem of narcotic abuse. For, not until widespread misuse of drugs filtered beyond the Nation's ghettoes, was there a public demand to bring an end to that problem.

It may be that these new members added to the welfare rolls will stir public conscience sufficiently to attack the "welfare mess" and meet the needs of those who have all along told us that the welfare system is a shambles.

Mr. President, I believe that Dexter Eure draws attention to a vital aspect of welfare problems. His insight into this grave social concern is placed in reasonable perspective in the Boston Globe column headed "Welfare Finds New Allies."

I ask unanimous consent that Mr. Eure's column, from the Boston Globe of December 1, 1970, be printed in the RECORD.

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

WELFARE FINDS NEW ALLIES

(By Dexter D. Eure)

Not too long ago some employees of "Golden Horseshoe" companies on Rte. 128 expressed unsympathetic remarks about people on welfare. Many contended they were overburdened with taxes because of "chiselers" riding welfare gravy trains.

Today welfare recipients, especially in the towns bordering Rte. 128, have increased considerably because the electronic industry has had to lay off engineers, scientists and other plant employees.

A young housewife in Needham, commenting about her engineer husband being out of work for seven weeks said: "We never dreamed that the welfare benefits were so insufficient. We just weren't able to keep our car, and may lose our home if work isn't found soon."

In Massachusetts, 53,600 manufacturing jobs were lost within the past year because of cutbacks in defense and space programs. The electronic industry has been particularly hard hit. Consequently, the entire country is beginning to have greater awareness of the plight of those unable to find employment, and the disadvantaged who depend solely on the welfare system.

Probably now it is better understood why some poor people have pleaded for special needs that were not being taken care of. Newcomers forced onto welfare find themselves in a position to repudiate some of the widespread myths about public assistance. In the past, too few of us gave a damn when the "other fellow" was involved in an unfortunate predicament.

Our basic unconcern finds a parallel in attitudes after the disasters in Peru and East Pakistan. Tragedies of this magnitude certainly have to penetrate the conscience of the world. Since the United States is the richest nation, its citizens should care more. Yet, of the 20 national Red Cross societies, the Chinese Communist Red Cross led the list in cash donations for the victims. It pledged $1.24 million (for the first week), which was more than half the total amount pledged by all others.

An elderly gentleman sitting in a Grove Hall cafeteria commented: "Wouldn't it really tell the world about our concern if the President appeared on TV and asked all Americans to contribute one dollar to the horrible disaster. I believe that every student throughout this land would pitch in for it."

Public assistance similarly should be thought of as an answer to human needs. Everyone on welfare, whether crippled, elderly, blind, unemployed or underemployed, needs help.

No one wants to see new members added to the unemployment lists, but, with the new "club members," it is possible that the plight of the poor may be dealt with more urgently, more favorably.

A first priority should be to attempt to meet the subsistence necessary for human dignity. Next, an environment should be created to eliminate those trapped in poverty.

Those of us who have never had the misfortune to be hungry, out of work, or victim of horrible disaster, we're lucky. Isn't it about time that we all became concerned about a brother's welfare.

ADDRESS BY SENATOR CHURCH BEFORE PACIFIC CHAPTER, UNITED NATIONS ASSOCIATION

Mr. BAYH. Mr. President, I ask unanimous consent that a very thoughtful speech by the distinguished Senator from Idaho (Mr. CHURCH) be printed in the RECORD. The Senator, a member of the Foreign Relations Committee, calls for a strengthening of the U.N. as a force in world affairs and wisely points out that it is not the U.N. that has failed in Indochina but the nations involved in that tragic conflict themselves.

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

DOES THE UNITED NATIONS HAVE A FUTURE?

(By Senator FRANK CHURCH)

Anniversaries are usually occasions for sentiment and ceremony. Both have their place but, when it comes to the serious discussion of international affairs, they are of limited value. Sentiment is not idealism—although it is often mistaken for it—and ceremonial incantation is a poor substitute for rational analysis. In its twenty-five years' history the United Nations has probably inspired more laudatory peroration than any political institutions in the history of man. Nonetheless, the organization is not prospering. It has fallen short of the hopes which attended its creation: it shows little capacity for tempering existing conflicts: and its future as a peace-keeping organization has never been more in doubt.

I recall the words used by Secretary General U Thant five years ago in his report on the state of the United Nations prior to the opening of the 21st General Assembly, his analysis is still distressingly accurate. "Generally speaking," the secretary general said, ". . . the powerful nations have not, during this period, shown themselves able to rise above the suspicions, fears, and mistrust that spring from their different ideologies and from their different conceptions of the best interests of the rest of the world: nor the rich nations above their concern for the continuation of their own prosperity: nor the poor nations above the dead weight of their chronic poverty and their anachronistic social structures."

Perhaps, on this twenty-fifth anniversary we can perform a greater service for the U.N. by assessing its important failures than by eulogizing its limited accomplishments. In this spirit I come before you today not to praise the United Nations—which is hardly warranted—nor to bury it—which would be premature—but, as best I can, to analyze its past and estimate its future.

I. What the U.N. can do—and what it cannot do:

As far as international relations is concerned, the progress of civilization can be measured by the movement from force to diplomacy to law. In the nineteenth century the European states had considerable success in solving many of their problems by diplomacy rather than war. By the end of the century they were even experimenting with law, as evidenced by the creation of The Hague Arbitral Tribunal and the actual use of arbitration for the settlement of some important disputes, especially between Great Britain and the United States. These fragile achievements in the international civilization were shattered in the calamity of the two world wars.

After each of these wars, it was thought worthwhile to try to build something new under the sun. There was, after all, no tried and true system to fall back upon. The old concert of Europe lay in ruins and the balance-of-power system seemed utterly discredited. Under the circumstances it seemed logical to try to take a great leap forward in the progress of civilization, from the rule of force to the rule of law, from the unregulated balance of power to a world security community.

The first experiment failed outright. Disowned by its American sponsor, and consigned to a hostile world environment, the League of Nations was to all intents and purposes dead before the Second World War began. Nonetheless, the nations saw fit to try the audacious experiment again, and when the United Nations Charter was signed at San Francisco in 1945, new hopes were born. The world dared hope, as President Wilson had expressed it twenty-five years before, that a "living thing" had been born, a document both "practical" and "humane," with "a pulse of sympathy in it" and "a compulsion of conscience throughout it."

From the start, however, the UN charter was a two-faced instrument. On the one sides, the members agreed to "refrain in their international relations from the threat or use of force"[1] and to "accept and carry out the decisions" of a security council[2] vested with full organic authority to determine the evidence of any threat to the peace and to take any action it saw fit to "maintain or restore" the peace.[3] On the other side, the charter also gave the great powers the right of veto in the security council, which in effect put them above the law of the charter, enabling each to determine for itself when and whether it would permit peace enforcement procedures to be used. The char-

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ter also recognized "the inherent right of individual or collective self-defense," [4] acknowledging that wars might still occur outside of the jurisdiction and control of the world body. The charter is thus ambivalent, looking ahead with one face toward an authentic world security community, looking back with the other toward traditional methods of national self-help and the unregulated balance-of-power.

This ambivalence was not an accident or an oversight. The "Founding Fathers" at San Francisco never intended the peace-enforcement procedures of the charter to apply against the great powers emerging victorious from the war, or under any circumstances in which the great powers were not united. It was hoped, if not assumed, in 1945—at least by the United States—that the victors of World War II would remain united in support of the peace. When President Roosevelt returned from Yalta in early 1945, he said that the allies had achieved unity "in spirit and in purpose" in their planning for the postwar world. The UN charter was built on that premise, and the framers did not expect it to function on any other basis. By constituting a security council with organic powers to enforce peace, the framers bet on the postwar unity of the great powers; by giving them the veto, they hedged that bet, and they did it with their eyes wide open. The veto was not something that was slipped into the charter by inadvertence; it was inserted quite deliberately, at the insistence of the great powers, and in full awareness of its implications.

In the last few years many people have lost faith in the U.N. because it has failed to bring peace in either Southeast Asia or the Middle East. There are ample grounds for criticizing the U.N.'s performance—or lack of it—in both of these areas, but it is neither fair nor historically accurate to condemn the U.N. for its failure to do things it was never equipped to do in the first place. The conflicts in Southeast Asia and the Middle East both involve the great powers, directly in one case, by proxy in the other. This being so, the U.N. is not failing *unaccountably* to practice collective security; it is failing exactly as its framers intended it to fail when the great powers came into conflict. It is unfortunate that so many exultant speeches have been made since 1945 celebrating the U.N. as if it were, or easily could become, a genuine world security community. These statements have given rise over the years to extravagant hopes and unnecessary disappointments.

But if the United Nations cannot be considered a success as a collective security system, neither can it be considered a failure as one. It is not the U.N. which has failed in Indochina and the Middle East; it is the nations which are fighting there who have failed, because they—and they alone—have had the power to make war or peace. As one U.N. ambassador has pointed out: "There is nothing fundamentally wrong with the United Nations—except perhaps its members."

When then is the U.N. if it is not a collective security system? What can it do if it cannot enforce peace through collective action? What indeed is it good for, if it is good for anything at all? The answer, I think, is that the U.N. is a *potential* collective security system with certain attributes of an authentic security community. It prohibits aggression in principle and deprives states of the legal right to use force at their own discretion. It makes the illegitimate use of force a matter of concern for the world community, and provides—at least in theory—for collective peace enforcement, and—as far as immediate problems are concerned—although it is true that the Security Council cannot function in matters over which the great powers are at odds, it can function in matters over which they are not at odds, or over which they have the will to compose their differences.

It is at this point that cynicism about the U.N. contributes to the further, and unnecessary, weakening of the organization. Disappointment over the U.N.'s failure to do what it could not do in the field of collective security has caused us to overlook its useful possibilities in other fields. Many governments, including our own, have been treating the U.N. with ill concealed contempt, as if it were nothing more than a forum for the windy propaganda of powerless mini-states. There is of course truth in the charge, but the organization is what its members make of it. Its demoralized state is in large part the result of its members' neglect and contempt. As a result of these attitudes, we are passing up opportunities to make effective use of the U.N. in areas other than collective peace enforcement, such as economic assistance, the mediation of disputes, and policing and oversight of peace settlements. Most important of all, we are not even trying to use the U.N. for peace enforcement in those few instances, such as the Middle East, where there is at least a possibility of bringing the great powers together to make the Security Council function.

The decline of the confidence and respect for the United Nations has been particularly acute in the United States, except for a few occasions—such as the Korean war, which was fought in the name of the United Nations, and the relatively successful peacekeeping missions in the Congo, Cyprus and the Middle East after the 1956 war—the decline of American regard for the UN has been steady and steep. Relations soured over the "article 19" crisis of 1964, when the Soviet Union and France refused to meet their assessments for the UN peace forces in the Middle East and the Congo. Lack of sympathy at the UN for American policy in Vietnam made for abrasive relations during the Johnson administration. The Secretary General's abrupt withdrawal of the United Naions emergency force from Egypt in 1967 led to further irritation. The present American attitude toward the UN, however, as Richard N. Gardner has pointed out, is "less irritation than indifference. The Nixon administration pays little attention to it in the conduct of foreign policy, and American leadership in the whole body has declined to an all-time low." [5]

While the great powers have kept the great issues, ranging from the Indochina war to the Soviet invasion of Czechoslovakia, out of the UN, the small Afro-Asian countries have filled the vacuum with their own special concerns. Unfortunately, they have done so capriciously and ineffectively. Ganging up to form parliamentary majorities which in fact represent only a fraction of the world's population and virtually none of its military power, they pass resolutions on matters of racial inequality, wealth-sharing and anti-colonialism. Many of these have merit but their primary characteristic is utter futility.

Still, the United Nations does not seem likely to die any time soon. As Professor Lincoln Bloomfield of the Massachusetts Institute of Technology has commented, the chief danger is that it will "settle into a condition of permanent invalidism . . ." [6] The real question is not whether the UN will soon go the way of the League of Nations but whether it can be strengthened into a pertinent and constructive influence upon international relations, and whether its once bright promise as the international core of a civilized system of world order can be revived at least to the status of a realistic hope.

I do not know whether the UN is going to be cured of its invalidism—I truly do not know—and I am not going to make any hollow, hopeful anniversary predictions. I do, however, have some thoughts about practical steps we might take to strengthen the UN in the immediate future.

II. Reforms and innovations:

It seems to me that the first essential reform for strengthening the United Nations would be the universalization of its membership. This would mean the admission of all of the divided countries to separate but full membership in the UN: East and West Germany, North and South Korea and North and South Vietnam. Communist China could be admitted as the legal government of China, with a permanent seat on the security council, while Taiwan would be granted separate membership. All of these admissions could be arranged in a "package deal," without prejudice to the possibility of subsequent reunification of any of these divided states. The admission of these countries would make the UN a genuine world organization for the first time; it would bring in two major nations which have been "second-class" citizens of the world community: China and Germany; and it would represent a solid first step toward a goal which the United States Government has frequently said it favors: bringing China out of her isolation into the international community.

Another desirable reform would be the narrowing of the gap between voting power in the general assembly and real political, military and economic power. However indignant we may feel about racial injustice in South Africa and Rhodesia, or the Portuguese Colonise in Africa, it cannot be denied that the fruitless debates and impotent resolutions on these issues which have been thrust upon the general assembly by majorities composed of small and powerless nations have cast discredit on the UN as a whole, reinforcing its image as a futile and irrelevant debating society.

To alleviate this distortion, professor Bloomfield has put forward an ingenious proposal for "weighted voting—weighted, that is, according to the size and power of the members—but without actually amending the charter." He suggests that the United States unilaterally commit itself to accept as binding all recommendations and judgments of the general assembly adopted by votes which represent a real majority of the world's units of power and population as measured by a system of weighted voting which we ourselves would devise. The purpose of this innovation would be to set an example which other members might see fit to follow.[7]

Another proposal, made by Richard Gardner, would serve the same purpose of narrowing the gap between voting power and real power in the general assembly. Mr. Gardner suggests that greater use be made of special small committees on such matters as peacekeeping finance. These committees would be constituted to give the large and middle-sized countries greater representation than they have in the general assembly as a whole. In order to make this committee system effective, the general assembly would have to agree that resolutions would be regarded as adopted only when approved by both the small committee and the general assembly as a whole. The effect, as Gardner points out, would be the introduction of *de facto* bicameral system.[8]

The Security Council might also be reformed to reflect more realistically the size and power of its non-permanent members. Mr. Gardner suggests an arrangement under which five of the 10 elective seats on the Security Council would be reserved for the "middle" powers—such as Japan, India, Italy, Brazil and Indonesia.

Concrete steps could also be taken to strengthen the UN's peacekeeping machinery, notably by establishing a permanent fund for the financing of the emergency forces. Ambassador Yost has even suggested that we contemplate reviving some of the original

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provisions of the charter for collective peace enforcement. Specifically, he thinks we might eventually reactivate the military staff committee to which the framers of the charter attached so much importance [9] and arrange at long last for the negotiation of those "special agreements" [10] between the member states and the Security Council which were meant to provide the UN with armed forces and other facilities on a permanent basis.[11]

If the nations have any interest whatever in the rule of law in international relations, they can show that interest by reactivating the long-neglected and now idle international court of justice. For a symbolic start, the United States should repeal the Connally amendment, under which we have made ourselves the sole judge of what is a matter of domestic jurisdiction and, therefore, outside of the court's purview. The Connally amendment has a reciprocal effect: reserving to ourselves the right to exclude any matter we wish from the international court's jurisdiction, we thereby accord the same privilege to other nations.

Repealing the Connally amendment is not a panacea, because there are other available means of avoiding the court's jurisdiction, nor does the existence of the Connally amendment stop us from using the court if we wish to. The major reasons for the court's idleness are the general decline of respect for international law, and the worldwide cynicism about international institutions which we have noted.

Here too the United States could take a constructive lead if it wished to. We have always regarded the introduction of law into international politics as one of the major objectives of our foreign policy. Prior to World War II we had an excellent record of treaty compliance, and prior to World War I we had joined with Great Britain to set a civilized example through a series of arbitrations of disputes ranging from the "Alabama" claims arising out of our Civil War to the Canadian-Alaskian boundary and the protection of fur seals in the Bering Sea. The international court of justice is a far better institution for international adjudication than the *ad hoc* tribunals of the late nineteenth century. All that is lacking is the will to use it and the willingness, if necessary, to submit to an adverse judgment, which is the essence of a commitment to the rule of law.

Granting as we must the serious disabilities of the UN in the political and military field, we may still find opportunities for international community building through social, economic and scientific enterprises. In the words of one leading advocate of the "functional" approach, as it is called, a peaceful world society is "more likely to grow through doing things together in workshop and market place rather than by signing pacts in chancelleries." [12] This may be overstating the possibilities but, aside even from their intrinsic merits, practical economic social and scientific projects carried out under international auspices can contribute to the development of new attitudes, of the state of mind which makes a community. When political antagonisms seem intractable, we can circumvent them by seeking out opportunities for practical international cooperation in nonpolitical fields. The assumption and hope of the "functional" approach are that cooperation in nonpolitical fields, by circumventing ideology and national rivalries, can have important political consequences.

There are many areas of prospective cooperative effort of this kind, including the exploration and use of the seabed, population control, and protection of the environment. The words "science and technology" do not even appear in the United Nations charter, but as it becomes clear that the threat to human survival arising from pollution and the destruction of resources is hardly more remote than that from nuclear weapons, the U.N. is confronted with the opportunity to perform tasks which, through unforeseen at San Francisco, may well be as important as preventing a third world war. To begin to meet this challenge, the general assembly could establish a new committee on science and the environment and a new department with the same responsibilities might be established in the secretariat. Both of these new organs would require the services of highly trained scientists, environmentalists and population experts. In 1968 the general assembly voted to convene a conference in 1972 on the world environment. The conference may of course confine itself to making declarations, but, with serious effort and careful preparation on the part of the participants, it could initiate constructive new programs of international cooperation.

There are two other areas—those of economic aid and volunteer services in developing countries—which provide opportunities for "functional" cooperation among political antagonists.

The World Bank, its soft loan affiliate, the international development association, and the Asian and inter-American development banks are all going concerns. All that they lack for effectiveness as international aid agencies is sufficient capital and the enthusiastic support of the rich nations of the world. The United States could set an example of international responsibility by undertaking, without conditions, to channel most or all of its economic aid to developing countries through these international agencies.

Whatever its original conception, bilateral aid has become one of the means by which rich nations try to buy influence—influence conceived as power. It has become one of the tools with which the superpowers try to expand or defend their dominant positions and has rightly been called "welfare imperialism." An internationalized aid program would require the superpowers to convert their aid programs from weapons of the cold war to a practical program of international community building. The "welfare imperialism" which is so damaging to both donor and recipient would—or could—give way to a new concept—the concept of a community acting to meet its common and rightful responsibilities toward its own less privileged members.

No less promising and more likely of early achievement than the internationalization of aid is the creation of a United Nations volunteer service similar to the American Peace Corps. There are already many thousands of volunteers from a great many countries serving in most of the developing nations in such fields as agriculture, education, health, small industry, housing, public administration and family planning. In a great many cases volunteers from different countries are working together on specific projects. Spontaneously and successfully. By available accounts proposals for formal internationalization elicit great and widespread enthusiasm from the volunteers themselves. Drawing on the idealism of young people—and a surprising number of older people—from diverse societies with diverse ideologies, an international volunteer service is one of the more promising and more feasible of existing opportunities for community building through practical, nonpolitical action.

These proposed activities, I am well aware, fall far short of the needs of a world beset with overwhelming problems of violence and human misery. Recognizing the gap between the prescription and the problem, I am not inclined to worry about it too much, if only because every step forward, however modest, will be an ascent to a new plateau, from which, almost surely, new vistas will come into view, providing us with fresh opportunities now beyond our grasp.

III. Enforcing peace:

In its major field of responsibility—peacekeeping—the United Nations has one surpassing and indispensable requirement: The trust and confidence of its leading members, especially the United States and the Soviet Union. With this trust the UN can be made to function as an effective collective security system despite the veto and other procedural disabilities. Without it even the most ingenious organizational improvements will be of marginal utility. As Lester Pearson has commented, man's ability to transform the world is limited only by "faintness of heart and narrowness of vision."

Recognizing that the United Nations—and I am now speaking primarily of the security council, which has the "primary responsibility for the maintenance of international peace and security" [13]—can only function in the field of peace enforcement in cases where the superpowers share some common interests, all we can presently hope to do is to seek out those cases where their views are reconciliable and, in those cases, make every possible effort to bring about settlements through the procedures of the Security Council. In other cases, such as the war in Indochina, where the two superpowers are on opposite sides, it is virtually impossible to bring the U.N. into the situation in any way except as a propaganda forum—and, in that case, it is probably better not to bring it in at all.

Today, the one conflict area in which the basic, long-term interests of the Soviet Union and the United States do seem sufficiently close to permit of a peaceful settlement through the United Nations is the Middle East. We have heard a great deal, I am aware, about Soviet designs for domination in that part of the world, but a careful examination of Soviet behavior suggests a policy which is both more conventional and more cautious than we have been encouraged to believe. The Russians, no doubt, derive gratification from their role as a naval power in the Mediterranean, and they also aspire, no doubt, to maximize their "influence" in the Arab countries. This, however, is rather conventional behavior for a great power, and it is not markedly different from our own.

The Russians, it will be remembered, were among the first to recognize the State of Israel when it came into existence in 1948; they have intermittently restrained their Arab clients from reckless action; and they were a party to the Security Council resolution of November 1967, which calls, among other things, for the "termination of all claims or states of belligerency and respect for and acknowledgement of the sovereignty, territorial integrity and political independence of every state in the area."

It appears to me that the basic interest of the United States and the Soviet Union in the Middle East are not so far apart as to prevent cooperation toward a peaceful settlement arranged through the procedures of the U.N. Security Council. The major consideration, from the standpoint of those of us who are interested in building the United Nations into an effective peacekeeping organ, is to bring about a middle eastern settlement through the Security Council and, in so doing, to create a valuable precedent for the future.

We could not of course allow the legitimate, vital interests of either Israel or her Arab neighbors to be sacrificed solely for the purpose of achieving a solution through the United Nations. Israel, for its part, is entitled to assurance of her survival and security; the Arabs, for their part, are entitled to the restoration of occupied territories and an equitable settlement of the refugee problem. Although implementation of these principles in detail would be difficult, there is sufficient possibility that the

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United States and the Soviet Union could find common ground to justify a major American initiative toward the achievement of an agreement implementing the provisions of the Security Council resolution of 1967. Through the initiative of Secretary of State Rogers, the administration has already taken a commendable lead in this direction; one hopes that they will not be deterred by the stubbornness of the parties and the criticism which has always arisen when a calculated risk runs into unforeseen, and unforeseeable, difficulties. Even if the entire experiment turns out to be a failure, it is still worth taking a chance on Soviet-American cooperation in the United Nations. If the experiment fails, no one will be any worse off than before. If it succeeds, the U.N. will be a stronger and more promising institution.

The United Nations might also play a useful role in the oversight and policing of a general Indochina peace settlement. It could perform these services through a revived International Control Commission and, possibly, through the use of peacekeeping forces comparable to those which have served in the Congo and the Middle East.

None of these approaches is certain of success. None, I suppose, could meet prevailing standards of feasibility in the making of foreign policy. Nonetheless, it seems to me that the attempt to build effective international institutions for the management of mankind's common problems, especially those relating to the maintenance and enforcement of peace, should be the major concern of American foreign policy over the decades ahead. In the exceedingly dangerous world in which we live it is not sufficient to rely in our policymaking on the guidelines of a narrow pragmatism. With the human race endangered as never before in its history, it is scarcely relevant to ask how likely we are to succeed in deciding whether to orient our policy toward the long-term goal of building an international community. However small the chances of success, there is really nothing else worth striving for. By extension of the same reasoning, the United Nations, despite all its faults, deserves a place at the center of our foreign policy and not, as at present, at the far periphery. We owe it our support, not for what it is, as Camus would have said, but for our own best conception of what it may someday become.

FOOTNOTES

[1] Article 2, paragraph 4.
[2] Article 25.
[3] Articles 39–42.
[4] Article 51.
[5] Richard N. Gardner, "Can the United Nations be Revived?" Foreign Affairs, Vol. 48, No. 4, July 1970, p. 661.
[6] Lincoln Bloomfield, "Some Thoughts on What a United States Commission on the United Nations Can Accomplish," unpublished memorandum, July 22, 1970, p. 3.
[7] Bloomfield, "Some Thoughts on What a United Commission on the United Nations Can Accomplish," p. 5.
[8] Gardner, "Can the United Nations be Revived?" p. 666.
[9] Article 47.
[10] Charles W. Yost, "World Order and American Responsibility," Foreign Affairs, October 1968, p. 8.
[11] Article 43.
[12] David Mitrany, A Working Peace System (London and New York: Royal Institute of International Affairs, 1946), p. 5.
[13] Article 24, paragraph 1.

INTERNATIONAL FINANCIAL INSTITUTIONS

Mr. KENNEDY. Mr. President, I support H.R. 18306, a bill authorizing increases in the U.S. participation in certain international financial institutions. I have listened with considerable interest to the discussions which have taken place on the floor of the Senate. I commend the able chairman of the Foreign Relations Committee (Mr. FULBRIGHT) and the senior Republican member of that committee, the distinguished dean of the other side of the aisle, the senior Senator from Vermont (Mr. AIKEN), and their presentation of the proposal to increase the resources of the Asian Development Bank, the International Monetary Fund, the Inter-American Development Bank, and the World Bank. This clearly is not a partisan issue and the letter from the President on December 4 is only the most recent evidence of the concern which every Chief Executive of the United States since Harry S. Truman has had in assuring the adequacy of the resources of the international financial institutions.

I have listened with equal intensity to views of Senators who are critical of the bill and critical of the institutions whose resources are affected by this legislation. It would appear to me that this legislation should be supported for all the reasons which the distinguished chairman of the Committee on Foreign Relations has stated.

Surely no one can take exception to the strengthening of the international monetary system attempted by the IMF. Nor have I heard any statement on the floor of this Chamber which would indicate disagreement with the relatively small increase in the U.S. participation in the World Bank. Essentially, concern has been expressed over increases in the resources of the IDB and the ADB. I would like to address myself specifically to the criticism leveled at the IDB because I believe that the increase in it's resources is fundamental to our commitment to the nations of Latin America.

The IDB first was called for by Cordell Hull in 1941 and time after time was the first recommendation of Latin American economic and political study groups. Finally, the IDB entered life under the auspices of President Eisenhower and received its first major funding under President Kennedy. It was and is a keystone of the Alliance for Progress. It received an additional major infusion of resources under President Johnson, and now the current administration is seeking to further strengthen this institution. The Washington Post, in an article about the IDB a year ago, described the bank as a "controversial success" and indeed it has been controversial as demonstrated by this debate, but I also insist that it has been and is a success.

The IDB has been criticized because it is a multilateral institution, and because it is a borrower's bank.

Without criticizing bilateral aid, I would share the view of the Peterson Commission that:

> More reliance on international organizations should be built into all U.S. policies relating to international development. * * * A predominantly bilateral U.S. program is no longer politically tenable in our relations with many developing countries, nor is it advisable in view of what other countries are doing in international development.

Mr. President, I believe that if we insist on an exclusive bilateral approach to our relations with the developing world in the face of this and other international study report, it would be both unwise and contrary to the best interests of this Nation.

Perhaps the cardinal sin with which the IDB is charged is that it is a borrower's bank. The principal control does lie with potential borrowers, however, the United States holds 42 percent of the voting powers on conventional loans and with regard to the social progress trust fund our vote is final. The Cassandras expected any delegation of control to borrowers to presage a wholesale economic fiasco, but the 10-year history of the Bank proves the contrary.

Mr. President, the Inter-American Development Bank is improving its procedures and is fast becoming a model for the creation of other regional banks. Unquestionably it has become one of the foremost elements in Latin American development during the past decade. Felipe Herrera, who has now turned over the bid to the eminent and respected statesman of the Republic of Mexico, Antonio Ortiz Mena, must be credited with piloting the Bank from a doubtful experiment a decade ago to an ongoing and internationally recognized leader in the development process.

Mr. President, between 1961 and 1969, the Inter-American Development Bank approved some 600 loans totaling $3½ billion of which 60 percent involved soft loans at concessional interest rates. It also should be noted that for every dollar loaned by the Bank, the Latin American borrowers contributed approximately $2, mainly in local currencies. Thus, nearly $10 billion in resources were generated by the Bank during that period for social and economic development.

The IDB's reserves to secure the nearly $1 billion of bonds issued by the Bank have risen to the $100 million mark. It has been able to raise a substantial amount of its resources in the capital markets of the world, and its bonds are AAA-rated.

From its beginning, the Bank also has been an innovator in lending techniques, and in its approach to lending as an instrument to bring about social change. Its first loan was to be for potable water to a city in Peru. At Punta del Este (Uruguay), Che Guevara laughingly called the IDB the "Bank of Bathrooms." But the Bank's investment in some 3,600 water systems and 360 sewerage systems has paid tremendous dividends in the health and well-being of Latin American citizens.

The Bank has funneled 20 percent of its loan portfolio into agriculture, 18 percent into industry, 29 percent into transportation, ports, electric power and telecommunications, 23 percent into urban development and sanitary installation and 6 percent into higher education.

In the field of housing the Bank made loans of $323 million to 14 housing agencies to provide housing units for 2.2 million persons. By the end of 1969, 255,000 housing units were completed and the remaining 72,000 units were under construction.

Mr. President, I believe it is important to note that the IDB Board of Governors recently adopted additional policies which will go further toward bringing development assistance to those in most need. The Latin American nations have endorsed a policy of providing the least developed countries in the hemisphere first priority on the loan resources of the fund for special operation—the so-called soft loan window of the bank. As a result, the more advanced nations undoubtedly will make greater use of the bank's conventional loan with the correspondingly higher interest rates. This action is a recognition by the Latin American nations of the interdependence of the nations in the hemisphere and of the cooperative spirit that is vital to the Latin American development process—a process in which we are inextricably involved and upon which the future of 270 million persons depend.

Mr. President, let me comment also on the question of priorities raised by my colleagues who oppose this measure. They accurately point out the existence of unmet needs in this Nation and question whether we can afford the expenditure of funds for foreign assistance of any sort. I believe that to meet our responsibilities we can and must do both.

I would caution that the United States already is extending a far smaller portion of its gross national product to foreign assistance than many other developed nations and also has provided a smaller portion of that assistance to multilateral agencies. To avoid the disastrous widening of the gap between the have and have-not nations, we must maintain our commitment to move mankind toward peace and prosperity. To drop out from the struggle of the developing nations would be to inestimably add to the economic despair and emptiness that now marks the lives of those who are forced into the favillae of the world.

It has been observed by Sol Linowitz that:

During the next 60 seconds, 200 human beings will be born on this earth. 160 of them will be colored—black, brown, yellow, red. About half will be dead before they are a year old. Of those who survive, approximately half will be dead before they reach their sixteenth birthday.

The survivors who live past sixteen will have a life expectancy of about 30 years.

They will be hungry, tired, sick most of their lives. Only a few of them, if that many, will learn to read or write.

They will till the soil, working for landlords, living in tents or mud huts. They—as their fathers before them—will lie naked under the open skies of Asia, Africa, and Latin America—waiting, watching, hoping.

These are our fellow human beings in a world that is drawn close by communication and technology. We cannot afford the luxury of closing our eyes to these people. To do so would be to discard our own heritage as well.

Mr. President, I respectfully urge the passage of H.R. 18306. I ask unanimous consent to have printed in the RECORD several articles on the IDB, the conclusions of the past President's report to the 11th meeting of the Board of Governors of the Inter-American Development Bank in Punta del Este this year, and a table showing the percentage of each country's GNP spent on development assistance.

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

[From the Washington Post, Dec. 3, 1970]

HERRERA'S BANK LEADERSHIP

As your editorial of Nov. 27 suggests, the end of the presidency of Felipe Herrera at the Inter-American Development Bank marks, more than most such changes, the end of an era. During the years of its existence, the IDB has come in for a fair share of criticism, based mainly on the allegation (noted by you) that its policies were "political," and on the charge that it was dominated by Herrera. Faults there may have been; but the IDB has been a highly important factor in development, and in the maintenance of good relations among the nations of the Americas. And Herrera has been the imaginative as well as undisputed leader, with qualities which have enabled him to take the desires of all for a "slice of the pie" (hardly a feeling unique to Latin America, if one considers, for example, American public works legislation, not to speak of the quotas proposed in the pending Trade Bill) and turn them into useful developmental projects.

Its achievements are the more notable when one considers the circumstances under which the IDB was born. It is worth recalling that Latin America had pressed for such a bank for years, if not decades, without chipping away the resistance of the U.S. Treasury, until the Lebanon crisis of 1957 elicited the proposal for a Middle East Development Bank—after which the American attitude toward Latin American initiatives for a similar institution came 180 degrees about overnight. When the IDB came into existence, older instituions regarded it with a mixture of amusement and distrust. Its *raison d'etre* was questioned; its competence doubted. And its now commended ventures into the field of social development had long been thought unsuitable for the image of a respected international institution on Wall Street and in the City of London.

The IDB has not only done a needed job in promoting Latin American economic development. It has pioneered for a variety of development institutions. It has effectively administered the Social Progress Trust Fund. It has been a model for other regional development banks, for Asia, for Africa. It has been the first to seek and to administer funds from donor nations, bringing together the merits of bilateral and multilateral lending. It has sponsored organizations like ADELA, an association of private and public entities now emulated in Asia. It has, not least, jolted its older and bigger sister institutions out of what was for a while threatening to be the complacency of stagnation.

How much all of this is due to Felipe Herrera cannot be said by an outsider. That he has had a more than considerable influence on IDB decisions is recognized by friend and foe alike. The achievements of the IDB in Latin America, and its seminal influence owe much to him. I believe that that means the United States, in its relations with the Western Hemisphere, is also much in his debt.

SEYMOUR J. RUBIN.

WASHINGTON.

[From the New York Times, Nov. 30, 1970]

HEMISPHERE BANK'S CHIEF: ANTONIO ORTIZ MENA

MEXICO CITY, November 29.—Antonio Ortiz Mena is credited at home and abroad with furnishing the principal guidance for Mexico's economic development during the last decade.

The newly elected president of the Inter-American Development Bank, turning his attention to hemispheric matters, said today that Chile, which has a new socialist-oriented Government, had the right to borrow from the bank under "the same conditions as other member countries." As Mexico's Secretary of Finance for 12 years during two successive presidential administrations, Mr. Ortiz Mena enunciated a doctrine of "stabilizing development" that guided the sustained growth of Mexico's economy at an annual rate of more than 6 per cent.

This has been one of the best growth performances in the world, and it has been achieved in Mexico with rock-hard stability of the peso, liberal use of foreign capital and an impressive increase of domestic savings and investment.

The Mexican record has established Mr. Ortiz Mena's credentials as a public financier with expertise in the economic and social problems of developing countries .

Mr. Ortiz Mena who will head the second largest international lending institution after the World Bank, is widely known and respected on Wall Street, in European capital markets and throughout Latin America.

Mr. Ortiz Mena's status in Latin America is based not only on long participation as Mexico's spokesman in regional economic conferences and institutions, but also on his pursuance of policies promoting Mexican ownership of key economic enterprises in a region where economic nationalism is running strong. He has been a director of scores of public and private enterprises and is reputed to be a millionaire.

He owns a house in the elegant Polanco section of this capital, facing Chapultepec Park, where 18th-century French decor provides an opulent setting for large social affairs and dinners attended by such visitors as David Rockefeller, chairman of the Chase Manhattan Bank or Eugene R. Black, * * * as well as leading figures of Mexican society.

Another family home at Cuernavaca, in a warm valley west of Mexico City, is Mr. Ortiz Mena's weekend retreat. There he and his wife, Marta Salinas de Ortiz Mena, frequently bring together many of their 17 grandchildren. Five of the six Ortiz Mena children are married.

Although involved in public administration and banking since graduating from the National University here with a law degree in 1932, Mr. Ortiz Mena does not consider himself a technocrat.

"Anyone who has been an active agent in public life in Mexico for 18 years and were a technocrat without also being a politician would be lost," he said, in his soft calm voice.

Before Mexico's governing Revolutionary Institutional party settled on Luis Echeverria Alvarez, former Secretary of Government, as its presidential candidate—he was elected and will take office Dec. 1—Mr. Ortiz Mena was considered a possible candidate.

Mr. Ortiz Mena, son of mining engineer in Chihuahua who moved to the capital when the revolution broke out, born in Parral, Chihuahua, on April 16, 1908, one of 10 children.

In addition to law and economics, Mr. Ortiz Mena studied philosophy. He enjoys Bach fugues, and visits Italy to see da Vinci, Raphael and Tintoretto paintings. His taste is for Renaissance not Impressionistic or abstract, and he likes to recite from Shakespeare.

ADDRESS BY THE PRESIDENT OF THE BANK, MR. FELIPE HERRERA TO THE ELEVENTH MEETING OF THE BOARD OF GOVERNORS OF THE INTER-AMERICAN DEVELOPMENT BANK, PUNTA DEL ESTE, APRIL 1970

V. FINAL CONSIDERATIONS

A number of different comments have been made throughout this review, some in ref-

erence to our organization, particularly as viewed in the perspective of the decade now ending; others connected with Latin American problems in which we are deeply concerned for both institutional and professional reasons; and still others designed to place the Bank and Latin America within their proper and essential context of inter-American and international relations in general.

I should like to sum up some of these views to present the following conclusions:

First: Following a decade of intensive activity, acting against the changing and dynamic backdrop of Latin American conditions, the role of the Inter-American Development Bank can be described in the words I used in beginning my term as its President: "At the same time that it is a bank, it is something more than a bank". On that occasion, I said: "The different motivations that will influence the activities of the Inter-American Development Bank, and the nature of the general setting in which it will have to act, indicate how complex our institution will be. It is a banking organization, specialized in the regional financing of economic development projects. However, at the same time that it is a bank, it is something more than a bank. We are a bank . . . in that our transactions and loans must adhere closely to the principles of profit and soundness, and in that the Institution must in its initial stage place efficiency ahead of any other consideration. However, we are more than just a bank if we consider that our ultimate objective is to accelerate the development of all of Latin America; if we remember that part of our resources will come not only from private capital markets, but from individual taxpayers of the Americas, whether of modest or great means; . . . if we try to orient our activity toward undertakings of great collective value, such as the creation of the Latin American Common Market; if we strive to promote the use of planning techniques for economic development; if we are convinced that . . . we . . . should face the many problems existing in the fields of education and health in our countries."

We have mentioned that, in setting up a sound and efficient financial mechanism capable of institutional expansion and at present equipped with the necessary human and financial resources, we have not neglected our ultimate mission, of functioning as a great regional public service irrevocably committed to promoting the utilization and expansion of all those forces and factors that can accelerate Latin America's attainment of full historical maturity. This characteristic is the source of the "mystique" that envelops our institution. In the Bank we have succeeded in forging a financial, human and political inter-American undertaking at the technical service of our people in their collective search for the "common good" of our societies and our great hemispheric homeland.

Second: The Bank is exerting a strong influence on capital formation in the hemisphere. We have pointed out that a substantial part of this process is financed with funds generated by the efforts of our own people and by the mechanisms guiding the productive forces in our communities. Yet over and above an automatic accounting of the direct, and even the indirect, contribution to progress in our countries, our presence and our technical action are influencing the building of societies that must adapt at an ever more rapid rate to the contradictions inherent in the world today resulting from the intrinsic imbalance between the evolution and history of mankind and the advances made in physical and natural sciences.

We realize that in this task events tend to overtake us and that we no sooner evolve what we believe to be a proper solution to a new challenge, than it eludes us and becomes magnified out of all proportion, like a desert mirage that deludes the traveler into thinking he is nearing a restful and tranquil oasis. Our duty is to carry on this task of Sisyphus in the firm conviction that each step we take is contributing to the progress of the hemisphere. We were concerned with the need for modernizing our agriculture and adopting new techniques, only to discover that such innovation was counterproductive unless the surplus labor force could be employed in other activities; we supported national industrialization, only to realize that this process required adaptation to more refined technical procedures, stiffer competition and the demands of growing markets which also needed to be integrated; we participated in establishing an infrastructure of roads, ports, electricity and urban works, only to find that tthe permanence and progressiveness of this effort depended on the extent to which it could be extended beyond the national to the multinational sphere; we took up the problems of housing and sanitation in our cities, only to learn that urban development could not be isolated from the general context of the economy but must be supported by a sound productive base; we tried to help our universities to absorb the heavier quantitative and qualitative pressures of a continent with a growing majority of young people, only to become aware of the fact that coverage of contemporary science and technology was meaningless if it failed to relate to an over-all solution to the problem of manpower utilization on many complex levels.

Emphasis has been placed on our position as the "Bank of the University", the "Bank of Integration" and the "Bank of the National Development Agencies"; we might perhaps encompass all these definitions by shouldering the difficult task of functioning as a "Bank of Ideas" which aims to make its diverse resources and experience available to those who are ultimately responsible for shaping their own destiny.

Third: The progress achieved by the regional countries during the past decade has been substantial and, in some cases, spectacular. But it should be made clear that such progress has tended to concentrate in the more modern and dynamic sectors of our societies. Internal imbalance between the more favored groups and the great marginal masses persists, and the problems of urban overcrowding and insufficient employment capacity are becoming more acute. However, perhaps the most important result of our endeavors has been the definite progress of the Latin American nations toward establishment of the fundamental conditions required for development from the socio-cultural, institutional and technical standpoints, as well as in terms of manpower supply, ability, experience and skill in management of development policies.

Although international cooperation will continue to be necessary in the years ahead, and to an even greater extent than in the past, changes are already taking place in its implementation. The concepts of multilateral cooperation are gaining ground in the world of the seventies. Within the framework of this new strategy we must improve our own capacity for service along institutional and operational lines.

In this respect we must, of course, avoid the arrogance of considering ourselves to be more efficient than our governments or their people or wiser than those who may have had to attain goals more complex than ours. The Bank should at all times be responsive to the needs of its own countries and to the new prospects opening up in the world today. This approach will be more necessary than ever in an international situation of unresolved tensions, of continuing maladjustment of men to their social and natural environment, where new demands are being made by new generations.

We must therefore, while increasing our technical capacity, maintain an open sociological and historical perspective with regard to the changes occurring in a Latin America where dynamic expansion is now an established fact. We are wholly convinced that, regardless of the turn of future events, our societies will increasingly call for greater organization, better use of production factors and, particularly, an increased capacity to generate the financial and technical resources required by the world of tomorrow. Since channeling of this process is essentially a political problem, we must follow as closely as possible the wishes of our own people in shaping their collective destinies, although it is not in our power to provide ultimate solutions, even had they not become obsolete in the changing circumstances of this latter part of the twentieth century. Within this framework of international cooperation, in which we perform an important role, the transfer of knowledge and experience from other areas and of financial resources that can serve to enrich our own economic development will become increasingly more selective.

Fourth: We would like to stress that, since the IDB evolved in this decade in response to economic and social development problems of the hemisphere and new factors in inter-American relations, it has consistently been marked by a "cosmopolitan" approach. We can state, without fear of contradiction, that our organization, operating on the basis of constructive inter-American participation and influenced by a Latin American mystique, is also motivated by a strong sense of international awareness.

For this reason our organization, while designed as a factor of regionalization and of the struggle to overcome our underdevelopment, has remained receptive to the major trends and ideas of the contemporary world. Indeed, such a stance was inevitable. For when Latin America strives for national and regional growth it does so with the aim of securing a more influential position in the international sphere, vis-à-vis the great centers of power in the industrialized world, and to what we hope will prove to be an increasingly fruitful and educational coexistence with other groups of developing nations. Moreover, many of the difficulties restricting our development are caused by outside factors, particularly those deriving from trade relations that have not yet reached the equitable level to which we all aspire.

Fifth: In view of the foregoing remarks, we feel it would be presumptuous on our part and historically meaningless to initiate the 1970's by attempting at this time to provide any final evaluation of past achievements or to prescribe any rigid course of action for the future. The unconventional nature of many of our activities, most of which have, over the years, proved sound, oblige us, first of all, to *consolidate* our original aims, while at the same time freely discarding or improving upon those experiments which events have shown to be misdirected or in which our efforts may have been disproportionate to the benefits generated. Fortunately, in contrast to the situation a decade ago when the experience of others that could be drawn upon was conventional in nature and based on concepts that were inoperative or merely imitative within our own frame of references, we now have the advantage of our own fund of experience to help us to review many of the basic premises of international economic cooperation, a review from which we can benefit greatly.

Sixth: Although we will leave for the closing session a further examination of possible bases for strengthening our activities as we begin a new decade, with particular attention to observations made by the Governors during this Meeting, I believe we

might suggest at this point the following guidelines for future action:

(a) The average of the first nine years of IDB credit activities shows that we have been able to commit funds amounting to an annual total of $400 million. As mentioned, last year this average rose by 50 percent. In the current year we expect to maintain, and even show a reasonable increase, in the 1969 volume of credit.

If the Governors approve the increase in resources as submitted to them for consideration, and the pertinent resolution is duly ratified by the national congresses, as has been the case whenever the Inter-American Bank has requested an increase in its funds, we see no obstacle to programming for the next five-year period a total IDB investment in the hemisphere amounting to $4 billion, that is, double the rate of our operations in the decade now closing.

(b) The Bank should accentuate its positive steps over the past two years in its capacity as the "Bank of Latin American Integration". In addition to financial resources, I believe we have acquired the experience and technical knowledge needed to promote a larger volume of financing for regional projects. This will reinforce the effectiveness of our role in the "irreversible" trend toward integration of the hemisphere. We must, consequently, intensify our technical and financial participation in multinational projects, by investments in physical infrastructure, the promotion of industries for an expanded market and the expansion of financing for inter-Latin American exports The Bank must also further emphasize the regional context of its work in the fields of education, science and technology and, in general, the training and preparation of our human and institutional resources.

(c) We must strengthen our action in *agriculture*, directing efforts toward the introduction of new agrarian techniques in the hemisphere and taking into consideration new experiences deriving from the *"green revolution."* We must place similar or greater emphasis on substantially stronger support for the *industrial sector*, extending our traditional financing for small and intermediate industries at the local level to include industrial economics of scale, which are the very basis for modernization of our productive system. In this same context it will be useful to continue to explore the possibilities and prospects of a subsidiary provided with sufficient resources and flexibility to meet the demands of Latin American industrial enterprises.

(d) Within a comparatively short span we must be in a position to undertake operations in fields for which preparations have already been made, such as the *fishery and tourism industries* and rational development of the *forestry industry*.

(e) We must continue and intensify our *social investments*, in accordance with the new criteria established for urban growth, which should also be considered irreversible. In this area special consideration must be given to population, employment and marginality problems. The foregoing will entail not only the use of financial resources, but also more vigorous assistance in the necessary research and planning work which this challenge demands from the Latin American countries.

(f) We must strengthen our position as the "Bank of the Latin American University", continuing to seek formulas for cooperation in the new science and technology policies of the member countries. In this field we must assign due importance to studying and rationalizing the use of natural resources.

(g) We must strengthen our technical cooperation, preinvestment and institutional and managerial development efforts which enable the countries to make better use of their own potential in behalf of common progress.

Seventh: The areas of concern outlined will require us to define even more precisely appropriate development financing policies for the seventies. To this end, cooperation with other international financing sources and improved technical liaison with the domestic efforts of the countries themselves are more vital than ever.

The broader sphere of responsibilities proposed will also require us to step up our continuing efforts to adapt the operational and technical machinery of the Bank. Even though our technical units are operating with positive efficiency, as demonstrated by the results described in the respective reports, this will call for a strengthening of our personnel. In this respect, we must not neglect our direct contacts with the member countries through our regional offices and experts in the field.

Mr. Chairman, Distinguished Governors: In concluding this address, I call upon the Governors to express their concerns, in accordance with the tradition at these Meetings, so that we may chart new courses of action that will help us to weather the journey ahead that begins today in Punta del Este.

The inspirational spirit of the Republic of Uruguay present here today to lend itself to the cause of the Americas is best symbolized by the immortal figure of Artigas, of whom his compatriot Juan Zorrilla de San Martin said:

"You will not find in the history of the continent a more classic or more Homeric figure than that offered by the history of our homeland. The venerable Artigas, despite an urban and patrician background, desptie an independent social position and an education and culture remarkable for his day, was devoted to the people and to the people alone. He believed in them, never doubting their powers or their virtues, implicitly trusting in native democracy. Artigas believed in the people, in the cosmic, partly chaotic mass that could nonetheless be brought to fulfillment by the creative word. He spoke that word and from this genesis there came forth the new fatherland, republican from birth."

Official development assistance as percent of GNP[1] (1968)

	Percent
Australia	0.57
Austria	0.20
Belgium	0.42
Canada	0.28
Denmark	0.21
France	0.72
Germany	0.42
Italy	0.23
Japan	0.25
Netherlands	0.54
Norway	0.29
Sweden	0.28
Switzerland	(1 0.10)
U.K.	0.42
U.S.	0.38
Total	0.39

[1] Parentheses indicate estimates. SOURCE: OECD, DAC.

SOVIET PERSECUTION OF JEWS

Mr. BAYH. Mr. President, ominous news reports from the Soviet Union indicate that prominent Jewish citizens are defendants in political trials reminiscent of the "Great Terror" era of Soviet history. During the past 6 months, from Leningrad to Tbilisi, the KGB has arrested 34 Jews in an apparent attempt to quell expressions of discontent voiced by a new generation of young Jews who reject their government's intransigence and unwillingness to grant exit permits to thousands of their fellow Jews desiring to join their relatives in Israel and protesting the Kremlin's policy of intellectual repression.

Already many of these Soviet Jews, such as those arrested in Riga, have "confessed" their anti-Soviet activity. Such stories bear the stamp, and raise the specter, of Stalin's infamous "show trials" of 1936–40 when thousands of Jews and hundreds of thousands of other loyal party members were executed by the NKVD. In 1949 a new wave of terror swept the Soviet system bringing with it the arrests of large numbers of Jewish cultural and public figures including most of the members of the Jewish Anti-Fascist Committee. A government crackdown on the Yiddish culture itself ensued, with the closing of Jewish theaters and the shutdown of the Yiddish periodical press. The British Sovietologist Robert Conquest tells us that these moves resulted in the "Crimean Affair," which saw the execution over nearly 600 Yiddish cultural figures. This dark chapter of Soviet anti-Semitism culminated in the well-known "Doctors' Plot" of 1952–53 which witnessed the heinous extent of Stalin's paranoia. Of this bloody episode in Soviet history, Mr. Conquest informs us that Russia's leading physicians were arrested and tortured into confession that they had ploted to poison the Soviet leadership.

Mr. President, is this what is now going on in the Soviet Union? Will Soviet Jews, whose only crime is their fierce desire to remain Jewish, be again subjected to the barbarities of the Stalin era? Is history repeating itself—once more? Surely the Kremlin leaders must realize that the Iron Curtain can no longer conceal the acts of blatant persecution against the Soviet Jewish minority.

In order to discourage a tragic recurrence of these policies of liquidation, steps should be taken by the President, the Senate, and the people of our country to demonstrate the grave concern which we feel for the persecution of Soviet Jewry. With 1971 designated by the United States as the "International Year to Combat Racism and Racial Discrimination" it would be highly fitting for the President to submit to the Senate Foreign Relations Committee the Human Rights Declaration's Convention on Racism and Racial Discrimination. Consent to the ratification of this convention would formally register the American public's approval of the very principles which the Soviet Government is flagrantly violating in their repression of Soviet Jewish citizens. Although the harsh realities of international politics may limit the extent of U.S. intercession in behalf of those Jews persecuted by Soviet policies of intellectual, cultural, and political repression, our actions will clearly indicate the intensity of American disgust and outrage. Another avenue of protest is through the United Nations itself.

With the Simas incident already blemishing the idea of America as a haven for refugees from political repression, we can ill-afford to remain silent while another travesty of human dignity occurs. To remain passive when such grave injustices are being dealt to the principle of political tolerance, condones yet another betrayal of our national

ideals. I call upon the Soviet Union to honor its commitment to the U.N. Charter "to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women." The brutal persecution of Soviet Jewry must cease. International morality demands that the Soviets should stop this abrogation of human rights.

TRILLION DOLLAR GROSS NATIONAL PRODUCT

Mr. GRIFFIN. Mr. President, needless to say, those of us in the Senate have been preoccupied with much pressing business.

So preoccupied, in fact, that many may have overlooked a very important moment in the history of the 20th century.

At 2 minutes past noon today, the annual gross national product of the United States reached the $1 trillion mark.

President Nixon observed the occasion by unveiling a new GNP clock that records the estimated annual rate of GNP minute by minute.

While the President was officiating at the ceremony, the GNP jumped $5 million. Presumably in the short time I am taking to comment on the occasion in the Senate, another $5 million worth of goods and services, or more, are being produced.

This is an occasion for appreciation of the American free enterprise system, and the democratic Republic from which it has sprung, for having brought forth the most productive society in the history of the world.

THE NEED FOR UNIVERSAL CHILD CARE AND DEVELOPMENT

Mr. BAYH. Mr. President, on December 10, I announced my intention of introducing at the opening of the 92d Congress a bill designed to provide for universal child care and development. The Wall Street Journal of Monday, December 14, provides additional supporting data that highlights the urgency of a universal child care and development program. Specifically, the Journal cites data that clearly show the revolutionary increase in housewife participation in the labor force. For example, the percentage of married women who are either holding down jobs outside the home or seeking such jobs has increased from 22 percent in 1948 to 30.2 percent in 1958 to 39.6 percent in 1969. It is anticipated that the 1970 figures will show that 40 percent of all American wives are in the labor force.

Yesterday morning I had the honor of speaking to some 1,200 conferees from eight of the White House Conferences on Children Forums. I spoke of our massive failure to turn our national priorities away from the sterile concentration on militarism and toward such constructive purposes as child care and education—which is no less than the task of "making human beings human." Unless we do make a real, rather than merely arhetorical, change in our priorities, there will be a far more rapid and pervasive growth of alienation, apathy, drugs, delinquency, and violence among the young who are the hope of America.

I believe that it is particularly appropriate that those involved in the White House Conference on Children be aware of the meaning for child development of the statistics provided in the Journal article. I urge all participating in the conference and all who may be charged with translating the findings of the conference into law to be aware that a society in which 40 percent of married women are in the labor force is a society that simply cannot ignore its responsibility for a universal child care and development program. If the pressures of American society demand that its wives and mothers work outside the home, then American society must shoulder the responsibility for assuring that children do not suffer as a result of being denied the supervision and loving care of their mothers.

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

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

THE OUTLOOK: APPRAISAL OF CURRENT TRENDS IN BUSINESS AND FINANCE

Everybody laments inflation. Nobody likes to be paying higher prices all the time. It is a rare day, though, when you hear somebody complain about his income going up. Yet higher wages and salaries are the very stuff of which higher prices are made. And thus far in the whole inflation whirlwind the incomes are running way ahead of the prices. This is not the case for every individual, of course, but for people in general it is true beyond a doubt. And it is something that should be pondered by those who expect inflation's wind to stop blowing any time soon.

At the beginning of the 1960s only a thin 14% of the families in this country had a yearly income of as much as $10,000. Last year saw 46% of the families in that category. Families making $8,000 or more (only 25 in 1960) soared to 60% last year. These are whopping increases. And further gains are certain to show up when 1970 figures are out.

There are several yardsticks of personal earnings. The record of a decade for three of them is tabulated below, along with the rise in the cost of living over the same period. The current family income is an estimate arrived at by adding a conservative 5% to the 1969 figure. Weekly and hourly pay figures cover all non-farm workers. The cost-of-living yardstick is the official index of consumer prices (1957–59 equals 100).

Yardsticks	1960	Now	Percent up
Median year family income	$5,620	$9,900	76
Average weekly pay	80	121	51
Average hourly pay	2.09	3.28	57
Cost of living	103.1	136.6	32

Some of the weekly pay gains have been far above the average, of course. Construction workers now average more than $200 weekly. That's a leap from $113 in 1960.

But the barometer to watch is family income. As a swelling army of housewives moves into the money-earning labor force, the husband's paycheck becomes an increasingly invalid yardstick of family buying power. The image of the typical housewife tending to her knitting and cooking while her spouse brings in all the cash is fading fast. The two-paycheck family grows apace.

Some 36 of every hundred people on nonfarm payrolls today are women. In state and local governments, a field of sharply rising employment, the figure is 44.

Women aren't just in service jobs. In manufacturing where non-heavy work is involved (and machines do more of the heavy work every day) they are going strong—often outnumbering men. In the manufacturing of radio and TV receiving equipment, 53% of the workers are women. In the making of apparel and other textile products, women account for 80 of every 100 people on the job.

In general merchandise retail stores, 69% of the people at work are women, and in variety stores the figure is 78%. In the services in general, of course, the ladies are all over the place. Of all the people on bank payrolls, 63% are women. And in hospitals 81% are women.

The table below traces the revolutionary rise in housewife participation in the labor force. The participation rate figures show the percentage of married women either holding down jobs outside the home or else seeking such jobs.

[In percent]

	Rate
1948	22.0
1950	23.8
1952	25.3
1954	26.6
1956	29.0
1958	30.2
1960	30.5
1962	32.7
1964	34.4
1966	35.4
1968	38.3
1969	39.6

The 1970 participation rate figure is not yet available, but all indications are that it will show more than 40% of American wives in the labor force for the first time in history.

The recent pattern of steep wage increases, and their impact on buying power, is well known. But wholly new paychecks for a family can have an even bigger impact. When Mr. Jones gets an 8% wage increase, that's one thing. But when, in addition, Mrs. Jones steps out and lands a steady money-paying job, there is a much sharper step-up in total cash flow to the family coffers.

There are some 18 million married women in the labor force today. That's almost double the 10 million of barely 15 years ago in 1955. And this is a much bigger thing than mere population growth. Population has increased only 24% since 1955.

Teen-agers, too, are contributing increasingly to family finances. Just how big the contribution is is hard to estimate, but it is a matter of record that there are nearly half-again as many 16-to-19-year-olds at work in paying jobs today than there were ten years ago. Latest count puts the country's junior paycheck drawers around six million, compared to just over four million in 1960.

The teen-age labor force has expanded 25% just since 1965, compared with a growth of only 10% in the adult labor force.

The current recession or economic slowdown, despite all the publicity attending it, and despite the undoubted hardship it has brought to the many who have lost their jobs, has had only the most negligible impact upon the massive flow of overall personal income in this country. As of the latest tally (October) such income was placed at an annual rate of just under $810 billion. A year ago it was around $767 billion.

As nearly any retailer will tell you, the consuming public, despite the high incomes, has shown some restraint in buying over the past year or so. Recessionary periods always affect consumers this way. Unemployment headlines make them nervous. But rarely has so much money been stashed away for future buying.

Latest figures show the public saving 7.6% of disposable (after taxes) income. You have to go back nearly 20 years to 1952 to find a year in which people saved that much of what they earned. The saving rate in 1969 was 6%.

When consumers shake off their recession jitters, they can be expected to step up their spending. Or at least they always have in the past. Keeping any kind of lid on prices in the period ahead, no matter what the fiscal or monetary policies, is not going to be easy. There is already an awful lot of steam in the kettle.

CONCLUSION OF MORNING BUSINESS

Mr. MANSFIELD. Mr. President, is there further morning business?

The ACTING PRESIDENT pro tempore. Is there further morning business? If not, morning business is concluded.

SPECIAL FOREIGN ASSISTANCE ACT OF 1971

The ACTING PRESIDENT pro tempore. Under the previous order, the Chair lays before the Senate the pending business, H.R. 19911, which will be stated by title.

The legislative clerk read as follows:

A bill (H.R. 19911) to amend the Foreign Assistance Act of 1961.

The Senate proceeded to consider the bill, which had been reported from the Committee on Foreign Relations with an amendment to strike out all after the enacting clause and insert:

That this Act may be cited as the "Special Foreign Assistance Act of 1971".

SEC. 2. There are authorized to be appropriated to the President for the fiscal year 1971 not to exceed—

(1) $85,000,000 for additional military assistance and $70,000,000 for special economic assistance for Cambodia;

(2) $100,000,000 for economic and military assistance program to replace funds which were transferred by the President for use in Cambodia;

(3) $150,000,000 for additional military assistance for the Republic of Korea;

(4) $30,000,000 for additional military assistance for Jordan;

(5) $3,000,000 for additional military assistance for Indonesia and $10,000,000 to replace funds transferred from other programs for use in Indonesia;

(6) $5,000,000 for additional military assistance for Lebanon;

(7) $65,000,000 for additional supporting assistance for Vietnam; and

(8) $17,000,000 for additional general military assistance to compensate for a shortage in anticipated recovery of funds from past years' programs.

SEC. 3. The President is authorized until June 30, 1972, to transfer to the Republic of Korea such defense articles located in Korea and belonging to the Armed Forces of the United States on July 1, 1970, as he may determine, except that no funds heretofore or hereafter appropriated under this Act or the Foreign Assistance Act of 1961 shall be available for reimbursement to any agency of the United States Government for any transfer made pursuant to this section.

SEC. 4. Except as otherwise provided in this Act, any assistance furnished out of funds appropriated under section 2 of this Act and any transfer made under section 3 of this Act shall be furnished or transferred, as the case may be, in accordance with all of the purposes and limitations applicable by statute to that type of assistance or transfer under the Foreign Assistance Act of 1961 (including the provisions of section 62 of such Act, as added by section 7 of this Act).

SEC. 5. (a) Section 451(a) of the Foreign Assistance Act of 1961, relating to the contingency fund, is amended—

(1) by striking out "for the fiscal year 1971 not to exceed $15,000,000" and inserting in lieu thereof "for the fiscal year 1971 not to exceed $30,000,000"; and

(2) by striking out the period at the end thereof and inserting the following: ": *Provided*, That, in addition to any other sums available for such purpose, $15,000,000 of the amount authorized for the fiscal year 1971 may be used only for the purpose of relief, rehabilitation, and reconstruction assistance for the benefit of cyclone, tidal wave, and flood victims in East Pakistan.".

(b) Excess foreign currencies held in Pakistan not allocated on the date of enactment of this section are authorized to be appropriated for a period of one year from such date of enactment to help Pakistan withstand the disaster which has occurred.

SEC. 6. (a) In line with the expressed intention of the President of the United States, none of the funds authorized or appropriated pursuant to this or any other Act may be used to finance the introduction of United States ground combat troops into Cambodia, or to provide United States advisers to or for Cambodian military forces in Cambodia.

(b) Military and economic assistance provided by the United States to Cambodia and authorized or appropriated pursuant to this or any other Act shall be construed as a commitment by the United States to Cambodia for its defense.

SEC. 7. The Foreign Assistance Act of 1961 is amended by adding at the end thereof the following new section:

"SEC. 652. LIMITATION UPON ADDITIONAL ASSISTANCE TO CAMBODIA.—The President shall not exercise any special authority granted to him under sections 506(a), 610 (a), and 614(a) of this Act for the purpose of providing additional assistance to Cambodia, unless the President, at least thirty days prior to the date he intends to exercise any such authority on behalf of Cambodia (or ten days prior to such date if the President certifies in writing that an emergency exists requiring immediate assistance to Cambodia), notifies the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate in writing of each such intended exercise, the section of this Act under which said authority is to be exercised, and the justification for, and the extent of, the exercise of such authority."

ORDER OF BUSINESS

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

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

The legislative clerk proceeded to call the roll.

Mr. SPARKMAN. 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. MANSFIELD. Mr. President, I ask for the yeas and nays on final passage.

The yeas and nays were ordered.

Mr. SPARKMAN. Mr. President, has the pending business been laid before the Senate?

The ACTING PRESIDENT pro tempore. The bill has been laid before the Senate.

Mr. SPARKMAN. Mr. President, it does not give me any pleasure to present a $550 million foreign aid bill to the Senate only 10 days before Christmas. This is not a bill drawn up in keeping with the generous spirit of giving that marks this season but is an urgent bill needed to insure the continued withdrawal of our troops from Vietnam. It is designed to lessen America's presence and involvement abroad—not increase it. Let me explain briefly the recommendations made by the Foreign Relations Committee.

The purpose of the bill pending before the Senate is to authorize the $535 million in additional appropriations for foreign aid requested by the President. Of this sum, $195 million is for supporting assistance and $340 million is for military assistance.

Of the $340 million for military assistance, $185 million is for Cambodia, $100 million to pay back programs from which funds have already been borrowed for aid to that country, and $85 million in new aid. In addition, the bill contains $150 million for Korea, $30 million for Jordan, $13 million for Indonesia, $5 million for Lebanon, and $17 million to make up for unanticipated shortages in recoveries from prior year programs.

The greater part of the military aid for Cambodia will be used to provide items of an operational nature. About 70 percent will be used for ammunition. A significant number of carbines, rifles, machineguns, and mortars are also included, as is communications equipment. Some funds will also be used to support the helicopters and tactical fighters which have already been provided.

There was little discussion in the committee of the funds requested for Vietnam, Korea, Jordan, Indonesia, and Lebanon and the request for additional assistance to compensate for shortages in anticipated recoveries from past years programs. Most members of the committee felt that the amounts requested should be authorized, although some members expressed regret that time was not available to examine in detail the implications of some of the authorizations, including, in particular, additional assistance to Korea as part of what the President termed in his message "Korea's major 5-year program to modernize its defense forces." The committee will go into the programs and policies in much greater detail in connection with next year's aid program. Most of the committee's attention was directed to the question of assistance to Cambodia.

The supporting assistance and military assistance requests contained in the pending bill will also permit the restoration of funds transferred from other country programs to meet the emergency needs resulting from the situation in Cambodia. Although the President's message to Congress of November 18, submitting the supplemental program, included a request for $500 million for Israel, that item does not appear in this bill because authorization for that purpose is already provided in the Defense Procurement Act.

The bill would authorize a total of $195 million in supporting assistance, $60 million of which is to pay back funds transferred by Presidential determination for use as military aid to Cambodia. The new authorization of $135 million in support-

ing assistance will be used in Cambodia and Vietnam—$65 million in Vietnam and $70 million in Cambodia. The supporting assistance for Vietnam consists of an additional $50 million to support the regular commodity import program and $15 million to implement the land reform program in Vietnam. The need for additional funds for the commodity import program results from the fact that the progressive reduction of U.S. forces in South Vietnam and the corresponding assumption of greater defense expenditures by the South Vietnamese Government have together placed a heavy budgetary strain on that country. The inflationary pressures resulting will have an impact on import requirements, while at the same time the South Vietnamese Government is faced with a loss of dollar exchange as a result of the reduction in department of Defense expenditures. The additional funds needed for land reform result from the fact that the program has been accelerated following the passage of legislation this spring by the Vietnamese legislature. While the U.S. contribution will finance commodity imports, the local currency proceeds will assist the South Vietnamese in meeting the initial piastre costs of the land reform program.

The $70 million of economic assistance for Cambodia will be used to finance essential imports, such as vehicles, machinery, textiles, and cement for the balance of this fiscal year and to fund commodity imports for the early part of the next fiscal year.

H.R. 19911 also authorizes an additional appropriation of $15 million for the contingency fund, as well as the authorization for use of local currency held by the United States, to provide assistance for East Pakistan in the wake of the recent disaster there.

The committee has added several safeguard amendments to this bill. These amendments specify that no funds may be used to finance the introduction of U.S. ground combat troops into Cambodia or to provide U.S. advisers for Cambodian military forces; that U.S. military and economic assistance shall not be construed as a commitment by the United States to defend Cambodia; and that in the future the President shall not exercise the emergency authority of the Foreign Assistance Act to provide assistance to Cambodia, above that approved in this bill, unless he notifies the Congress at least 30 days before he intends to exercise that authority; in case of emergency, at least 10 days before action.

These amendments illustrate the committee's concern over Cambodia and the possibility that giving aid may lead to direct involvement, as it did in Vietnam. The committee does not want to see the mistakes of Vietnam repeated in Cambodia. One way to prevent that is to insure that military and economic assistance will not be accompanied or followed by U.S. troops or American military advisers. The amendment adopted by the committee is designed to close the door on that possibility.

The Secretary of State and the Secretary of Defense stated in their testimony before the committee that there was no intention of reintroducing U.S. ground forces into Cambodia or of using U.S. military advisers or trainers in Cambodia, and at his press conference on December 10 the President, when asked whether he could foresee "any circumstances whatever under which he would use ground troops in Cambodia," replied: "None whatever." The amendments added to the bill by the committee only restate the stated policy of the administration, and will strengthen hands of executive branch officials in resisting pressures for further U.S. involvement.

Passage of this bill will show that the United States is willing to help the people of Cambodia to defend their own country by providing them with the necessary arms, equipment, training and related economic assistance—but in that it draws the line at direct involvement with advisors or troops. Cambodia had, after all, been subjected to an unprovoked invasion by North Vietnamese and Vietcong forces armed and equipped by China and the Soviet Union among others.

Given Cambodia's geographic location immediately to the west of South Vietnam, were Cambodia to be taken over by North Vietnamese and Vietcong forces at a time when the United States was reducing its forces in South Vietnam, the rate of withdrawal of those forces would obviously be imperiled and the task of South Vietnamese forces in taking over combat responsibility from the United States made far more difficult.

In these circumstances, most members of the committee were of the view that military and economic assistance to Cambodia seems justified in the national interest. But there was a unanimous and strong conviction on the part of members of the committee that U.S. military personnel should not become involved in Cambodia. In Vietnam, military advisers were followed by thousands of other military advisers and finally by combat forces to protect advisers. Under no circumstances should this pattern be repeated. The assignment of any military advisers to Cambodia, even for the limited purpose of administering our military assistance program, would be viewed by the committee with considerable foreboding.

Mr. President, it is unfortunate that this request could not be put over for consideration immediately after the convening of the new Congress. But urgent matters can be postponed only so far and then they must be faced. I wish that the administration had come to the Congress last summer, when it was obvious that Cambodia would need large amounts of U.S. aid to survive. But, instead of coming to Congress, the administration used the emergency authority in the Foreign Assistance Act to give Cambodia $100 million in military aid.

Some have said, "Why not let them continue borrowing from other programs until the Foreign Relations Committee can give this matter more thorough consideration? Surely they can find the money to go on for two more months or so in the same way." But the fact of the matter is that the continued borrowing from other aid programs to get money for Cambodia will greatly damage the carefully planned aid program for South Vietnam, and other countries from which the money was taken. I believe that the administration did the right thing in coming to Congress now rather than waiting until next year.

I repeat that I wish it might have been feasible to wait until Congress reconvened in the new year, when we would have had an opportunity to hold hearings and to look more carefully into the many factors that are involved, and then to take more time in deliberating on the various features of the bill.

However, as I have explained, it was an emergency situation. The matter was urgent, and I repeat that I believe the administration did the right thing in coming to Congress now, rather than waiting until next year.

Mr. President, I believe that this bill is in the interests of the United States, and that it will help insure the continued withdrawal of American troops from Southeast Asia. I urge that the Senate approve it.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the substitute amendment.

Mr. WILLIAMS of Delaware. Mr. President, I wish to commend the Senator from Alabama for his recitation. I agree with him and with the committee position.

Our experience has been that far too often as military aid is made available to a country, the next step is to send advisers into that country to advise it as to how it can use the arms. Sooner or later we have military to support the advisers, and then military to support the military, and we become involved. That is the way we have become involved in Vietnam and other areas.

While I do not question for a moment the statement that they are not going to put troops into Cambodia, the committee decided to put this language in to make sure it carries out the intent that no commitment of ground troops will be made to Cambodia, and it continues by stating that the contribution of this military aid "shall not be construed as a commitment by the United States to Cambodia for its defense."

Mr. President, I think this is wise. It is in line with what the Secretary of State told our committee, and he said he had no objection to this language being put in.

However, since there were a billion dollars in the original budget request, with $500 million authorized for Israel preceding this, and since this measure carries the authorization for the remaining $500 million which involves Cambodia. I wonder, if we should not make sure that our position will be consistent by inserting after the word "Cambodia" the words "or Israel." The same administration request did carry $500 million for Israel, although that is not in this particular bill, but it was in the appropriation bill acted upon yesterday to which this measure has reference. We were told in our committee that there is definitely no plan to get involved with American personnel either in Cambodia or in Israel, but so

that there will be no misunderstanding I think it would be well, since we are putting some language in the bill, to amend it to cover both situations so that the American people will know that this is not a commitment or will not lead to our getting further involved in either Southeast or the Mideast.

I happen to be one who has questioned several times in the past 4 or 5 years—in fact, I raised the question long before we had problems facing us in either Cambodia or Israel, or, for that matter, in Vietnam—the fact that we have been delegating to the President of the United States, to Presidents Eisenhower, Kennedy, Johnson, and Nixon, the authority whereby they can distribute hundreds of millions of dollars worth of American arms to the country of their choice.

That authority has been delegated to the President with no strings attached. The question was raised after the incident in Cambodia that perhaps he had exceeded his authority or usurped the power of Congress. He had not; he was only using the authority which Congress had previously delegated to him. As I have said, if Congress does not want to delegate this authority we should have retained the control right here in Congress, but since we did not do that, having delegated the authority, it has now reached the point where we are restricting that authority country by country.

If we are going to do it country by country, so that there will be no misunderstanding, I think we should amend the bill to include both countries involved in this billion dollar request so that we will not be leaving anything to chance, or any thought that Congress, by making the restriction in only one area, feels it is all right to go into the other area.

I wonder if the Senator from Alabama would be willing to accept that slight modification and include Israel in the limitation?

Mr. SPARKMAN. Would the Senator repeat the exact words? I know I discussed this with him earlier.

Mr. WILLIAMS of Delaware. The section I am discussing is on page 7. It reads:

> In line with the expressed intention of the President of the United States, none of the funds authorized or appropriated pursuant to this or any other Act may be used to finance the introduction of United States ground combat troops into Cambodia.

I would insert the words "or Israel," and then continue: "or to provide United States advisors to or for Cambodian or Israeli military forces in Cambodia or Israel."

That is on line 5.

Then, on line 9—beginning with line 6, but the correction would be on line 9 so that it would then read—"military and economic assistance provided by the United States to Cambodia or Israel and authorized or appropriated pursuant to this or any other act shall not be construed as a commitment by the United States to Cambodia or Israel for its defense."

It merely carries out the expressed commitment that was made to our committee on both of these countries at the same time, at the same hearing, with the Secretary of State.

Mr. SPARKMAN. Mr. President, the able Senator from Delaware spoke to me about this amendment a short time before we started, and I discussed it with him.

I will say to the Senator from Delaware, as I said to him then, that I hope he will not insist upon this amendment. There is a reason for inserting Cambodia. It is based upon the fact that, in the past, American ground forces actually have been sent into Cambodia. Earlier in the year, we had the Cooper-Church amendment, which forbade that in the future. The Senate voted for that amendment.

This is a restatement of the Cooper-Church amendment to forbid the use of ground forces in Cambodia. The committee agreed to it. My understanding is that the administration was opposed, as I recall, to the Cooper-Church amendment. While they have not given us a positive endorsement, it is my understanding that the administration is not opposing the amendment we have written into the bill, which is a restatement of the previous amendment.

At no time have we inserted troops into Israel, nor has there been any proposal at any time that we do so. Israel has said, time after time, that she does not want any foreign troops.

Furthermore, this assistance to Israel is not the same kind of assistance we are giving to Cambodia. Cambodia is being given, I might say, the tools of war. The provision that was included in the bill that was passed by the Senate just yesterday, I believe, provided the aid for Israel. It is a line of credit to enable the Israelis to buy arms that we are willing to sell them—payable in good, hard money—and we know from the past record that Israel will pay. This is just a line of credit.

The two are not similar in any way whatever, and I do not believe that this kind of language should be written in as to Israel or any other country that is included in this bill. Israel actually is not included in this bill, but I do not believe it should be written in.

I do hope that the Senator will not insist upon the amendment.

Mr. WILLIAMS of Delaware. I point out to the Senator that this committee language reads, "or any other act."

Mr. SPARKMAN. I am not questioning that part of it.

Mr. WILLIAMS of Delaware. I raise this question and suggest that Congress should be more careful in delegating to the President the authority to distribute these arms which can be sold at reduced prices, can be sold at regular prices, can be sold for credits which may or may not be paid, as the terms are set, and can even be given away. The President has the authority to give these arms under acts that have been approved by Congress where we delegated to him that authority.

I raised this question long before the problems ever developed either in Cambodia or in Israel—or in Southeast Asia, for that matter—because I think it has been a loose practice and somewhat irresponsible on the part of Congress to delegate this authority, particularly since after the President exercised this authority he was subject to much criticism by Congress on the assumption that he had usurped the powers of Congress.

Neither President Johnson nor President Nixon usurped the powers of Congress. They only exercised the authority Congress gave them because we did not want to face up to our own responsibilities. It is much easier to delegate the authority to the President to make these commitments to make these arms available to the countries and to furnish the advisers; and then, when we become involved, if it works out badly Congress can criticize him for getting us involved. Congress washes its hands. We cannot do that. We do have a responsibility, and we should stop delegating to the President this responsibility.

The Secretary of State, in testifying before our committee, did tell our committee, as the chairman has pointed out, that he had no objection if the committee wanted to write this into the bill. He said it had no effect because they were not going to do it anyway.

I asked the Secretary of State whether there was any reason why we should single out Cambodia and write it into the bill when at the same time another country is getting about twice as much as Cambodia. I asked him, "Why not write it in for both?"

His reply was that it made just as much sense to write it in for both if we are going to write it in at all.

The Senate is proceeding on the premise that it wants to make sure that they keep their words, and the implication is that Congress is not sure that they will. If we are going to make sure of it, then let us make good and sure for Israel as well as Cambodia, because I do not want to see us become disengaged in one area of the world and become engaged in another, and I know that the Senator from Alabama does not want that either.

This amendment I offer merely carries out the intention of the committee and the intentions of the administration. I cannot see any reason why there would be any objection to this, because surely no one in Congress has any intention of ever getting involved. I think it would be well to include both countries, for they are the two major trouble spots. There would then be a clear understanding that we are not going to become involved in either area.

I hope the Senator will accept this amendment.

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

Mr. WILLIAMS of Delaware. I yield.

Mr. COOPER. Mr. President, I think the Senator from Delaware is correct in the principle. The principle is that our troops should not be committed to war by the Executive—any Executive—without the consent of Congress, except under certain conditions.

Mr. WILLIAMS of Delaware. That is correct.

Mr. COOPER. To protect U.S. troops, to protect our country if it is attacked, and to act in some border line situations where the security of our country

is at stake. But I believe there is a practical distinction between the case of Cambodia and that of Israel.

I was to make it clear that I hold to my position, which I have held for a long time, that I do not believe that any President is empowered by the Constitution to commit troops to war, except in those emergency situations where the security of the United States or of U.S. forces must be protected, without the consent of Congress. As a practical matter, our forces are in Vietnam in war, our forces have been in Cambodia, and with the war proceeding in Cambodia, between Cambodian forces, South Vietnamese forces, North Vietnamese forces, and the Vietcong, and with the flowing tide of battle, there persists always the chance that U.S. troops could be introduced into Cambodia.

Once U.S. forces are introduced, it is likely that the United States would be engaged in war for a long time until the war is ended or retreat ingloriously. That situation does not exist in Israel. We do not have any troops in Israel or in any contiguous lands. We do have naval forces in the Mediterranean. There is no immediate danger or probability of U.S. forces becoming engaged in war in Israel as in Cambodia. There is a distinction.

A second point is that the administration has made a case that military assistance in the form of materiel and economic assistance to Cambodia are directly needed for the protection of our own troops. As long as Cambodia is in the hands of Cambodian forces it does give protection to our flank and that need is urgent.

While I supported with the Senator from Idaho (Mr. CHURCH), the amendment last summer upon which there was so much debate, that has all gone by and the war is proceeding in Cambodia. I think there is a need to protect our troops in Vietnam by protecting their Cambodian flank without sending our forces into Cambodia. It seems to me that military assistance is the best way to accomplish our aims. The limitation which the committee adopted—the amendment which Senator CHURCH and I offered—should be maintained applicable now, only to the most dangerous area in Vietnam and Cambodia.

There is a practical difference at this time between Cambodia and Israel which will lead me to oppose the Senator's amendment even though I agree that his principle is correct: that the executive should not commit U.S. forces without the consent of Congress.

Mr. WILLIAMS of Delaware. I thank the Senator and I appreciate his position. I suggest that had the Cooper-Church amendment been approved by Congress a couple of years before we got involved in Cambodia it would have been much better than it would have been to wait until after we got involved. I had raised this question several years before but one paid any attention to it——

Mr. COOPER. I did.

Mr. WILLIAMS of Delaware. But as the Senator knows from serving on the committee, I raised this question before the Cambodian incident ever came into the mind——

Mr. COOPER. I remember when the Senator raised it on the question of delegation of the power of the President to furnish military assistance.

Mr. WILLIAMS of Delaware. That is correct.

Mr. COOPER. I agree that he has acted, not as was characterized, with a loophole in Cambodia, but acting under authority of Congress.

Mr. WILLIAMS of Delaware. The Senator is correct, but I thought if we could have adopted this policy before the act it would have been better than after. That was the only question, and I so stated at the time when the so-called Cooper-Church amendment was being discussed. Then the incident had happened. We were in Cambodia. The President was making arms available to Cambodia under authority delegated by Congress, and Congress only proposed to stop after the act. We are not debating that now. But I think it would be well to spell out here today a policy on any other country where we are not involved. I do not think that we should be delegating this authority to the executive branch; but let us face it, the request that came down a couple of weeks ago was for $1 billion, half to go to the Mideast area. We are not involved there as yet. There is a difference, as was pointed out by the Senator from Kentucky. There is quite a difference. Cambodia is more of a threat than is Israel. No one in this Congress and no one in the administration has suggested that we plan to get involved in Israel, but that is the time to take the action and state our position, not after we get involved.

I am not in favor of our country's getting involved in the Mideast area any more than I am for involvement in Southeast Asia.

Let us state the position of Congress before the act. I can appreciate the difference of opinion regarding this point, but if we do decide not to restrict the President in the Mideast area then if later—God forbid that it happen—but if later it does develop and we got involved there, then let us make sure that no one in this Congress rises to criticize whoever may be in the White House because we will have delegated him authority to use his best judgment. Either rely on his judgment or face up to our own responsibility. Here we are exercising our judgment as far as Cambodia is concerned that we do not get involved. I cannot see any point in separating the two countries because they are both hot areas now at this particular time; we all recognize that.

Mr. CHURCH. Mr. President, will the Senator from Delaware yield?

Mr. WILLIAMS of Delaware. I yield.

Mr. CHURCH. Mr. President, I appreciate the principle which underlies the amendment the Senator has offered: American forces should not be sent into battle in a foreign land by decision of the President alone. That is constitutionally the responsibility of the Congress, a principle I wholeheartedly endorse.

This was the philosophical basis for the Cooper-Church amendment offered earlier in this session, and it poses a question that must squarely be faced by the Senate in the years to come. I believe, however, that the best way to face that question is to thoroughly probe the whole perplexing problem of Presidential power and congressional power with regard to the making of war.

As the Senator knows, such a bill, offered by the distinguished Senator from New York, is now before the Committee on Foreign Relations. It is anticipated that the question will be thoroughly examined in the coming session of Congress. I hope that after the careful consideration the committee will give this question, we can bring to the floor a resolution that will help clarify for the future the role of Congress, and the role of the President, in the matter of initiating a foreign war. That is the best approach to resolving this vexatious constitutional question.

However, I would take issue with the Senator when he suggested a few minutes ago, that the action of the committee taken in connection with the pending bill is an implicit criticism of the President.

Mr. WILLIAMS of Delaware. No, no, I did not intend that.

Mr. CHURCH. Well, then, I am happy to say that the attitude of the administration appears to have changed from what it was during the long and difficult and often vituperative debate on the Cooper-Church amendment last summer.

Only last night at the White House, the President told me that he did not take exception to the action of the committee in writing in the restrictions contained in the language of the pending bill. I can only conclude, therefore, that the administration's position has now changed, and that the President is willing to accept statutory restrictions designed to prevent the introduction of American personnel into Cambodia, and to avoid the pattern that developed in Vietnam where money came first, then personnel, followed by troops.

That is the reason we have taken this action, to fortify the President's own resolve not to permit Cambodia to become another Vietnam. Since we are involved in an existing war and since we face an urgent question, namely, to prevent that war from expanding further throughout Southeast Asia and to widen America's involvement in it, the action taken by the committee not only reasserts the principle of the Cooper-Church amendment, but does so in a way that has now become acceptable to the administration.

We have won our fight at the end of this long year. Rather than amend the bill in such a way as to insure its defeat—this is the opinion of the Senator from Idaho—we should seize the victory now and then proceed next year to a thorough examination of the broader constitutional question as to how the power lies divided between the President and Congress in the matter of making war. I will then give full endorsement and support, so far as I am able, to the valid principle that undergirds the amendment offered by the distinguished Senator from Delaware.

Mr. WILLIAMS of Delaware. I thank the Senator from Idaho. As a member of the committee he has been consistent

on this point throughout. There is no question about that. I respect his views, and I agree with him substantially, as he knows, but I cannot see how Congress can say we trust the judgment of the President in the Mideast but will not trust him to make the decisions in Asia. That is not consistent. We have just as much responsibility in one area as in the other.

I believe it would have been better had we taken such action regarding Asia years earlier, before the fact, and that is what I am trying to do in this instance.

The Senator is correct. The Secretary of State, while he did not ask for the language in the committee bill—perhaps he may have felt it would have been just as good had it been left out—said he had no objection to including it because that was definitely their policy. In answer to my question he made the same emphatic statement regarding Israel, too. Israel is getting $500 million for military aid under the same administration request.

I do not want to leave the inference that we have a different policy for the Mideast area. I did not see our getting involved in Cambodia; none of us did. It is not a question of getting involved only in Israel; it could be Timbuctu or any other country. I have always argued that there is great danger in delegating to any President the power to distribute hundreds of millions of dollars worth of arms throughout the world to countries of the President's choice. Then after giving or selling or furnishing the arms, as the Senator points out, next would come advisers to show them how to use them. Then comes the rest of the military to protect the advisers. Before we know it we have another Vietnam.

I think we should profit by the lessons and the experience of Vietnam. It has been a costly lesson. Perhaps that can be one of the good things that can come out of our involvement in that area. It might teach us how to deal with and stay out of wars in the years to come.

That is the point involved here. This is not singled against any country. The committee amendment on Cambodia immediately before us deals only with one country. Israel also gets $500 million for military supplies. We cannot get away from the fact that the problems in the Mideast are a danger with which we are confronted. We cannot dodge those questions. As we furnish arms to one side and as Russia furnishes arms to the other there can be a spark at some point that will ignite the situation. I think it is the responsibility of any President—whether this administration or the next one—to come before Congress before we get committed in any area with ground troops.

My only difference with the committee action is that it does not go far enough. I do not want to make any exceptions.

That is the only reason I am offering this amendment. These are the only two hot spots involved at this time. I want to make very sure that the making available of arms in either of these areas does not constitute our pledge for future commitments.

That is all I am asking for. I think that to make an exception in one area and not in another would lead to some misunderstanding.

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

Mr. WILLIAMS of Delaware. I yield.

Mr. SPARKMAN. Mr. President, the Senator makes the point there of what would be the general coverage. The Senator will recall that in 1967 we wrote into the foreign aid bill of that year—and the Senator from Delaware was instrumental in doing this—the provision that reads as follows:

> The furnishing of economic, military, or other assistance under this Act shall not be construed as creating a new commitment or as affecting any existing commitment to use the Armed Forces of the United States for the defense of any foreign country.

Mr. WILLIAMS of Delaware. The Senator is correct.

Mr. SPARKMAN. That is the law today. It has been the law since we wrote it into law in 1967.

So, there is a general provision. It happens that I have mentioned, and that others have mentioned, the fact that Cambodia is singled out because of the peculiar situation it represents because of the insertion of ground forces there within the last several months.

Mr. WILLIAMS of Delaware. Mr. President, the Senator is correct. I am familiar with that. I supported it at the time. But it did not keep us from getting involved in Cambodia. We did get involved.

Mr. President, I send to the desk my amendment and as that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows: The Senator from Delaware (Mr. WILLIAMS) proposes an amendment as follows:

> On page 7 line 4 after the word "Cambodia" insert "or Israel".
>
> On line 5 after the word "Cambodian" insert "or Israelian" and at end of sentence line 5 after "Cambodia" insert "or Israel".
>
> On page 7 line 7 after the word "Cambodia" insert "or Israel" and on line 9 after "Cambodia" insert "or Israel".

CALL OF THE ROLL

Mr. WILLIAMS of Delaware. 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. CHURCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. FULBRIGHT. Mr. President, I object.

The PRESIDING OFFICER (Mr. GRAVEL). Objection is heard. The clerk will resume the call of the roll.

The assistant legislative clerk resumed and concluded the call of the roll, and the following Senators answered to their names:

[No. 430 Leg.]

Allen	Ervin	Javits
Baker	Fulbright	Jordan, Idaho
Boggs	Goldwater	Kennedy
Byrd, W. Va.	Gravel	Long
Church	Holland	Mansfield
Cooper	Hughes	McIntyre
Dole	Inouye	Packwood
Ribicoff	Sparkman	Williams, N.J.
Scott	Talmadge	Williams, Del.

Mr. KENNEDY. I announce that the Senator from Connecticut (Mr. DODD), the Senator from Tennessee (Mr. GORE), the Senator from Indiana (Mr. HARTKE), the Senator from Minnesota (Mr. MCCARTHY), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Virginia (Mr. SPONG), the Senator from Illinois (Mr. STEVENSON), the Senator from Maryland (Mr. TYDINGS), and the Senator from Texas (Mr. YARBOROUGH) are necessarily absent.

Mr. GRIFFIN. I announce that the Senator from New York (Mr. GOODELL), the Senator from Maryland (Mr. MATHIAS) and the Senator from Illinois (Mr. PERCY) are necessarily absent.

The Senator from Oregon (Mr. HATFIELD) is absent on official business.

The Senator from Colorado (Mr. DOMINICK) and the Senator from South Dakota (Mr. MUNDT) are absent because of illness.

The Senator from Vermont (Mr. PROUTY) is detained on official business.

The PRESIDING OFFICER. A quorum is not present.

Mr. KENNEDY. Mr. President, I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

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

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant at Arms is instructed to execute the order of the Senate.

Thereafter, the following Senators entered the Chamber and answered to their names:

Aiken	Fannin	Murphy
Allott	Fong	Muskie
Anderson	Griffin	Nelson
Bayh	Gurney	Pastore
Bellmon	Hansen	Pearson
Bennett	Harris	Pell
Bible	Hart	Proxmire
Brooke	Hollings	Randolph
Burdick	Hruska	Russell
Byrd, Va.	Jackson	Saxbe
Cannon	Jordan, N.C.	Schweiker
Case	Magnuson	Smith
Cook	McClellan	Stennis
Cotton	McGee	Stevens
Cranston	Metcalf	Symington
Curtis	Miller	Thurmond
Eagleton	Mondale	Tower
Eastland	Montoya	Young, N. Dak.
Ellender	Moss	Young, Ohio

The PRESIDING OFFICER (Mr. GRAVEL). A quorum is present. The Senator from Idaho is recognized.

Mr. JAVITS. Mr. President, will the Senator yield to me?

Mr. CHURCH. First of all, I wish to make clear that at the conclusion of my remarks, it is my intention to move to lay on the table the amendment offered by the distinguished Senator from Delaware, and I now put the Senate on notice of that intention.

I yield now to the distinguished Senator from New York.

Mr. JAVITS. Mr. President, I thank my colleague very much. I was very pleased to hear his plan. I think that is the right thing to do—and I say this is without the remotest disrespect for the Senator from Delaware, or even in any sense by way of disagreement with his bringing up this particular matter, which, as he has explained, it is cer-

tainly logical for him to do, given his past position.

I should like to state why I think this procedure, in this particular case, is essential.

Israel has never sought troops from the United States. It has rebutted any idea that it has wanted them, or ever would want them, or any other foreign troops. Indeed, the people of Israel do not even want on their own soil, right or wrong—and sometimes I do not agree with them—any United Nations contingent with respect to peacekeeping.

Second, Mr. President, the credits for Israel are not in this particular bill.

Third, and very important, the introduction of this idea into the already very tense Middle East situation, even the indication that the Senate of the United States thought about this possibility, I think would have an adverse effect upon the peace negotiations.

The PRESIDING OFFICER. The Senate will be in order. The Senator from New York will suspend until order is restored. The Senator is entitled to courtesy from all other Senators.

The Senator may proceed.

Mr. JAVITS. The nationalistic feelings and the concept of the hegemony of the Arab peoples are so critical a fact, I would think it would be most unfortunate to introduce this new concept of U.S. troops—even by negation—into the equation. It could upset the fragile situation there, which may be moving toward peace talks.

I think the amendment would be roundly defeated, but I think it would be most unfortunate if the Senate were put in the position of negativing the fact that we do not expect any ground troops or any other military forces to be put into Israel, because the converse, which would be widely advertised immediately in every Arab country, is that having voted the amendment down, there is a possibility that we do it later—or that the administration might be contemplating the idea.

I think this would be very harmful to what I consider to be one of the dearest objectives of our country and myself, and I think most other Senators. That is to attain peace in the Middle East. I do not think all of us—certainly not I—are nearly as concerned about the detailed terms as that the parties shall make peace. Because I deeply feel that this would only be used as a propaganda weapon in a highly sensitive situation, I am very gratified that Senator CHURCH, who was the author, with Senator COOPER, of the basic Cambodia amendment, will move to table.

Because of the connotations which could be placed on any action we take on the merits, it is a justifiable remedy.

Mr. CHURCH. Mr. President, I appreciate the remarks of the distinguished senior Senator from New York.

It is in fidelity to a most valid principle that the Senator from Delaware has offered his amendment—the principle being that no American troops ought to be sent into a foreign land to do battle without the consent of Congress. I agree with that principle. I have often spoken for it, and I believe that the Senate is in the process of reinstating the principle. One step in that process is the limitation written by the committee into the pending bill, a limitation which prohibits the use of any funds in this or any other act for the purpose of introducing American ground combat troops, or other American military personnel, into Cambodia.

In opposing the amendment of the distinguished Senator from Delaware, I want to take cognizance of the validity of the underlying principle and point out to the Senate that it is the intention of the Committee on Foreign Relations, in the coming session, to address itself most seriously to the difficult constitutional question of where the line is to be drawn between the powers of the President and the powers of Congress in the matter of making war. The distinguished Senator from New York has introduced a bill which will undertake to define the constitutional division of power in this field. The Committee on Foreign Relations has no item on its agenda of greater importance.

This is an extremely complicated constitutional question. It should be taken up in an orderly way, and no action should ensue without the benefit of the most exhaustive hearings. That is the first reason why I oppose the amendment offered by the Senator from Delaware. There are others.

The bill before the Senate authorizes a new program of supplemental military and economic assistance, to certain countries that are specified in section 2 of the act. Israel is not among them. Congress has already authorized a special aid package for Israel. If Congress had desired to impose limitations on the possible introduction of American troops or other personnel into Israel, the time to have done so was when the authorization bill pertaining to Israel was before it.

So the second reason why I oppose the amendment offered by the distinguished Senator from Delaware is that it is untimely, and it relates to a bill that has nothing to do with authorizing any new program for Israel.

In saying this, Mr. President, I, too, want to take note of the fact that Israel has not now, and never in the past, asked for American troops or American personnel. It is not anticipated that Israel will do so in the future. This, it seems to me, could be regarded as still another reason for turning down the amendment now before the Senate.

Let me emphasize the coverage of the pending bill. The coverage is set out in section 2, which begins on page 4, and I will read it into the RECORD:

> There are authorized to be appropriated to the President for the fiscal year 1971 not to exceed—
>
> (1) $85,000,000 for additional military assistance and $70,000,000 for special economic assistance for Cambodia;
>
> (2) $100,000,000 for economic and military assistance programs to replace funds which were transferred by the President for use in Cambodia;
>
> (3) $150,000,000 for additional military assistance for the Republic of Korea;
>
> (4) $30,000,000 for additional military assistance for Jordan;
>
> (5) $3,000,000 for additional military assistance for Indonesia and $10,000,000 to replace funds transferred from other programs for use in Indonesia;
>
> (6) $5,000,000 for additional military assistance for Lebanon;
>
> (7) $65,000,000 for additional supporting assistance for Vietnam; and
>
> (8) $17,000,000 for additional general military assistance to compensate for a shortage in anticipated recovery of funds from past years' programs.

That is the scope of the bill. No part of it relates to Israel. Therefore, the amendment offered by the Senator from Delaware is not relevant. It would be most inappropriate to attach it to this bill.

Finally, let me reiterate the wise comment made by the senior Senator from New York a few moments ago. If we proceed to a vote on the merits of this amendment, the world will interpret the result, one way or the other, in a manner most unfortunate for the United States, especially at a time when tensions are running high and efforts are being made by the United States to bring about a negotiated settlement of the crisis in the Middle East. We would be acting irresponsibly, in my judgment, if we were to interject the question, or raise the specter of American troops intervening in the Middle East. I see no way to vote upon the merits of this question, regardless of the result, without interjecting that issue.

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

Mr. CHURCH. I yield.

Mr. HOLLAND. It seems to me that this amendment, as drafted now, would prefer both Jordan and Lebanon to Israel, aside from the facts which have been mentioned by the distinguished Senator from Idaho, because the pending bill allows $30 million for additional military assistance for Jordan and $5 million for additional military assistance to Lebanon. They are the only two countries in the Middle East which are mentioned in this bill.

If this unfortunate amendment should be adopted, it would make it appear that we reserve the right to send our troops into Jordan and into Lebanon and simply preclude their being sent into Israel. I am not in favor of their being sent into Israel or Jordan or Lebanon.

I do not think that we should in any way in this bill commit ourselves for or against any subject not now before the Senate. But I certainly would feel that this amendment, as suggested, would put us in the very unfortunate position of seeming to prefer Jordan and Lebanon to Israel which is not even mentioned in the bill. I wonder whether the Senator has any thoughts in connection with that suggestion of mine.

Mr. CHURCH. It is true that this aid includes two Middle Eastern countries. The request follows on the action of Congress in authorizing a sizable special aid program for Israel. I agree with the Senator from Florida that if we were to accept the amendment offered by the Senator from Delaware, one of the interpretations that could be given to that action is that which he describes, and it would be most unfortunate.

Mr. FULBRIGHT. Mr. President, will the Senator from Idaho yield?

Mr. CHURCH. I yield.

Mr. FULBRIGHT. One thing that bothers me about the Senator's proposal to table the amendment is that it would indicate an attitude, which is not usual in the Senate, of tabling amendments on subjects which have not been debated at any length at all. As a matter of fact, the bill was passed by the Committee on Foreign Relations yesterday morning and we had very limited hearings on it. The only hearings at all were with administration witnesses because there was the urgency of time. We were told that it was essential to get the bill out for many reasons not particularly related to the merits of the bill.

Minimum consideration has been given to any item in the bill—not only the question that the Senator from Delaware raises but also the Cambodian program and the Korean program. The bill authorizes the beginning of a 5-year program on which there was no testimony given by administration witnesses, other than a passing reference.

This whole procedure, it seems to me, is inimical to reasonable consideration, to deliberate consideration, by the Senate.

I would hope that we would not proceed on all these bills at the last minute, in a Congress which is so urgently interested in adjourning, by the procedure of tabling motions which cut off debate and prevent votes on the merits.

I think that the Senator from Delaware is entitled to a vote on his amendment. He makes a motion in good faith. His motion is inconsistent with the often expressed views that this country does not wish to enlarge its foreign commitments. Many members of the committee and the Senate have been saying that we have been overcommitted for the past several years, beginning before this administration came in. We see the result in our own economy. We hear the Governors of the States—not all the States, but the Governors who have been recently meeting in Sun Valley, Idaho—I believe they are Republican Governors—stating that their States are in desperate condition. These matters are all related to the question of enlarging our foreign commitments?

Aside from the merits, I very much oppose the procedure of tabling this motion, anticipating that if this motion is tabled, then the next one will be, and I know that there will be other motions as well. It is very important that we vote on a bill on which there have been no real hearings, no hearings enabling those who have different views from the administration to express themselves, who have different views other than the Secretary of Defense and the Secretary of State. This is a denial of what has formerly been said to be a virtue of the Senate—to give serious deliberation to matters of greatest importance. So I really deplore the fact that the Senator wants to dispose of this amendment by a tabling motion, which would not enable the Senator from Delaware or other Senators to have their amendments voted on the merits, Senators who, I believe, share my view that we should not continue to expand our foreign commitments, both with money and with men, all over the world.

I am opposed to the procedure more than the substantive motion itself. I do not see any reason why the Senate should not go on record as saying whether it wishes to leave open the question of possible intervention with manpower in this or any other country.

I certainly think there would be nothing wrong in adding Israel, Lebanon, or Jordan. If the Senator from Delaware wishes to amend his motion to include Lebanon and Jordan, that would take care of the comparison raised by the Senator from Florida. It would be easy to include those two countries, since they are mentioned, but I do not think that is a very important distinction.

Mr. WILLIAMS of Delaware. Mr. President, will the Senator from Idaho yield?

Mr. CHURCH. Before I yield to the Senator from Delaware, I want to make it clear that it is not the intention of the Senator from Idaho to proceed with a series of tabling motions designated to cut off debate on other amendments that may be offered to the bill. Nothing I have said indicated any such intention, a point I want to make clear to the distinguished chairman of the committee.

There are special reasons, at least two, in my judgment, why we should proceed to a determination on the pending amendment by way of a tabling motion. First, from the standpoint of pure logic, if we are going to apply the principle that underlies this amendment; namely, that American troops should not be introduced into battle in a foreign land without the consent of Congress, then it is pointless to limit the application of that principle to Israel. If we are going to extend it beyond Cambodia, as contained in the present bill, for which there is special justification and timeliness, then, logically, why not apply it everywhere else.

There would be no reason, then, to limit extension to Israel. The distinguished chairman has stated, why not apply it to Lebanon? Well, why not? Why limit it to the countries of the Middle East? Is there no possibility of war erupting in Africa or Latin America, or some other part of the world? The logical progression of the argument would lead us to relate it to all countries everywhere. That is the very question that the committee is going to take up in the coming year; that is, the question of the constitutional division between Congress and the President of the power to make war. This is an extremely complicated question. It needs to be treated in the normal legislative manner, with full hearings, extended deliberation, and careful thought. That is one reason we should not proceed to the adoption of this amendment.

The second reason I submit is this: It would be most unfortunate to have this vote, at this time, on the merits of the amendment, because of the impact it would have on the delicate situation in the Middle East.

But we are faced with the amendment. It has been offered by the Senator from Delaware. The best way to deal with it, for the reasons I have tried to explain, is by way of a tabling motion. Still, I see no reason why tabling motions should be made with respect to other amendments. I certainly am not any part of a design to curtail discussion on the bill before us.

Now I am happy to yield to the Senator from Delaware.

Mr. WILLIAMS of Delaware. I thank the Senator from Idaho for yielding. I appreciate his position and I respect his right to make a motion to table. That is according to the rules of the Senate, although I would prefer to have a vote straight on its merits, I point out to the Senator and to the Senate again that section 6 refers not just to the money in the bill before us but refers to the language, "or for any other act." So it does go beyond this bill.

The reason I mentioned Israel by name was that, in the President's message, $500 million was requested for Israel, $255 million for Cambodia, and the balance for other small countries. I just thought it would be better to state our policy before the act rather than after the act.

As I mentioned earlier with respect to the so-called Cooper-Church amendment, I think it would have been most fortunate for the country if Congress had approved of something like that years before we got involved in Vietnam.

I have been concerned for years, as the Senator knows—and I raised this matter in committee—concerning the delegation of such broad powers to this President or to prior administrations whereby they could distribute these arms throughout the world, to be followed by advisers on how to use the arms, to be followed by military personnel.

We all agree that is how we got involved in Vietnam.

Whether we settle this matter today or not, I am glad that the committee is going further into the question next year. I think it is a matter that is long overdue for study.

Mr. President, I will not debate this matter further. With the permission of the Senator from Idaho, I ask unanimous consent that there be printed in the RECORD section 6, as contained in the bill, followed by section 6 as it would read if my amendment were adopted.

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

SECTION 6 OF PENDING BILL

SEC. 6. (a) In line with the expressed intention of the President of the United States, none of the funds authorized or appropriated pursuant to this or any other Act may be used to finance the introduction of United States ground combat troops into Cambodia, or to provide United States advisers to or for Cambodian military forces in Cambodia.

(b) Military and economic assistance provided by the United States to Cambodia and authorized or appropriated pursuant to this or any other Act shall not be construed as a commitment by the United States to Cambodia for its defense.

SECTION 6, AS IT WOULD READ, WITH AMENDMENTS OF SENATOR WILLIAMS OF DELAWARE

SEC. 6. (a) In line with the expressed intention of the President of the United States, none of the funds authorized or appropriated

pursuant to this or any other Act may be used to finance the introduction of United States ground combat troops into Cambodia or Israel, or to provide United States advisers to or for Cambodian or Israel military forces in Cambodia or Israel.

(b) Military and economic assistance provided by the United States to Cambodia or Israel and authorized or appropriated pursuant to this or any other Act shall not be construed as a commitment by the United States to Cambodia or Israel for its defense.

Mr. CHURCH. Mr. President, if there is no further comment, I move to table the amendments offered by the Senator from Delaware. Mr. President, on this question I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Idaho to table the amendments of the Senator from Delaware. 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. COTTON. Mr. President, a point of order. The Senate is not in order. We cannot hear the proceedings.

The PRESIDING OFFICER. The clerk will suspend until we have order.

The rollcall was concluded.

Mr. KENNEDY. I announce that the Senator from Connecticut (Mr. DODD), the Senator from Tennessee (Mr. GORE), the Senator from Indiana (Mr. HARTKE), the Senator from Minnesota (Mr. MCCARTHY), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Rhode Island (Mr. PELL), the Senator from Georgia (Mr. RUSSELL), the Senator from Virginia (Mr. SPONG), the Senator from Illinois (Mr. STEVENSON), the Senator from Maryland (Mr. TYDINGS), and the Senator from Texas (Mr. YARBOROUGH), are necessarily absent.

I further announce that, if present and voting, the Senator from Illinois (Mr. STEVENSON), and the Senator from Rhode Island (Mr. PELL), would each vote "yea."

Mr. SCOTT. I announce that the Senator from New York (Mr. GOODELL), the Senator from Maryland (Mr. MATHIAS) and the Senator from Illinois (Mr. PERCY) are necessarily absent.

The Senator from Oregon (Mr. HATFIELD) is absent on official business.

The Senator from Colorado (Mr. DOMINICK) and the Senator from South Dakota (Mr. MUNDT) are absent because of illness.

The Senator from Arizona (Mr. GOLDWATER), the Senator from Michigan (Mr. GRIFFIN), and the Senator from Vermont (Mr. PROUTY) are detained on official business.

If present and voting, the Senator from New York (Mr. GOODELL), the Senator from South Dakota (Mr. MUNDT) and the Senator from Illinois (Mr. PERCY) would each vote "Yea."

On this vote, the Senator from Colorado (Mr. DOMINICK) is paired with the Senator from Oregon (Mr. HATFIELD). If present and voting, the Senator from Colorado would vote "yea" and the Senator from Oregon would vote "nay."

The result was announced—yeas 60, nays 20, as follows:

[No. 431 Leg.]

YEAS—60

Aiken	Ellender	Muskie
Allen	Fong	Nelson
Allott	Harris	Packwood
Anderson	Hart	Pastore
Baker	Holland	Pearson
Bayh	Hollings	Proxmire
Bellmon	Hughes	Randolph
Bible	Inouye	Ribicoff
Boggs	Jackson	Schweiker
Brooke	Javits	Scott
Byrd, Va.	Jordan, N.C.	Smith
Byrd, W. Va.	Kennedy	Sparkman
Cannon	Long	Stennis
Case	Magnuson	Stevens
Church	McGee	Symington
Cook	McIntyre	Talmadge
Cooper	Mondale	Thurmond
Cranston	Montoya	Tower
Eagleton	Moss	Williams, N.J.
Eastland	Murphy	Young, Ohio

NAYS—20

Bennett	Fulbright	McClellan
Burdick	Gravel	Metcalf
Cotton	Gurney	Miller
Curtis	Hansen	Saxbe
Dole	Hruska	Williams, Del.
Ervin	Jordan, Idaho	Young, N. Dak.
Fannin	Mansfield	

NOT VOTING—20

Dodd	Hatfield	Prouty
Dominick	Mathias	Russell
Goldwater	McCarthy	Spong
Goodell	McGovern	Stevenson
Gore	Mundt	Tydings
Griffin	Pell	Yarborough
Hartke	Percy	

So, Mr. CHURCH's motion to lay on the table the amendments of Mr. WILLIAMS of Delaware was agreed to.

MESSAGES FROM THE PRESIDENT—APPROVAL OF A BILL

Messages in writing from the President of the United States were communicated to the Senate by Mr. Leonard, one of his secretaries, and he announced that on December 14, 1970, the President had approved and signed the following act:

S. 2224. An act to amend the Investment Company Act of 1940 and the Investment Advisers Act of 1940 to define the equitable standards governing relationships between investment companies and their investment advisers and principal underwriters, and for other purposes.

EXECUTIVE MESSAGE REFERRED

As in executive session, the Presiding Officer (Mr. EAGLETON) laid before the Senate a message from the President of the United States submitting the nomination of Leonard J. Saccio, of Connecticut, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary to Colombia.

SPECIAL FOREIGN ASSISTANCE ACT OF 1971

The Senate continued with the consideration of the bill (H.R. 19911), to amend the Foreign Assistance Act of 1961.

Mr. GRAVEL. I call up my amendment and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read the amendment, as follows:

On page 4 strike out lines 18 through 20 and renumber the subsections accordingly.

The language proposed to be stricken reads as follows:

(1) $85,000,000 for additional military assistance and $70,000,000 for special economic assistance for Cambodia;

Mr. GRAVEL. Mr. President, I yield to the Senator from Mississippi without losing my right to the floor.

Mr. STENNIS. I thank the Senator from Alaska.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

Mr. STENNIS. Mr. President, I do not think I shall take more than a few minutes. I wish to address a question to the Senator from Alabama. I direct the attention of Senators to this question because it is a matter of some importance.

I wish to direct the attention of the Senator from Alabama to page 7 of the bill as now printed, and that part that provides, beginning with line 1: "none of the funds authorized or appropriated pursuant to this or any other Act may be used to finance the introduction of United States ground combat troops into Cambodia."

My question to the distinguished Senator from Alabama is as to his interpretation of this limitation on the President about financing the introduction of U.S. ground combat troops into Cambodia.

Is that language intended to be a prohibition on the President's going into Cambodia with U.S. combat troops to meet a situation like the sanctuary battle that we had last June and July, which proved to be directly connected with the arsenal, the armory, and everything else that goes to make war on our men in South Vietnam, and which proved to be beneficial? Would the Senator from Alabama speak to that point?

Mr. SPARKMAN. As I recall, when the President announced that we were going into Cambodia, he gave us the reason that it was to protect American troops—American people, American citizens—who are in South Vietnam. It was for that purpose. The sanctuaries imperiled those citizens and that was his purpose for going in there.

I may say that in the committee discussion I raised the question as to whether or not this language would permit the use of American forces to protect American lives in South Vietnam, as was done before. I shall be very glad to check on this, but, as I recall, the answer was that that would be a presidential power, that he would be exercising his own powers, and that this language did not prohibit that.

The distinguished Senator from Idaho (Mr. CHURCH), a few minutes ago, said something about the constitutional powers question still being unresolved. We all admit that. I would be very glad if the Senator from Idaho would say something on this.

Mr. CHURCH. I thank the Senator.

Mr. President, the question of the distinguished chairman of the Committee on Armed Services goes to the heart of the debate that took place this spring and summer on the Cooper-Church amendment. Since we had much time—7 weeks—to explore the question, we discussed it at considerable length.

In the course of the debate, it was recalled that in times past the President had invoked his constitutional authority as Commander in Chief to order rescue operations, to take precautionary action to protect American troops in the field threatened with an imminent enemy buildup that posed a serious danger to them, and that, within the framework of past precedent, there is an area of discretionary action open to the President as Commander in Chief.

The exact definition of that power has never been attempted in the past. Congress has never undertaken to define it with precision. The best answer must rest upon the precedents.

However, I would not want it to be thought that writing this language into the bill has little or no effect. Far to the contrary. No one has contended, based on the precedents, that the President can make general war or deploy an army in a foreign country on his authority as Commander in Chief.

This language would clearly prevent the deployment, for an extended period of time, of a substantial number of American troops in Cambodia. If the President intended to do that, the money is not made available for that purpose, and it would be necessary for him to return to Congress and ask our consent. But it is true that, as Commander in Chief, within a limited area, the President has power to initiate action designed to protect American troops in the field.

Mr. STENNIS. If I may ask the Senator this question, with reference to the battle of the sanctuary, the areas that the President invaded this summer, to destroy ammunition, and so forth, would the Senator think that his language prohibits a repretition of that if the facts are similar and conditions are pressing?

Mr. CHURCH. If there were a particular concentration just over the border which constituted a serious, imminent threat, that could be suddenly struck and destroyed, that might fall within the President's powers as Commander in Chief. However, I could not say to the Senator that undertaking an extended invasion of Cambodia with a large American expeditionary force for six or eight weeks falls within the scope of his power under the Constitution as Commander in Chief.

This whole question was fully explored in the course of the earlier debate.

From a conversation I had with the President last evening, it is my understanding now that he no longer takes exception to the limiting language. He feels it conforms with his own policy in Cambodia. He says he has no intention of sending back troops. He no longer persists in objecting to language of this kind. I could not say, however, that this prohibition in the bill would not preclude an invasion of Cambodia on the scale that took place and for the length of time that occurred last summer. I feel it would.

Mr. STENNIS. On that point right there, the Senator understands that no President, no Commander in Chief, no Army field commander, can tell how long it would take to carry out an objective. They go into the unknown. Also it takes time to prepare for such an attack on a sanctuary. So the President and his advisers might have to have 3 or 4 weeks, or even longer, to prepare. It is a deliberate act. It is not an extreme, rash act.

So the Senator would not preclude, then, a bona fide effort, the planning of an attack, an invasion, technically, of the country to clear out and clean out a sanctuary that was an imminent threat to our men in South Vietnam?

Mr. CHURCH. I would say, in reply to the Senator that, in the first place, there would be nothing to preclude whatever any planning on any military mission. Yet, on the basis of precedents, the President's power as Commander in Chief to undertake military action is strictly limited to actions restricted both in scope and time, and which are directly related to the need to protect American troops in the field.

Mr. STENNIS. While I am on that, the Senator does recognize that it takes time, and cannot always be foretold exactly?

Mr. CHURCH. Yes, I appreciate that there is no way to foretell precisely the length of an intervention.

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

Mr. GRAVEL. I yield to the Senator from Vermont for an observation.

Mr. AIKEN. Mr. President, I do not think the Committee on Foreign Relations now takes a position much different than it took last spring. If an incursion is necessary for the safety of our men, there would be no objection, but an invasion, which, as stated by the Senator from Mississippi, would require a long time in preparation and probably a long time to carry out, would have to be reported back to the Senate before it was undertaken. The committee did make a sharp distinction between an incursion and an invasion.

Several Senators addressed the Chair.

Mr. GRAVEL. I yield to the Senator from Alabama.

Mr. SPARKMAN. May I say that I did not understand that the Senator from Mississippi was speaking of an invasion. The term "incursion" was used, I think, in referring to it. But I think it is the objective that is controlling—in other words, the protection of American lives.

Mr. STENNIS. The Senator is correct, and my question was based on the incursion or the thrust, rather than a large scale invasion.

Mr. SPARKMAN. To protect American lives.

Mr. STENNIS. Primarily to protect the lives of our soldiers, our military men. I did make the point that sometimes it took weeks even to plan an incursion and get ready for it.

Mr. SPARKMAN. I wish to say that there is nothing in here that intends to limit the President's constitutional powers to act in an emergency in order to protect American lives.

Mr. STENNIS. I appreciate the Senator's answer; and, if I may respond quite briefly to the Senator from Idaho, Mr. President, I do not think it is definitely known, according to the precedents of history or according to this debate, just what the extent of the President's powers as Commander in Chief is. I think it depends greatly on the circumstances. I do not want any hard law here that would create any cloud or any doubt in any President's mind as to what his responsibilities are. I want to leave him with the responsibilities as well as the powers. If we do not leave the powers and the responsibilities with him, then it is not his fault or he is not to blame, and we have no head of State to that extent.

Mr. SPARKMAN. There is no effort here to limit the President's emergency powers or his constitutional powers.

Mr. STENNIS. Yes. That is why I am so concerned about this. The point first came up, as far as written law is concerned, in the military procurement bill. The battle of the sanctuaries was on then, and we put language in there that was approved by this body, that he would not be restricted as long as it was tied to our men and their safety in the drawdown. The battle over that language is going on now in appropriation bills and elsewhere, as well as here.

It seems to me that the colloquy has made it clear that this language does not take any of the responsibility nor the power away from the President of the United States to do what he thinks is reasonably necessary, within reasonable limitations of time, in destroying arsenals, armories, armies, or anything else that is in close proximity to our borders, which we have designated by the general term "sanctuaries," as in the past.

Mr. CHURCH. Mr. President, may I make one observation? Will the Senator yield for that purpose?

Mr. STENNIS. I yield.

Mr. CHURCH. It is perfectly true that it does not lie within the power of this body, even if we were to harbor an intention to do so, to curtail the constitutional powers of the President as Commander in Chief.

What we seek to do here is assert congressional powers over the spending of the public money. That is within our authority. It is clear, as far as my evidence indicates, that the President is now willing to acquiesce in a limitation of this kind imposed upon the funds made available in this bill and in other bills, vis-a-vis Cambodia.

It follows that if the President were later to decide that it is in the national interest to repeat an extended, full scale military invasion of Cambodia, he would come back to Congress and ask our consent.

We are exercising our power. I recognize that it is not within our reach to undermine such constitutional powers as vest in the presidency in the role of Commander in Chief.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska has the floor.

Mr. GRAVEL. Mr. President, I should like to make the point here that I agree wholeheartedly with the interpretation of the Senator from Mississippi. I agree to some degree with the interpretation of the Senator from Idaho. But I think the only binding protection, which is more in line with the views of the Senator from Mississippi, would be that the

President really can do what he wishes under this piece of legislation. He can say one thing one day, and yet the circumstances may be different 6 months later or three months later; so the only way to get to the heart of the matter is to go where the power is, and that is where the money is. Anything else is rhetoric.

My amendment goes to that point. The effect of the amendment is to eliminate all additional funds authorized for Cambodia. That includes $85 million for additional military assistance, and $70 million for special economic assistance—a total of $155 million.

The amendment does not affect the $100 million which the President has already taken from other sources to fund the Cambodian program up to this point.

It is unwise for Congress, in a lame duck session, which we were told would not take up any new matters, to be asked to endorse an open-ended commitment to a new regime in Southeast Asia. The fact that the President has already taken money from aid programs to Taiwan, Greece, and Turkey to finance the expanded war in Cambodia is a responsibility which must be his, and Congress should not, without much more thorough debate than is possible today, endorse what the President has done on his own authority and his own judgment.

We come to the fundamental point of the Tonkin resolution of some years back. And this is not a Tonkin resolution; it is much more serious, because we are not talking about the philosophical intent of this body; we are talking about what we are actually willing to put up money to do.

Up to this point, we have a Presidential policy in Cambodia, not a national policy. In fact, when the President took this action, we almost had a revolution, which certainly, in my mind, demonstrates the unpopularity among the people of that policy.

So at this point in time, we have a Presidential policy. If we vote for these funds today, we would now make it a congressional and a national policy.

Several Senators addressed the Chair.

Mr. GRAVEL. I am happy to yield to my colleague from Kansas.

Mr. DOLE. Mr. President, I find the views of the Senator most interesting. I think perhaps we are all concerned about the war in Southeast Asia, but let me say initially that right now the President is 15,000 ahead on his Vietnamization program. Over 200,000 troops have been withdrawn from Southeast Asia in less than 2 years.

I would ask the Senator from Alaska, since the President has stated that aid to Cambodia is vital to the Vietnamization program, does he suggest that we stop the Vietnamization program, and send more troops to Southeast Asia? What is his alternative?

Mr. GRAVEL. My alternative is very simple. The point the Senator raises is that the President says this money is vital to extricating our troops from South Vietnam. I say he is wrong. I say we can get our troops out of South Vietnam without spending another penny in Cambodia. The only cost we would have to incur would be the cost of bringing them back efficiently, quickly, and safely.

The Senator cannot tell me that as we withdraw our troops, hordes of invaders are going to come rushing over from Cambodia to South Vietnam, and seek out our troops in particular. Is that what the Senator is suggesting?

Mr. DOLE. I think we have made some rather great sacrifices in Indochina under three Presidents, Kennedy, Johnson, and Nixon. The Senator from Alaska is apparently suggesting that we made a mistake in the first instance, that we should just "bug out" of South Vietnam and not concern ourselves with the future of Indochina, but turn it over to the Communists. The Senator from Kansas does not share that view.

In addition, I would guess that if I had a choice, I would rather send dollars than more American men.

Mr. GRAVEL. The pattern of history is that we start out with dollars and then we send men. What we are trying to do is to reverse the pattern of history. What the Senator is saying is that we are going to "bug out" and give Cambodia to the Communists. I do not know whether Cambodia will survive under its present regime or will fall to the Communists.

Under the same logic, we should invade Chile today. We should be sending arms to somebody in Chile to combat the Communist government that came into power there.

It also seemed ridiculous to me, in attending the White House last night, that I should see a tea service, a gift from President Ceausescu of Romania to the President of the United States, on display in the White House, as Romania also has a Communist government.

It is a Communist canteen. If we are spending money and arms to kill Communists because they are Communists, how can we reconcile the idiocy of sending aid to Communist flood victims, of accepting gifts and talking to these people? Either you believe one thing or not. You have to be consistent.

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

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

Mr. GRAVEL. I yield to the Senator from California.

Mr. MURPHY. The Senator made an observation that the pattern established was that first we send the money and then we send troops and that this is wrong. Does the Senator mean that in World War II we should have let Hitler take over all of Europe?

Mr. GRAVEL. The Senator from California——

Mr. MURPHY. May I finish?

Does the Senator mean that in World War I we made a mistake to go in and fight for the principles of freedom?

The Senator spoke of a national revolution. I think the Senator was a little exercised when he used that term. I do not think we were on the verge of a national revolution. I know this. I know that a great number of people oppose the war in South Vietnam—and I opposed it at the outset. I have opposed the conduct of that war from the beginning. I have said the war should have been won, and it could have been won, just as I said the war in Korea should have been won, and it could have been won. Some new policy was foisted upon our great Nation by which we destroy nationalism by nobody winning. We were finally given the choice of being prepared to fight for 20 years or 40 years or withdrawing immediately.

Either we believe in the principles of self-determination, believe in the promises made by a whole list of American Presidents of both parties, that we, as a large, strong nation, will do whatever we can to preserve the freedom of smaller nations, or we do not believe that.

I do not think that if we withdrew there would be any great hordes. They do not need any hordes. The country will go under Communist influence immediately. They started the trouble. This is where it began. They came from the north.

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

Mr. MURPHY. I yield.

Mr. GRAVEL. What does that have to do with Vietnam?

Mr. MURPHY. It has a great deal to do with it, if the Senator will follow me patiently for a moment.

First of all, this President was part of a team which turned down originally the suggestion of sending combat troops into Southeast Asia, under the plan proposed to President Eisenhower, when President Nixon was Vice President. That was turned down. Later, the decision was made to send in troops, a few at first, then a few more. I grant the distinguished Senator from Alaska they gradually grew until ridiculous numbers were sent there.

Now we have gone past that situation. We find the war being wound down to a halt. We find that the present President has a plan that appears to be working.

From the outset, I objected to the restrictions being put on the President. I do not know what the division of powers should properly be. So far as I can find out from the debate on the Cooper-Church amendment, it has never been established. What we are attempting to do is to tie into this bill a restriction that would tie the hands of the President to some degree, greater o. lesser, depending upon the circumstance. We must remember that he does not make the circumstance; the enemy will make the circumstance. If the enemy should decide to call it off and go home, we would not be wasting our time in this lengthy discussion.

Does the distinguished chairman of the Committee on Armed Services question the intent of the language? There seems to me some grounds for misunderstanding. Is it not in the best interest either to make the language absolutely clear and vote it up or down on the merits or to say it is unclear and take it out, until such time as the present situation is finalized and we can sit down, calmly and coolly, and decide exactly what the powers of the President of the United States should be?

The distinguished Senator referred to a national revolution. This was the basis of an entire organized propaganda effort

that had been put together by those who had opposed, by those who for months and years had said, "get out of Vietnam." They did not say, "surrender," but that is what they should have said, if they had the courage. That is what it would be. It would be turning these people over to the Communists. It was not a national revolution. It was a group of students who were misled by some professional organizers.

Mr. GRAVEL. With due reference to the Senator, I have yielded for a question, and I will entertain a question on the amendment and will be happy to answer one. Please give me a question.

Mr. MURPHY. After the explanation offered most sincerely by the Senator from California, does my distinguished colleague still feel that it is proper in any way to tie the hands of the President of the United States, who is doing such a good job in getting us out of Vietnam, who is ahead of schedule, who got us out of Cambodia right on schedule, as he promised? Does my distinguished colleague feel that it is necessary to tie the President's hands further, to indicate that we doubt his honesty, that we doubt his intention, and that we doubt his ability?

Mr. GRAVEL. First of all, we are not tying his hands. If he wants to continue his presidential policy of expanding the involvement in Southeast Asia into Cambodia or any other country in that area of the world, he can do it.

As I understand it, there is another $150 million, or a total of $250 million, that he can grab on to. He already has spent $100 million to wage the war in Cambodia without our approval.

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

Mr. GRAVEL. I yield.

Mr. MURPHY. Does the Senator believe that the incursion into Cambodia was successful, was proper, now, in retrospect?

Mr. GRAVEL. In retrospect?

Mr. MURPHY. Yes.

Mr. GRAVEL. I think it was idiocy, total idiocy.

Mr. MURPHY. In other words, the Senator feels that it was a mistake to have gone into Cambodia?

Mr. GRAVEL. A gigantic mistake.

Mr. MURPHY. Then, the Senator and I, of course, are in complete disagreement.

Mr. GRAVEL. There was never any doubt in my mind that we were in disagreement.

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

Mr. GRAVEL. I yield.

Mr. COTTON. I should like to ask the Senator a question. This is not an argumentative question. Rather than discuss all the aspects of the Indochina conflict, I want to make sure I understand exactly the magnitude of the amendment before I vote on it.

Am I correct in my understanding, one, that the Senator's amendment covers all appropriations, past or present——

Mr. GRAVEL. No, the Senator is not correct in that.

Mr. COTTON. I have not finished. For either military or economic assistance to Cambodia, except the $100 million which the President already has spent and which is being replaced?

Mr. GRAVEL. Let me restate it.

The amendment strikes out $85 million for military assistance and $70 million for special economic assistance. It leaves in the $100 million which the President already has spent, because he has robbed Peter to pay Paul. Now we want to pay back Peter. That is according to the policy already set by the Senate and Congress. This money came from Taiwan, Greece, and other funds. So we will put that money back so that we do not interrupt existing national policy or be dependent on policy now, of the $155 million which we are asked to give to the administration, for aid to Cambodia, or to support future incursions, whatever may be the case, in my mind.

Mr. COTTON. The Senator's amendment is to the language on page 7, and that has been discussed at length; but the fact remains that it only affects what we loosely call foreign aid, but actually is military or economic assistance ordered by Congress for Cambodia, and does not affect the President's use of any other funds that he has, for instance, in the Pentagon, for military purposes.

Mr. GRAVEL. No, it does not, as I understand it.

Mr. COTTON. That is the only limitation.

Mr. GRAVEL. That is the only limitation.

Mr. COTTON. The effect of the Senator's amendments to extend it over a larger proportion of the so-called military and economic assistance funds.

Mr. FULBRIGHT. Mr. President, will the Senator from Alaska yield for a comment?

Mr. GRAVEL. I yield.

Mr. FULBRIGHT. I think the Senator is quite correct. The President has rather wide discretionary power with regard to the funds, which he has used. I will refer to those specifically later. He has used this $100 million. We passed a new appropriation for foreign aid and there will still be substantial funds there.

I support the motion of the Senator from Alaska on the, in a sense, very narrow ground that authorizing new money will be interpreted, as an endorsement of a policy. The Senator's amendment will not have any serious effect on the availability of dollars for the President's use, assuming he takes full responsibility, as the Senator from Alaska has said, for implementing his policy. But we will reserve, if we support the Senator's amendment, our position on the question of policy until we have an opportunity to have hearings and consider the matter. The Senator realizes that there have been no hearings on this bill, other than statements of the administration's position, because there was no time.

The Senator is quite right. There are many other sources of funds to support the President's policy for the next 2 or 3 months, or until the end of the year, if he chooses to use his discretionary power.

Mr. COTTON. The chairman of the committee and the Senator from Alaska confirm my impression. But, be it remembered, for a rather extended period of months under the Johnson administration, we were not told quite how much money was going into the hostilities——

Mr. FULBRIGHT. The Senator is correct.

Mr. COTTON. Because there were various sources from which it came and various purposes for which it was being provided.

Mr. FULBRIGHT. The Senator is correct.

Mr. COTTON. But the effect if the amendment of the distinguished Senator from Alaska is added is to clearly forbid the use of what we loosely call foreign aid by the President for military operations in Cambodia. It obviously does not even compel the President, as a practical matter, to come back to Congress immediately for an authorization, after sending troops over there. In other words, unless he has to have some money appropriated by Congress he, like any other President, unless he chooses to do so, need not come immediately to the Congress for money.

Mr. FULBRIGHT. The Senator is quite correct. Of course, if it goes on long enough, the money would run out. I have a memorandum which I shall place in the RECORD later, prepared very carefully by the committee staff, showing the sources from which the President can get money to carry on this assistance program.

Last spring, we had a hearing on aid for Cambodia. There has never been any specifically authorized amount for aid to Cambodia but at that time we allocated $7 million for AK47 rifles and minor amounts of other equipment for which they used other funds. I reiterate that there is no way to prevent this. But by giving a congressional endorsement, by voting this amount, we endorse a policy which is significant to me: Do we really want to go down the line of assuming responsibility for the economic and military viability of Cambodia? That may be oversimplifying the case, but there is, I think, an important policy question involved. It is not a question of going into a sanctuary and then out, or something of that kind. It is the assumption, I believe, of a major new responsibility for another country. I think that kind of decision deserves both hearings and reasonable debate by the Senate before it votes on it. The only position I have taken on that question is that it should be deferred, deferred until the new Congress, and then we can have hearings. It is unwise and improvident to act suddenly with very little discussion on a matter of this importance.

Mr. COTTON. It is only by inference that Congress is taking the position that the President cannot use aid funds to support troop movements into Cambodia as a declaration of general policy; is that not correct?

Mr. FULBRIGHT. Yes.

Mr. COTTON. If the amendment of the distinguished Senator from Alaska is

adopted, it still is confined to military and economic aid funds and does not extend to any other source of funds; is that not correct?

Mr. FULBRIGHT. That is correct.

Mr. GRAVEL. That would be correct.

Mr. COTTON. Does it have the effect of preventing the assignment of general funds in the hands of the AID organization for use in Cambodia?

Mr. FULBRIGHT. As I say, the President has $100 million already from those same funds. Passing the pending bill without the amendment offered by the Senator from Alaska will be interpreted as affirmative approval by the Congress of the policy of assuming responsiblity for the military and economic viability of Cambodia.

It is a rather important assumption. I have thought, for the last year or so, that Congress wished to curtail the expansion of our foreign commitments in support of this or that country.

Mr. COTTON. I am thoroughly in accord with that view. I have regretted bitterly having voted for the Gulf of Tonkin Resolution——

Mr. FULBRIGHT. So have I.

Mr. COTTON. We can draw our own conclusions about whether this is a declaration of policy and how broad it is.

Mr. FULBRIGHT. That is right.

Mr. COTTON. But the facts are, it is confined to aid funds.

Mr. FULBRIGHT. That is right.

Mr. COTTON. This is an illuminating explanation and I thank the Senator for it.

Mr. SYMINGTON. Mr. President, will the Senator from Alaska yield?

Mr. GRAVEL. I am happy to yield to the Senator from Missouri, without losing my right to the floor.

Mr. SYMINGTON. The problem, as I see it, first there was a plan to win the war—then get out of it. We found out we were actively engaged in Cambodia. No one knew in Congress, let alone the people, knew the extent we were engaged in Laos. All of a sudden, without the knowledge of anyone in Congress, and without the knowledge of some high people in the military, we invaded a country. There was an uproar about invading that country. Later, we got out of that country with ground troops.

But again, we now have a policy of destroying countries, even though we admit no military activity is possible.

We have destroyed a large part of South Vietnam.

We have destroyed a large part of Laos. Now we are destroying a large part of Cambodia.

In the doing of all this, we are becoming the most unpopular people in the world.

When we got into this Cambodian situation, we had no treaty, no agreement—no nothing. We just go in with planes and troops.

We spend over $100 million of the taxpayers' money in supporting that country. We are now killing people in Cambodia by air attacks; and at the same time we are trying junior officers in this country for killing civilians in South Vietnam.

This is all getting cloudy to me; and I think it is getting cloudy to the people of this country.

Inasmuch as we have no arrangement with the Cambodians, no treaty, and no agreement, I do not see why it makes sense to give them certain forms of aid. But much we have already given. We are now bailing ourselves out with this bill.

There are three ways to do this today without additional money.

The first is through the aid program. There is already a lot of money here to provide assistance to Cambodia.

The second is to proceed with what we have already been doing, taking money away from countries. It is a little difficult, as a former businessman to rationalize the propriety of this action or the position of the Senate in so doing. But it has already been done to the tune of over $100 million. Money has been taken for Cambodia that was approved to go to other countries; and now being used in Cambodia not only without the approval of the Senate, but also without even the knowledge of the Senate.

Finally, section 502 of the bill contains $300 million of equipment that could be used, not 1 cent of which has been tapped. All of that money can be used to take our military equipment and put it in Cambodia.

We are placing hundreds of millions of dollars, if not billions of dollars, of military equipment, all over the world in countries with which we do not even have treaties.

That is why I think there is a lot of merit in trying to put a cork in this bottle, so as to prevent the money of our taxpayers being used all over the world in such ways.

If we have to put up more money, that should not be done before Congress has more knowledge of it.

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

Mr. SYMINGTON. I yield.

Mr. COTTON. Mr. President, I do not do much talking on the floor. I have been much interested in the comments of the Senator from Missouri.

The Senator from New Hampshire has never constituted himself as a military expert. He has perhaps not been quite as self-assertive as he might have been.

Mr. SYMINGTON. Mr. President, the Senator from New Hampshire is a very wise gentleman, and he has my respect in many fields.

Mr. COTTON. Mr. President, I thank the Senator from Missouri.

To me it is an oversimplification of the whole problem. It has been amply demonstrated that the war cannot be won militarily. I see only two obligations of the United States in Vietnam.

One is the obligation not to leave South Vietnam entirely without doing everything we can to bring our prisoners of war with us. We drafted them. We took them over there. They have not been brought home.

The second is the obligation we assumed. Perhaps we should not have assumed it, but we did. We did it by our action in encouraging the South Vietnamese by fighting by their side. We encouraged them to fight. We encouraged them to take a position which might lead to serious retribution upon them in the event of failure.

The second duty is, for a reasonable time, to try to furnish means of escape and evacuation should the government fall and should a massacre follow for which we would be partially responsible.

In other words, we could dig in at the ports on the coast of South Vietnam and stop ranging up and down the country having our legs blown off by booby traps, and simply dig in there under Navy protection, under air protection and say, "Here we stay until the prisoners of North Vietnam are opened to the International Red Cross so that we can take our prisoners with us; and here we stay long enough, so that if South Vietnam should prove unable to defend itself and should there be a probability or possibility of a massacre following an invasion, we could furnish at least a sanctuary for a reasonable number as we did with the millions of Catholics who were driven from North Vietnam to South Vietnam upon the division of that country."

That is the feeling of the Senator from New Hampshire. I cannot see it as a declaration of policy. However, I can see it as a simple prohibition, which is what it says, of the use of foreign aid money to take American troops again into Cambodia.

Mr. SYMINGTON. Mr. President, we were talking about Cambodia, not Vietnam.

I believed, and said so from the beginning, that the invasion of Cambodia was wrong. I thought it was wrong politically, wrong militarily, and wrong economically.

What a guerrilla wants is space. He wants space in which to operate. He wants to hit quickly, and then run. We have, by invading Cambodia, more than doubled the space in which the enemy can operate.

In any case, after careful staff investigation, we found that of the money involved—the administration has already spent some $108 million. We constantly give these blank checks to do various things. Whether this is right or wrong, the administration ought to come here and ask Congress before spending these millions.

The money is already there. Why give them more?

We have Communist rifles, therefore want money for ammunition for those AK–47's.

We also have hundreds of thousands of rifles that are relatively obsolete to our forces that they can use. We have also the money in the aid program, and the diversions that have already been made.

That is the way they obtained the $108 million already. They asked for money for Turkey and Greece, and they did not put it there, but put it in Cambodia; all this without the knowledge of Congress.

That is my point. What really is our position when it comes to fighting in countries with which we have no agreement, let alone a treaty? What, if any, control does the Senate have over such expenditures?

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

Mr. SYMINGTON. I yield.

Mr. CHURCH. Mr. President, I ap-

preciate the Senator's yielding, particularly in view of the fact that I wish to speak in opposition to the amendment. He has graciously consented to yield to me so that I can meet a luncheon commitment.

I intend to speak very briefly. I wish to place my position on the RECORD. I do so reluctantly because I have grave misgivings about the whole Cambodian adventure. And I think that I speak with some credentials as a long-time opponent of our war policy in Southeast Asia.

With all deference to other Members of the Senate, I know of no Member of this body whose opposition to the war goes back any farther than my own. When the Cambodian incursion took place I immediately spoke up against it. I thought it was a mistake then, and I think the same now. But, Mr. President, we cannot have it both ways. We opponents of this policy have laid down a series of demands upon the executive branch of Government. I submit that nearly all of these demands have been met.

We said, 6 months ago, when the Cambodian invasion first took place, that the President should have come to Congress and secured our consent before involving us in an extension of the war in another country. That was what the debate centered on for 7 weeks on the floor of the Senate, as we considered the ramifications of the Cooper-Church amendment.

I suggest, Mr. President, that the lesson of that debate has not been lost upon the present incumbent in the White House. This time he came to Congress. He asked for our authorization of this supplemental aid program, which, I might add, does establish a policy, a policy that has been well described by the distinguished chairman of this committee when he said that we are here asked to consent to a policy of economic and military assistance to Cambodia. I have said, in the course of hearings, that this bill represents nothing more than a substantial down payment on that policy which could extend into the future for a number of years.

Mr. FULBRIGHT. Mr. President, will the Senator yield for a clarification?

Mr. CHURCH. I am happy to yield.

Mr. FULBRIGHT. Does this mean that since they have asked us for approval, then the Senator approves, our assuming the responsibility for Cambodia?

Mr. CHURCH. I will get to that point.

Mr. FULBRIGHT. The Senator said he opposed the amendment of the Senator from Alaska.

Mr. CHURCH. Yes, I am going to explain why.

Mr. FULBRIGHT. Even though the Senator disapproves?

Mr. CHURCH. I am just laying the groundwork for my argument.

Mr. FULBRIGHT. I became confused in the labyrinth.

Mr. CHURCH. Mr. President, as I was saying, we asked that this matter be brought to Congress; it now has been brought to Congress. We ask that the integrity of the committee system be respected and that no effort be made to take this matter out of the hands of the Committee on Foreign Relations; and the integrity of the system has been respected. We have had both the Secretary of State and the Secretary of Defense before us testifying on this particular program.

If the long debate on the Cooper-Church amendment meant anything at all, it means that we insisted on our right to impose limitations on the spending of public money in a foreign country even in the course of ongoing war. This supplemental bill contains just such a provision. The only difference is that today the President of the United States is willing to accept the limitations on the spending of the money. Six months ago he was not so willing.

Those who supported the earlier Presidential position, exulted when the Cooper-Church amendment, as approved by the Senate, languished in conference, when it died, when its bones were interred with foreign military credit sales bill. One columnist went so far in his exultation as to say that the whole debate had been "the biggest nonevent of the year."

I suggest, however, that the corpse is showing new life. It first reemerged in the military appropriations bill when, on the request of the distinguished Senator from Kentucky (Mr. COOPER) and myself, the Committee on Appropriations wrote language into the military appropriations bill restricting use of any funds contained in that bill for the purpose of introducing American combat troops into Cambodia.

It has emerged again in even broader form in this bill because the Foreign Relations Committee has written language that covers not only the introduction of ground combat forces but also other military personnel, including instructors, advisers, technicians, and so on.

Moreover, this amendment is written in such a way that it is not limited to the scope of this aid program. It applies to any money in any bill approved by Congress. It is a general restriction on the use of all public money.

I am not standing here to claim victory, but it is significant to note the considerable progress we have made.

Those who support the pending amendment say we need more time, that it is a very serious policy question, that we should put it over until next year, and in the meantime the President can use other money without restriction and without the assumption of any responsibility on the part of Congress. That is a curious argument, especially when it comes from those who have said previously that Congress should exercise the power it possesses.

This is precisely what we have done in the pending bill. I said a moment ago that the original incursion into Cambodia was a mistake. I reassert it now. When we invaded Cambodia last spring only one-tenth of that country was in Communist hands. Today more than one-half of that country is in Communist hands. Presently there is chaos in Cambodia. The only highway open is highway one which links Phnom Penh with Saigon, and that highway is guarded by the South Vietnamese army. Every other highway is blocked, the waterways are blocked, the railroads are blocked, and the bridges blown. Economically, the rice cannot be transported, and the rubber plantations are down. Politically, the government is a prisoner in its own capital; it cannot confidently claim control that extends much beyond the airport. This chaos is the end product of what the President once described as the most successful single operation of the war. In essence, Cambodia, as a country, is a wreck.

Yes, our military invasion of Cambodia was a mistake. I said so then and I say so now. But I will not stand on this floor and say we have no responsibility for what has happened in Cambodia. We have responsibility. We were a part of what brought on that wreckage. Oh, to be sure, the enemy was there, too. The enemy also has responsibility for the present state of affairs in Cambodia, and so does the Lon Nol government which deposed Sihanouk, who up to that time, had kept the country on the razor's edge of neutrality. It impresses me not to hear Senators disparage the neutrality as one which enabled the enemy to maintain sanctuaries along the Cambodian border.

It was a neutrality, after all, that kept the country in peace, the people in peace, the economy intact. The Sihanouk policy kept violence and tragedy away from the people of Cambodia. That peaceful era has ended.

The United States bears part of this responsibility, as do the North Vietnamese, as does the present Lon Nol regime, and all those who have participated in bringing down this curtain of sorrow on the Cambodian nation.

That is the first reason why I oppose the amendment, because now, having taken part and assumed responsibility, we have to pay a price for the policy. This is a part of the price we must pay.

No other Senator has longer desired seeing this country leave Indochina than the Senator from Idaho. Yet, there is a price we must pay to leave.

Mr. President, we cannot pursue a mistaken policy for years, we cannot involve ourselves in a war that has cost more than 50,000 American lives and 300,000 American wounded, and end it all without paying a heavy price. There is no cheap way out of Southeast Asia. I have yet to hear a Senator argue convincingly that, in the present circumstances, the situation in Cambodia does not affect the prospect for an orderly extrication of American forces from South Vietnam.

If the present wreckage leads to a total collapse, as it well might without the assistance this bill extends, then the prospects for the further extrication of American troops from South Vietnam will be clouded, indeed.

So, I submit, it would be a posture of irresponsibility to pretend that there is no price to pay for the mistakes of the past.

I support this bill with the protections we have written into it, because it will expedite the continued withdrawal of American forces from Southeast Asia. I support the bill because it is, in part,

a discharge of a responsibility we assumed for the tragedy that has taken place in Cambodia. And I think that such prospects as there are today for the successful disengagement of U.S. forces from Southeast Asia, depend, in substantial measure, upon the passage of this bill. We critics have it both ways.

For these reasons, I shall oppose the amendment offered by the distinguished Senator from Alaska.

Mr. GRAVEL. Mr. President, I wish my colleague could be persuaded to alter his view and support my amendment; or, failing that, then my supporting the bill as it is, because I would be willing to accept within the bill the concept of the Cooper-Church amendment. I just do not feel that it is enough. I think circumstances could change tomorrow and the President could do what he wanted.

Mr. CHURCH. May I say to the Senator that I must respectfully disagree with that conclusion. It certainly does not follow from the language written in the bill that the President could do what he wanted in Cambodia, because the bill clearly does not furnish the President with money to introduce American troops or other American personnel into Cambodia. It does not follow that the President could do as he wants.

Mr. GRAVEL. If the bill does not provide money for that purpose, he obviously used some money before this measure came down the pike. Where did he get that money, and could he not get it from that source?

Mr. CHURCH. The answer is this: Before this bill came along, he had discretionary authority to use money in the foreign aid bill and the military appropriations bill. If this bill passes, as presently written by the committee, the President will no longer have that authority, because the bill provides that no money contained either in this bill or any other bill—no appropriated money from any source—can be used for the purpose of introducing American troops or other American technical personnel into Cambodia.

We are exercising the power of the Congress. We are limiting the use of the money. We are restricting this aid program to financial assistance for Cambodia and to military equipment and supplies.

Mr. GRAVEL. Could I ask my colleague—I know he shares my view in this regard—why we have to do even that? Why do we have to spend $255 million in Cambodia?

Mr. CHURCH. The answer to that question is the one I just made. We have assumed an obligation in Cambodia that we cannot walk away from.

Mr. GRAVEL. How did we assume this obligation?

Mr. CHURCH. By invading Cambodia.

Mr. GRAVEL. That was a Presidential act.

Mr. CHURCH. Yes.

Mr. GRAVEL. So what we are doing here is endorsing presidential policy, and until we do it remains only presidential policy. This goes to the heart of the argument I am making. If we vote this money, we say, "Mr. President, we think you are wrong, but we go along with it." I say let us not go along with it. That is what is important.

Mr. CHURCH. Let me say, first of all, that this bill, in its present form, does not constitute an endorsement of past Presidential decisions. It is a reaffirmation of the Cooper-Church amendment, which the administration strongly opposed for 7 weeks, during the time the Cambodian invasion took place. On the other hand, once the President has acted and the Nation has acted, all of us have a responsibility to bear. We cannot say that we did not invade Cambodia, or that it was the President's fault, and turn and walk away, as though the Nation itself were not involved.

Mr. GRAVEL. What would happen? Suppose we did that?

Mr. CHURCH. I suggest to the Senator that, based upon the evidence and the testimony presented, the following could happen: Cambodia is presently in a very precarious fix. If nothing is done—no financial assistance extended, no weapons or equipment furnished—it is quite likely that all of Cambodia could quickly fall into enemy hands.

Mr. GRAVEL. What effect will that have?

Mr. CHURCH. That would have a direct bearing on our position in South Vietnam. It would have a bearing upon the continued withdrawal of American troops and the rate of their withdrawal. It could profoundly affect such prospects as there are today for a successful completion of the President's withdrawal program.

Mr. GRAVEL. That is only based on the fact that the rate of withdrawal is dependent on success in thwarting Communist forces in Vietnam, North or South.

Mr. CHURCH. It is not so——

Mr. GRAVEL. Following that same logic, if situations change and the South Vietnamese turn out to be a lot weaker, and the North Vietnamese a lot stronger, 3 months from now, what would be the Senator's view if the President then felt that we could not continue to withdraw, that we had to increase for a period of time—only for a period of time? We have taken one step forward so that later we can take two steps backward. What would be the Senator's view toward that escalation?

Mr. CHURCH. The Senator from Alaska knows my view well. I strongly disfavored our going there in the first place. I have opposed the war policy consistently for 7 years. I have long advocated the disengagement of American troops from Vietnam in an orderly way. I would oppose any kind of escalation of the war in Vietnam.

My only purpose in supporting the bill in its present form is that I think it will help to expedite the withdrawal of American military forces from Southeast Asia.

Mr. GRAVEL. I do not question the Senator's sincerity of view that the bill will do that. I merely wonder why the Senator from Idaho could not support me in getting on a basis where we have no legal reason for being there other than a decision by the Chief Executive sometime last spring when he decided he would have an invasion. Now we are accepting that. We can accept it thus far, as I have done, by paying $100 million. The President has already used that money. He has disrupted other aid programs. We will pay that amount. We have an obligation to follow along.

Now we have the testimony by Secretary of Defense Melvin Laird, when he came before the subcommittee, asking for $155 million more, and saying it is just for this year; that next year more will be needed, because the situation seems to be getting worse, not better. So when shall we stop pouring money into that area?

If we have a $1 billion commitment, the decision comes about for twofold reasons. We have to send our troops in to save the money in question. So the administration will come back and ask for a change in the Cooper-Church amendment. I want to emphasize the Cooper-Church aspects. I have read nothing publicly; I understand that the Senator from Idaho has received private word from the President in that regard. I submit that that is a different method of transmitting information than a policy statement on the subject.

Mr. CHURCH. Let me say to the Senator, that whatever he or I might have thought of President Nixon's decision to send American troops into Cambodia, it happened, and certain consequences flowed from that action.

One of them was the virtual destruction of Cambodia. I suggest to the Senator that this military and economic aid program flows from a responsibility we assumed when American troops entered Cambodia and the second Indochina war began in earnest.

With respect to the Senator's argument that this is a downpayment on a continuing program, I agree. That was a point I tried to make in the questions I asked during the course of the committee hearings. But as Congress authorizes the program in the first place, so all extensions of the program must be brought back to Congress. The bill, as it is presently written, cannot lead to the introduction of American personnel into Cambodia, nor to the introduction of American troops, unless the President comes back to Congress and secures our consent.

Mr. GRAVEL. I think the Senator from Missouri made a fine point in that respect. I do not totally buy that, because I think when we have planes flying over Cambodia and dropping bombs and napalm, that is an involvement. It is a more sophisticated one, because, in our state of civilization, we now have airplanes, but it is a total involvement.

We are going to pay them to butcher themselves. We are going to give them top cover, so that they can butcher themselves effectively and efficiently.

Mr. CHURCH. I agree that we have become involved in Cambodia. It is a most regrettable outcome following after the President's decision to invade Cambodia.

But the real question is: What do we do now? What do we do, given the present set of facts? This is the question we face.

If Cambodia were suddenly to collapse, which is a real possibility without this financial and military assistance, then the problem confronting us in South Vietnam will be greatly complicated. The prospects for extricating the rest of the American troops will worsen.

Mr. GRAVEL. I really do not see——

Mr. CHURCH. And nothing is more important than to get on with a full and complete military disengagement from Southeast Asia.

Mr. GRAVEL. Apparently the Senator and I have a fundamental difference in our view toward the war. Because if Cambodia falls, if, even with $110 million, or $250 million, or $300 million, or a billion dollars, it still falls the minute we pull away, it must mean that there was no basic support for that form of government, for what was going on, for what we are backing up. So if we take away our support, and they fall, what is proven? What is proven is that our whole presence in Southeast Asia was wrong; and maybe that is what we are psychologically afraid of seeing at this point in time, that we are totally in the wrong, and the proof is at our doorstep; and Vietnamization is just rhetoric.

What we are talking about is turning the rheostat down to 300,000 troops and leaving them there for 10 years. Mr. President, we cannot afford to do that.

Mr. CHURCH. Mr. President, first of all, let me say to the Senator that I agree with him on the mistaken character of the war policy. I have said so many times; I have no reluctance to say so again.

Mr. GRAVEL. How do we correct our mistakes, I ask my colleague?

Mr. CHURCH. I say there is no way for a nation simply to walk away from its mistakes.

Mr. GRAVEL. France did it in Algeria.

Mr. CHURCH. No, France paid a price, and a price will be paid by us for our withdrawal from Vietnam.

The next question is whether or not Vietnamization is a hoax. The Senator from Alaska may feel that it is a hoax. I can understand some of the reasons why. I, myself, felt very skeptical about the Vietnamization program in the early days. I too, believed that it might be simply tokenism.

But, Mr. President, those days have passed, and the size of the withdrawals that have taken place is very substantial By the first part of May of the coming year, nearly half of the American expeditionary force will have been withdrawn from Vietnam, and this within a period of 2 years. The average rate of withdrawal has been 2,500 men a week. That evidence cannot be dismissed as tokenism.

My interest is to see this withdrawal continue.

Mr. GRAVEL. Could I make a statement on that last point?

Mr. CHURCH. Yes.

Mr. GRAVEL. I do not think it is tokenism. It never was. I think there is a calculated policy of this country to arrive at a level of involvement which is considerably less than that of the prior administration, but which will be sufficient to give us an anchor to go on for decades.

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

Mr. CHURCH. Either history will prove the Senator from Alaska right, or history will disclose that the United States continued to wind down its participation in the war and ultimately disengaged. I cannot predict the future. I can only look to past performance, to the substantial withdrawals which have already taken place. I can only cite the testimony given us by spokesmen for the administration, who pledged the continued withdrawal of American forces after May, and indicated that the eventual goal is to bring our forces cut entirely.

Mr. GRAVEL. If that is the goal, why could that not physically be done in a short period of time? Why?

Mr. CHURCH. The Senator knows that it could physically be done in a short period of time.

Mr. GRAVEL. It could.

Mr. CHURCH. Yes.

Mr. GRAVEL. Yes; it could. So why is it not done in a short period of time? That becomes the question. Is there a purpose for stringing it out?

Mr. CHURCH. Yes; there is a purpose. We can argue about how long this schedule should be extended. I am sure the Senator really does not want to place me in the role of supporting the time schedule the administration has been following. I have said in the past I thought it could be done more quickly.

It has to be done, however, over a sufficient period of time to permit an orderly transfer of responsibility on the battlefield; if we withdraw our forces as quickly as it is physically possible to withdraw them, the Senator knows what would happen. He knows the chaos and collapse that would occur, because our Army has been too large; it has played too central a role in this war to be suddenly jerked out.

It really avails us little to discuss the relative merits of a timetable which would bring the American forces out by the end of this year, by the end of the following year, or in 6 months. The truth is that if we took all the bills introduced this year setting timetables and deadlines, put them in a paper sack and jumbled them all together, and threw the contents out on the table, the average schedule represented by those bills would come out little different from the schedule that has actually been in effect. As I have said, the average withdrawal has proceeded for nearly 2 years at the rate of 2,500 men a week.

We may win many arguments with the President. We may impose statutory restrictions and make them stick. But there is one argument we will never win with the President and that is an argument over timetables, as long as he is making reasonable progress in withdrawing troops. That is why the heat has gone out of this debate on the war. That is why the Vietnam issue, so-called has been defused—because the American people generally feel that the President is in the process of taking us out of the war, and his schedule is at least sufficient to satisfy them that it is reasonable. That is an argument we are not going to win. Why persist in it?

The larger point here is that by putting restrictions in this bill on the use of money, we are reestablishing senatorial participation in the formulation of foreign policy. We are bringing Congress back into the role that the Constitution intended us to play. We are taking the necessary statutory precautions to see to it that Cambodia does not become another Vietnam.

We have won the victory on this long fight for the Cooper-Church amendment. The victory is in this bill. I think it is a historic victory. I know of no time in the history of the United States, in any other war, when Congress has ever imposed a statutory restriction upon the use of public money to prevent that war from broadening beyond the point that we feel serves the interests of the United States.

Instead of finding extreme—if I may say—reasons for voting down any money to Cambodia and permitting what might very likely be the precipitate collapse of that country, with all its adverse consequences upon the prospects for withdrawing American forces from South Vietnam, we had best look to what we have accomplished here. Constitutionally speaking, we have accomplished a great deal, indeed.

That is the reason why I feel constrained to oppose the Senator's amendment, and I do so knowing how sincerely he feels about it and how strongly he is motivated. I honor him completely. He has been a valuable ally in the long fight we have waged against the war policy over the years. I just have to disagree with him on this issue.

Mr. GRAVEL. I can appreciate that view.

If the victory of the Cooper-Church amendment—and that victory, let me say, is the interpretation of a remark by the President to the Senator from Idaho at a Christmas party—if the price for that victory is the legalization and the undertaking of the Cambodian affair, the expansion of the war in Southeast Asia, and our agreeing to that as a part of national policy, then all I can say to my colleague, who has labored hard in that vineyard, is that that price, to my mind, is too much to pay.

Mr. CHURCH. If I shared with the Senator the same interpretation he places upon this bill, I would vote not only in favor of his amendment but against the bill as well.

Mr. GRAVEL. I thank the Senator.

Mr. President, I yield to the Senator from South Carolina, without losing my right to the floor.

Mr. THURMOND. Mr. President, military assistance to Cambodia is absolutely essential for the protection of our troops in Vietnam and for the continued success of the Vietnamization and withdrawal programs. It is inconceivable that my colleagues would consider otherwise, especially since it has been conceded that no U.S. ground troops will be used in Cambodia.

The $155 million in military and economic aid to Cambodia is little enough to protect the great investment and sacrifice our Nation has made in Southeast Asia to stop Communist aggression. Military assistance to our allies has

proven to be one of our best assets for the free world for the past 25 years. It would be incomprehensible to me for my distinguished colleagues to object to this minimum military assistance of $85 million when the chips are down and the protection of American lives is involved.

President Nixon has advised that in his opinion aid to Cambodia is probably the best investment in foreign assistance that the United States has made in his political lifetime. If this aid is not approved, it will be one of the greatest mistakes in my political lifetime.

Mr. President, the freedom-loving people of Cambodia are fighting desperately for their survival. A small, sparsely trained and poorly equipped Cambodian Army is tying down 40,000 trained North Vietnamese regulars. If these brave Cambodians are allowed to be defeated while we hold our hands, then the 40,000 North Vietnamese regulars would be available to kill Americans in South Vietnam. It would be questionable then whether or not the withdrawal plan could continue as planned.

Mr. President, section 2(1)(2), entitled "Assistance to Cambodia," on page 3 of the report of the Committee on Foreign Relations, in the supplemental foreign assistance authorization, sets out in more detail the reasons for this aid to Cambodia and why it is so essential. I ask unanimous consent to have page 3 of the report printed at this point in the RECORD.

There being no objection, page 3 of the report was ordered to be printed in the RECORD, as follows:

SECTION 2(1)(2)—ASSISTANCE TO CAMBODIA

Section 2(1) would authorize an additional $155 million in aid to Cambodia in fiscal year 1971, $85 million in military assistance and $70 million in economic assistance. Through use of the emergency authority in the Foreign Assistance Act the President has already used funds appropriated for other countries to give Cambodia $90 million in military assistance this fiscal year and will soon allocate an additional $10 million, for a total of $100 million. Of that amount, $40 million came from military aid programed for other countries and $60 million was taken from supporting assistance funds destined primarily for South Vietnam. Thus, when the additional authorization is included the overall fiscal year 1971 military assistance program for Cambodia is $185 million.

Total fiscal year 1971 Cambodia MAP	$185,000,000
Transfers from other MAP	40,000,000
Transfers from other FAA programs	60,000,000
Total transfers	100,000,000
Supplemental fiscal year 1971 funds required	85,000,000

The greater part of the fiscal year 1971 military assistance program for Cambodia will provide items of an operational nature. According to the Secretary of Defense, about 70 percent will be used for ammunition, mostly for small arms and mortars. A significant number of carbines, rifles, machineguns, and mortars are also included, as are communications equipment and support for the few helicopters and tactical fighters which have been provided.

As to the $70 million in economic aid recommended for Cambodia, the invasion and occupation of the northern and eastern areas of Cambodia by the North Vietnamese have placed severe strains upon the economy of the country. Rubber exports have been sharply reduced, the tourist trade has been brought to a standstill, and rice exports have been jeopardized. The internal movement of goods is subject to harassment and transportation facilities are limited because of increased military activity. Tax collection is impossible in much of the countryside. The cost of supporting an army which has almost quadrupled in size in a few months are considerable. The meager resources of the country have been diverted to repair roads, bridges, and other installations destroyed or damaged by the fighting.

About half of the $70 million contained in the bill for economic assistance to Cambodia will be used to finance essential imports such as vehicles, machinery, textiles, and cement for the balance of this fiscal year, and about half will be for the funding of the pipeline of commodities for the early part of the next fiscal year. The Cambodians are trying to develop a multilateral foreign assistance effort. They have already sought advice from the International Monetary Fund on internal measures which can mobilize domestically part of the costs of their requirements. The committee hopes that the Executive Branch will exert every effort to internationalize the Cambodian aid effort.

Mr. THURMOND. Mr. President, I strongly urge my colleagues to approve the $155 million foreign aid assistance to Cambodia. To do otherwise, would break the faith with our courageous Armed Forces in South Vietnam and risk defeat when an honorable end to the war is within our grasp.

I thank the distinguished Senator from Alaska for yielding.

Mr. GRAVEL. I should like to ask a question of the Senator.

What is his definition of an honorable end to the war?

Mr. THURMOND. An honorable end to the war, as it is now, is getting out without being defeated, and preserving the South Vietnamese Government which gives the people the right to control their Government and not have it dominated by the government of another nation—to wit: North Vietnam.

Mr. GRAVEL. So it is without being defeated. Could I interrupt——

Mr. THURMOND. That is part of it. I said without being defeated, and preserving the freedom of the people of South Vietnam.

Mr. GRAVEL. Do we have freedom in Cambodia? Is there an elected government? Is that how Lon Nol is there? If we are going to spend money to help this Government, obviously it must be in line with that.

Mr. THURMOND. In Cambodia, as the Senator knows, the head of the Government was either Communist or inclined to the Communists, and the people got disgusted with him, and they took over when he left the country.

My information is that since then the people are much happier under the present Government than they were under the previous leader, and they feel that now they have a prospect of having freedom, which they truly did not have under the previous leader of the Government.

Mr. GRAVEL. According to the thesis the Senator has just expounded, we are involved in Vietnam, and unless we can extricate ourselves without defeat and assure that the existing Government there will sustain itself—those seem to be the second quid por quos the Senator has established—we must remain committed there. Is that a correct interpretation of the Senator's remarks?

Mr. THURMOND. It would certainly be my hope that that would be the case; because we cannot, will not, be defeated there.

The next is, we cannot allow the 45,000 men who have been killed there and the hundreds of thousands more who have been injured and maimed—some of them for life—to have died or been injured in vain.

Mr. GRAVEL. Pursuing the logic of the Senator's——

Mr. THURMOND. Therefore, as I see it, it is essential that the people of South Vietnam be allowed to choose their own government. They did that in elections recently and they got their freedom. The Communists have not taken them over.

To me, as I see it, if the Communists take over South Vietnam they will then take over Laos, Cambodia, Thailand, and then I think Burma would be next, and then India might be taken over. I think it would then only be a matter of time until the Philippines would be attacked as well as Australia and New Zealand. It might then conceivably not be too long until the Communists would be at the beaches of Hawaii.

Mr. GRAVEL. But they are already on the beaches of this continent. They are in Cuba.

Under the Senator's thesis, would it not be proper to have a punitive strike into Cuba right now and get those Communists out of there; and then go down to Chile and get those out, too? Would that not be a normal extension of the logic the Senator is expounding?

Mr. THURMOND. I would not say that.

Mr. GRAVEL. Then why should we be concerned——

Mr. THURMOND. Way back in 1962 I——

Mr. GRAVEL. With the Communists in Burma any more than we should be with the Communists in Cuba?

Mr. THURMOND. I did favor, way back in 1962, this country's previous commitment providing for air cover for Cubans to retake their own country, which they could have done if we had not withdrawn the air cover which President Kennedy had promised.

Mr. GRAVEL. The Cubans——

Mr. THURMOND. Wait a minute. The Senator asked a question. The Cubans were ready to retake their country. They were planning on this air cover, which the President of the United States withdrew at the last minute. I was in favor of backing those Cubans with air cover to retake their own country. I wish to see communism removed from Cuba as soon as possible. I think it was a great mistake that President Kennedy made in 1963 with the Cuban missile crisis, when he agreed that if they were to remove their missiles—and they were Communist missiles. Mr. Khrushchev admitted that—

we would not disturb communism in Cuba. I think that was a great mistake.

Again, at that time, I would have favored, if necessary, going in and cleaning communism out of Cuba. But under the present situation that should be handled in another way. I have a feeling that the Cubans may try to retake their own country. They are working on it now. We read in the newspaper a few days ago about a statement from one of their leaders that the assault will probably not be launched from this country. They would do it on their own.

In my judgment, there is danger to this country to have communism in Cuba. I think that any reasonable assistance we can give the Cubans to retake their own country would be worthwhile.

Mr. GRAVEL. Then, in the Senator's mind, would not that $155 million proposed to be spent on the other side of the world be better spent on this continent? If we are going to do that, what is the difference between a Chilean, a Cambodian, or a North Vietnamese Communist and a South American Communist? Wherever there is a threat of communism, do we have to prostrate ourselves before it in total fear? Why not do it efficiently and hit the ones who are closest? Why reach way over there?

Mr. THURMOND. I would not only favor giving equipment and help to the Cubans to retake their own country, and provide them with supplies and equipment, but I would also favor making sure that Southeast Asia not become dominated by communism. If Southeast Asia does go Communist, then other countries will follow in other parts of the world and, before we know it, the United States would be encircled completely by communism.

I hope that one of these days some of the people taking a different view will understand the true motives of communism, that it is the desire of communism to dominate the world—to communize the world. That is the goal that Russia is working on and is dedicated to every day. Red China has the same goal but it does not have the power or the means. Soviet Russia is a powerful nation militarily. They now have 1,200 intercontinental missiles to our 1,054. They have about two times as many submarines as we do, and twice the number of bombers. Russia has become a very powerful nation militarily. That is the reason I have urged in the Armed Services Committee and on the floor of the Senate that we keep our Nation prepared. We must have military superiority. Former Secretary McNamara brought us down to a parity and then below a parity. President Nixon has said that he favored military superiority when he was running for President and I hope that we can regain that military superiority. Otherwise our nation is in jeopardy.

Mr. GRAVEL. Going by the Senator's theory of superiority, would it be fair to say, then, that the United States for the past 2 years has had a preponderance of superiority in the Southeast Asia theater, with a total fleet, with command of the waters, with command of the air, with numerical superiority in forces that can match the training and equipment of any other force? Could the Senator explain to me, right along with his thesis, why we have not been successful in fighting communism in Southeast Asia, why we have no victory?

Mr. THURMOND. I can answer that for the Senator.

Mr. GRAVEL. Why is it that we go into Cambodia with 10 percent of its territory occupied by the Communists, then we come out, and now it is 50 percent occupied by the Communists? We are telling ourselves that we are winning, or doing the right thing. Why is it we cannot win? Why?

Mr. THURMOND. We have not had a victory in South Vietnam because it has been a defensive war. Our troops have been fighting with one hand behind their backs.

Mr. GRAVEL. Why do we not make it an offensive war? Let us make it an offensive war.

Mr. THURMOND. We have had the power to win. We should have won. If we had been permitted to use our air and sea power and gone on the offensive, the war would have been over long before this.

Mr. GRAVEL. Why cannot we do that now?

Mr. THURMOND. I wish we could.

Mr. GRAVEL. Why do we not, then?

Mr. THURMOND. It would suit me if we would do it. I would like to see our country win the war. If the United States does not win this war in Vietnam now, we will probably fight again. We are fighting in Vietnam now because we did not win in Korea. That was important. No, we did not win that war. That was a great mistake. But President Nixon inherited this situation and he has been trying to deescalate the situation. He has been trying to bring about the Vietnamization program, which means mainly this: that we will provide the equipment and the supplies to train the South Vietnamese and let them fight their own ground war.

If we had used our air power and our sea power, we could have resolved this war, in my judgment, within 60 days, following with a mopping up operation in 6 months, and this war would have been over years and years ago. We never should have sent the amount of ground troops that President Johnson sent to Vietnam. Air power should have been used. Sea power should have been used. In that way, we could have won a victory and wound up the war victoriously.

I wish to thank the Senator from Alaska very much.

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

Mr. GRAVEL. Let me say to the Senator from South Carolina that the pleasure is mine.

Mr. President, I am glad to yield to the Senator from Kansas, without losing my right to the floor.

Mr. DOLE. Mr. President, I commend, in part, the Senate Foreign Relations Committee for reporting the Cambodian authorization. I am still of the opinion that perhaps restrictions or so-called restrictions are meaningless insofar as they attempt to circumscribe the powers or the constitutional powers of any President.

Therefore, I repeat as I have so many times, that we cannot amend the Constitution by statute or can we impugn the powers of the President. But I would point out to the Senator from Alaska that to be consistent, if the Senator feels we should delete aid to Cambodia, then perhaps we should also knock out the so-called restrictions contained in section 6 with reference to advisers and introduction of ground combat troops into Cambodia.

The Senator from Kansas is of the opinion that the Senate Foreign Relations Committee, in an effort to compromise with the Executive; approved the authorization which the Senator from Alaska seeks to delete. And in the process it wrote in certain restrictions which I believe constitute a fair compromise.

The Senator from Alaska has made many statements about Vietnamization being rhetoric, but I am not certain what rhetoric means. However, I would remind the Senator from Alaska that when he came to the Senate and when I came to the Senate there were about 543,000 Americans in South Vietnam. The troop level now is about 343,000 Americans. President Nixon's Vietnamization progress is about 3 weeks ahead of schedule, and such reductions in troop levels indicate to me a significant withdrawal of American forces. They indicate some success in Southeast Asia. They indicate a winding down of the war.

Perhaps what the Senator from Alaska is suggesting—and I am not certain what the Senator from Alaska is suggesting—is that by inference we should substitute men for dollars.

I am pleased that the Senator is not going to sue the Cambodian Government for the return of the $108 million, and I am pleased to spend the $155 million if it means that we can keep the Vietnamization program on schedule.

Hopefully the Senator from Alaska would support the President in his efforts to wind down the war in Southeast Asia, a war that President Nixon inherited, to end a war which has dragged on too long. As the Senator from Idaho pointed out earlier, we just do not walk away from Southeast Asia. There is no easy way out of Vietnam.

I concur in those statements.

I have no quarrel with an effort to strike out anything in the bill. However, to be consistent, if the Senator from Alaska's suggestion is that we cannot aid the Cambodian Government indirectly through dollar grants so that they can protect themselves, then perhaps we should delete any restrictions contained in H.R. 19911 to make sure that we can protect the American forces and complete our withdrawal.

Mr. GRAVEL. Mr. President, I do not object to giving them something with which to support themselves.

I do not think we should relish the idea of giving them ammunition with which to butcher themselves. If they want to do that, that is their business. If we want to give them the arms with which to butcher themselves under the

guise that we have to do so in order to protect ourselves in South Vietnam, then we part company. Then we get into the argument of Vietnamization. That is supposed to mean that we are for ending the war.

I felt that way until the President moved into Cambodia. Then I came to a rude awakening. It dawned on me that we are not going to end the war in Vietnam. We are not going to walk away from it. We are going to restructure it based upon a truth that became apparent to all policymakers, that we cannot get out in a year. This will be a 10-year deal. It will not be until we kill them off and wipe them out in North Vietnam and then walk out with nothing left in Vietnam. That could be done this afternoon with a couple of atomic bombs or with H-bombs.

We have 310,000 troops in Europe. The reason that we have them there is that we want to defend Europe. We have a commitment there. We probably have. I do not want to discuss that.

The suggestion for Vietnam is that we level off at about 300,000. That will probably be the right mix to keep the war going for a long time.

The point was made earlier that the public's enthusiasm has been defused because we have withdrawn our troops to a certain level. I predict that the public's level of enthusiasm will be rekindled when we reach a total comprehension of what is going on.

Let me quote what is going on.

Mr. DOLE. From what?

Mr. GRAVEL. Let me quote from our Secretary of State in a hearing on December 10, 1970, before the Foreign Relations Committee. I refer to the Secretary of State of the United States of America in talking about our involvement in Southeast Asia, or more particularly Vietnam.

Mr. DOLE. Mr. President, will the Senator from Alaska identify when the statement was made and under what circumstances?

Mr. GRAVEL. Mr. President, I am reading from the U.S. Senate report of proceedings "three" of "five" of a hearing held before the Committee on Foreign Relations on S. 4542, a bill to amend the Foreign Assistance Act of 1961.

Mr. DOLE. The statement was made recently.

Mr. GRAVEL. The Senator is correct. It was made before the committee. That is the point. The statement was made recently, not 5 years ago and not during the Second World War.

Secretary Rogers said:

> At the present time we have a vital interest in Southeast Asia because we have been involved in a war that we have not been able to get out of. We have not been able to figure out either how to win it or how to extricate ourselves from it.

If that is not an admission of being nowhere, I do not know what it is.

Mr. DOLE. Was that the full extent of his testimony?

Mr. GRAVEL. Mr. President, if the Senator cares, I could read all of the testimony.

Mr. DOLE. It might be well to put it in the RECORD.

Mr. GRAVEL. I could put it all in the RECORD.

Mr. DOLE. That would be too expensive.

Mr. GRAVEL. He goes on. Probably he said a lot of other things. But this is what brought itself forcefully to my attention. I think it is very significant. He says we are there because we are there and no one knows how to get out.

Let me add something further in this regard. I went to a policy briefing at the State Department last week. It was unbelievable. Actually I thought I was in the Pentagon and not in the State Department, because we were playing soldiers.

The point made was that we have to increase our commitments in order to decrease our commitments.

That is unbelievable. That is the way that Hitler ran Germany.

They are making bold statements and using words that are totally unrelated to the actual facts.

The facts are that since last year we went from nothing up to $255 million, and we now have the $155 million that the Senate proposes to assent to today. I hope that it does not. We have gone in one year from nothing to $255 million.

It is a war. It is not aid to Bolivia or to Brazil. It is pouring money right into a hot war.

Mr. DOLE. Mr. President, it is a war with whom? It is a war with 40,000 North Vietnamese and 10,000 Vietcong. If the 50,000 were not tied down in Cambodia, they might be in South Vietnam killing Americans.

Mr. GRAVEL. That is correct.

Mr. DOLE. So the Senator is saying that we should let them kill and wound Americans.

Mr. GRAVEL. No, I say we should bring the Americans home and then they will not be killed. We should stop putting them in a position of being prisoners. We should stop putting them in a position of being killed. Then they will not be killed. Why deal with rhetoric when decision is called for?

Mr. DOLE. Mr. President, I do not share the view of the Senator from Alaska.

Let the record be clear that since the Cambodian incursion our casualties have dropped, so we have had many hundred fewer American deaths and many hundred and many thousand fewer American casualties because of Cambodia. The sanctuaries were cleared out.

I cannot believe the Senator is serious in suggesting that we leave the Lon Nol government helpless, that we turn loose the 50,000 Communists.

Mr. GRAVEL. Who is the Lon Nol government that we cannot leave them helpless? Who are they?

Mr. DOLE. I am emphasizing the 50,000 Communists being tied down by the Lon Nol government.

Mr. GRAVEL. So the Senator's logic is generalship. We are talking about moving soldiers here and there, and we are going to put so many soldiers in to tie up so many of the enemy over here in order to kill less over there. Is that the Senator's argument?

Mr. DOLE. No. Perhaps the Senator should listen more closely.

Mr. GRAVEL. I am happy to.

Mr. DOLE. The Senator from Kansas is talking about extricating our Nation from South Vietnam. The Senator from Kansas is discussing the Vietnamization program initiated by President Nixon less than 2 years ago. I would say to the Senator from Alaska, with all respect, that President Nixon did not start the war in South Vietnam.

Mr. GRAVEL. I never said he did. That is not a point in the argument.

Mr. DOLE. I did not say he did. The Senator read a statement about our being in South Vietnam. I say that our presence there is not because of anything said by Secretary Rogers, or anything done by Secretary of Defense Laird, or done by President Nixon.

Every Senator wants to extricate American troops from South Vietnam. How do we do that? I believe we can expedite it and keep the Vietnamization program on schedule by going to the aid of Cambodia. I suggest we keep the Vietnamization program on schedule, and in the interest of that schedule that the Senate should act affirmatively on the proposal of the Committee on Foreign Relations and defeat the amendment of the Senator from Alaska.

In the alternative, if the Senator from Alaska wants to be consistent, in addition to striking out the words he suggests in his amendment, he should strike out the restrictions in other parts of the bill pertaining to military troops and advisers.

But in any event, as I understand it, under this proposal our Government still has the right to provide mercenaries in Cambodia and the right to conduct air combat operations over Cambodia and to put live artillery shells into Cambodia and perhaps the necessary military acts.

Mr. GRAVEL. That is something I had not thought of. It is interesting to me that someone like the Senator, who is close to the administration, would talk about mercenaries. Can I conclude that if we pass the $155 million the administration is going to hire mercenaries; or maybe they are going to bring the South Korean division from South Vietnam and move it into Cambodia. Could that be done?

Mr. DOLE. It could be done whether the Senator's amendment prevails or not. I would rather have mercenaries fighting in Cambodia than Americans.

Mr. GRAVEL. Why have anyone fighting? What is the purpose of it? Why should there be the killing? Why should we be for butchery for the sake of butchery?

Mr. DOLE. The Senator uses the word "butchery" as if it were some game being played in Cambodia, as if all the people in Cambodia shared the same ideology.

Mr. GRAVEL. Lon Nol supposedly has the same ideology as the Senator and I. He took power through a coup that claimed to have the same ideology as the Senator and I.

Mr. DOLE. There are about 50,000 North Vietnamese and Vietcong Communists in Cambodia.

Mr. GRAVEL. How many Communists are in Chile? Why not move into Chile? That is a country where a Com-

munist was elected. Why not use the same logic? Let us send in troops and clean it out.

The basis of the Senator's logic is that we are involved in Southeast Asia to fight Communists. If it is worth it there, why not do it here? Why is the Senator not for it here?

Mr. DOLE. It was not my logic that got us involved in Southeast Asia.

Mr. GRAVEL. Why not use that logic to get us out?

Mr. DOLE. We are getting out under the leadership of President Nixon; we got into our involvement there under the administrations of Presidents Kennedy and Johnson.

Mr. GRAVEL. Why does the Senator insist on giving it a partisan definition? I would be standing here debating the Senator if he were a Democrat and I were a Republican. I disagree with the policies of the prior administration and the administration before that.

I am making the simple point that if we are there because we are fighting communism, why do we not fight it in this hemisphere? Why go to the other end of the world to do it?

Mr. DOLE. If the Senator wishes to introduce a resolution to fight communism everywhere in the world he can do so and we can bring it to a vote.

Mr. GRAVEL. I am moving to strike this language so we do not go with the policies of involvement in Cambodia.

Mr. DOLE. What about our involvement in South Vietnam? Is that secondary to the Senator's purpose?

Mr. GRAVEL. No, primary. If I thought it had a chance of passage, so that our troops might be pulled out late this afternoon, I would do it. But I do not think the American public—the only thing is the courage to do it—has the courage to say we are wrong, let us march right out. A schedule of Vietnamization or deescalation is not needed; it could be done in months. We are toying with a time frame and the time frame is the desire to win. We are going to say we are going to keep deescalating until we are sure at some level we can sustain the government in power. If that is the mix of our troops, blood, and money with South Vietnamse troops, blood, and money, and a little bit of Cambodian stuff added in, and some Laotian, we have a good mix to last 10 or 15 years, and we will continue to perpetuate the ideology of fear of communism, which is no more than another competitive economic system.

Mr. DOLE. Mr. President, I have great respect for the American public and believe that if the Senator should introduce such a resolution this afternoon he would hear from the American public. As far as the Senator from Kansas understands the amendment of the Senator, and as far as the Senator from Kansas understands the statements made by President Nixon and the statement made by the Senator from Idaho a few moments ago, the purpose of the committee's provision is to bring about some transfer of responsibility to their armed forces. The achievement of this purpose is what we hope for and it will come sooner than we expect, but I have great interest in Americans who remain in Vietnam and in their orderly and safe withdrawal.

What does the Senator believe is going to happen to prisoners of war if we pull our troops out this afternoon?

Mr. GRAVEL. I have not communicated with anyone from the North Vietnam Government.

But I do believe—and I would bet my Senate career—that if we announce we are going to leave South Vietnam in 30 days, all of our prisoners in North Vietnam would be repatriated and given a first-class ticket back to the United States. I am sure of that; there is no doubt in my mind.

Mr. DOLE. I do not share that view.

Mr. GRAVEL. What view does the Senator share? Does the Senator think they like to capture and mutilate people because that is their nature? Is that what the Senator thinks?

Mr. DOLE. No.

Mr. GRAVEL. Why do they capture Americans? Why? Because we are in combat.

Mr. DOLE. That is true. We have been in combat.

Mr. GRAVEL. So if there is no combat they will not capture anyone.

Mr. DOLE. That is true.

Mr. GRAVEL. I was distressed—and I have not heard a public figure express it, and I will be the first to mention it today—over the crescendo this administration created over our concern for prisoners of war, because I think any human being has concern for anybody else's confinement and brutalization. But it is part of the big rhetoric.

Mr. DOLE. What is?

Mr. GRAVEL. You pick on the pitiful little things to take people's minds off of the broad, visible logic. The problem is not that we have Americans who have been captured.

Mr. DOLE. That is the problem for the wives and mothers.

Mr. GRAVEL. Darn right it is, and who put them there? The policies enacted by this country, and all I am asking is that the policymakers change their minds and say the policies are wrong.

So those who wring their hands, pontificating how terrible it is to have boys in these camps held prisoner better pontificate over the fact that we should not be there.

Mr. DOLE. I wish the Senator had been here in 1963 when combat troops were first sent to Vietnam. He could have made that statement at that time.

But let the Senator from Kansas also point out——

Mr. GRAVEL. I was not in the Senate, but I was in a visible public office. I held public office at the State level. I publicly announced my position. I thought it was idiocy at that time. I said it was idiocy at that time.

Mr. DOLE. The Senator from Kansas would also take issue with the statement made by the Senator from Alaska that we have nothing to fear from communism; it is just another ideology; do not worry about Communist Russia.

Mr. GRAVEL. Do not put words in my mouth that I did not say. I said it was another competitive system. There are degrees of immaturity in our society and degrees of irresponsibility. And looking at history, I find some measure of irresponsibility and immaturity in the Asiatic society, in the European society, and in the Euro-Asian society. So if one wants to find immaturity, I think he can find it to some degree wherever he looks for it. If we focus it on this century, communism is the bette noir for some people. I do not get hung up in that regard. I think we can develop a defense posture while waiting for man to reach the stage of maturity. Our defense posture does not, in my mind, depend one iota upon the butchery that takes place in South Vietnam—that we pay for and the Communists pay for.

Mr. DOLE. I would point out to the Senator that there are at least two sides to the question. In this case there happen to be many sides——

Mr. GRAVEL. What does one say to two boys who are fighting? You say, "Johnny, won't you be a little more mature and stop fighting?" You appeal to the maturity of one of the combatants to stop it. That is all we are really appealing for. We hold ourselves superior, as the super power, more mature, wealthier, much more sophisticated, we think. So I should think it would be easy for us to say the intelligent thing for us to do is get out of there; just walk away. That is the mature thing to do.

I yield to the Senator, if he has an additional question, without losing my right to the floor. Then I have some other things to elaborate.

Mr. DOLE. I do not desire to belabor the point, but since the Senator is going to speak in any event, I will ask some questions of him. Does the Senator believe we should have any restriction if we strike out the money, or should we remove the restriction in section 6?

Mr. GRAVEL. I am basically a civil person. I would like basically a simple thing—that is, to stop the money. Then I would sit back, be happy with that, and wait for another opportunity to improve the situation, because I think the situation can be improved greatly. This is a simple amendment. I would be satisfied today to have a vote for it, so this body would not go on record as saying, "Mr. President Nixon, we think your acts in Cambodia were justified and we are going to pay the tab." Not only would we encourage the President in doing that, but we would pay the additional tab for further involvement in Cambodia, which in my mind is extending our role in Cambodia without cause.

Mr. DOLE. The Senator has no objection to air combat missions over Cambodia?

Mr. GRAVEL. Yes, I do. I have objection to our presence there in a military fashion.

Mr. DOLE. Where?

Mr. GRAVEL. In Southeast Asia.

Mr. DOLE. What about the Middle East?

Mr. GRAVEL. Does the Senator want to discuss the Middle East problem at this time?

Mr. DOLE. We have enough to discuss on the Southeast Asia question.

Mr. GRAVEL. I would be happy to launch into that area of the world. It is

an interesting one. I would be happy if we could discuss the problems in Europe. I will answer the questions. If the Senator wants to guide the questions into the Middle East, I will follow him.

Mr. DOLE. The Senator also objects to air operations over Cambodia?

Mr. GRAVEL. I think it is involvement. I think it is hypocrisy.

Mr. DOLE. It is protecting American forces.

Mr. GRAVEL. We come back to the argument of protecting American forces. It is simple. Take the forces out and we do not have any problem. It is simple. Do not get into Cambodia. Do not get involved. Then we do not get into anything.

Mr. DOLE. We debated earlier this year the end-the-war amendment, which I designated the lose-the-peace amendment——

Mr. GRAVEL. I did not hear that.

Mr. DOLE. I said we debated earlier the end-the-war amendment, which I designated the lose-the-peace amendment.

Mr. GRAVEL. What is the Senator's definition of peace in Southeast Asia?

Mr. DOLE. During the course of that debate, proposals were made for a termination date. We learned then that even the Senators who wanted to end the war could not agree on a fixed date. The point I am making, as the Senator from Iowa said earlier, is that we cannot take away the right of the President to fix that date. He must have that flexibility. I would say to the Senator, as far as any fixed date is concerned——

Mr. GRAVEL. I am not arguing for any fixed date.

Mr. DOLE. The Senator said, get them out this afternoon.

Mr. GRAVEL. If I had my druthers, if I were a genie, I would wave my wand and get them out of there right away.

Mr. DOLE. What is the Senator's realistic proposal?

Mr. GRAVEL. From a logistical point of view, we would start pulling them out.

Mr. DOLE. Is that not what we are doing?

Mr. GRAVEL. We are doing it much too slowly. We are proceeding on a logic that rests on Vietnamization.

Mr. DOLE. Now the Senator comes around full circle. The Senator from Alaska agrees with the Vietnamization program——

Mr. GRAVEL. I do not agree with it. Why stretch the Senator's words to say I do? What point is the Senator making?

Mr. DOLE. Not even that.

Mr. GRAVEL. No. My point is very simple. I disagree with the Vietnamization program. We should get out. When statements are made that our boys are being killed and our boys are being maimed and our boys are being captured and held captive, that logic does not direct itself to the problem. That is an emotional outburst. That has no logic at all. The logic is that if we take the boys out, they will not be killed or maimed or become prisoners. It is that simple.

Mr. DOLE. It is not that simple.

Mr. GRAVEL. The Senator says we have to be there for a reason. Everything is emphasized along that line. Follow that same theory for over a year. First of all, I have never heard a timetable from this administration as to when our troops are going to get out. All I have heard is that the mix seems to be about 300,000 troops, about the same number we have had in Europe. We have 45 or 50 thousand in Korea. That is a 17-year mix. Maybe next year it will be 370,000 troops. But our tax dollars pay for it under some mythology that this adds to our security. I say it does not add to our security.

Let me juxtapose these questions:

What would happen if Cambodia fell tomorrow? It may well fall, for that matter. Obviously, it would become communistic. We would have some gnashing of teeth, but life would go on. We would have our traffic jams and everything else. Life would go on. Basically, that would increase the casualties of Americans in South Vietnam. That would be the difference, except the American people are going to get up and say, "We do not want Americans getting killed at that rate." We have to deescalate. That means an increase of the Vietnamization program, as the Senator sees it. That would be counter to the administration's point of view. That would show quite adequately that Vietnamization means nothing. It does nothing because nothing is done except what the enemy permits to be done in that way. If we still think it does, when the enemy does not permit it, we raise the activity on the north and we raise the level of the war. Then are we still going to keep on withdrawing troops?

That is a good question. I think this administration would not, because that would mean, in their psychology, immediate defeat; just as, if we put this money into Cambodia, it does not mean it is a one-shot deal, it means we are going to put more money in, and that if there is a danger that Cambodia will be overrun 6 months from now, we will have to escalate to the next higher step, and they will devise some way of getting American troops in there. Or they will go the mercenary route until they butcher enough of those people. But the point I am making——

Mr. DOLE. Who is going to butcher them?

Mr. GRAVEL. All right. We have hired mercenaries, and we are about to lose Lon Nol. The reason we are putting this money up is because we are about to lose Lon Nol. So what happens next year? We put more money up. But supposing the money is not enough, what do we do then? What would we do if we had another Tet offensive? What do we do to keep the status quo until a sufficient period of time elapses so that we can then turn the rheostat back down?

Mr. DOLE. What would the Senator do?

Mr. GRAVEL. No, no, I am outlining a set of facts here. We have seen that until now, the administration has been able to escalate to a proper level of mix. We have not arrived at that level of mix, and we will not know what that mix is except after the fact, after a long period of time has elapsed and we look back and say we were able to hold the bastion of South Vietnam with 200,000 troops, or 150,000 troops, for 10 years.

This, to my mind, is wrong, and adds nothing to our security. Supposing South Vietnam fell, and became totally Communist tomorrow, and then Cambodia fell and became totally Communist; would that appreciably change the life of my colleague from Kansas? Would that change his life?

Mr. DOLE. It might not change mine, but it might change my daughter's or those of her children. But in any event——

Mr. GRAVEL. Will the election in Chile change the Senator's life? The recent election in Chile, will that change his life?

Mr. DOLE. I have not made a judgment on Chile yet.

Mr. GRAVEL. Well, really, is it that complex? It is a Communist country now, with Communist leadership. Is that going to change the Senator's life?

Mr. DOLE. I do not want to interrupt the Senator's——

Mr. GRAVEL. I have answered truthfully the Senator's questions. Can he answer mine truthfully? Is that going to change the Senator's life?

Mr. DOLE. I cannot answer the Senator's question at all.

It seems to me that there must be a basic recognition that we are withdrawing troops from South Vietnam. It may not be on the same schedule the Senator from Kansas would like, or on the schedule the Senator from Alaska would like or some other Senator might like, but we have reduced the troop level by 200,000.

Mr. GRAVEL. Mr. President, that is not so. Why would the Secretary of State of the United States of America say he does not know how to get out of Southeast Asia, if that is what we are doing? The Senator says that is what we are doing; but why would the person who is the spokesman for our policy say he does not know?

I can hold views, as the Senator can, as a Member of this body; but our views may represent totally wishful thinking, unrelated to the policy of the administration. The Senator is making a statement that this is going to happen. I say it is not going to happen.

Mr. DOLE. Mr. President, I made a statement of what has happened and did not comment on what may be forthcoming.

Mr. GRAVEL. But the Senator has not addressed himself to my mix theory. If we want to discuss this subject, I think the point is that we are not going to go any lower, because if it is intended that we withdraw all our troops over there, why not do it all now? Why go through the cost of delaying it? Because when we come to the realization that we should not be there, it will not make any difference. I think Walter Lippmann addressed himself to that point beautifully in his article in Newsweek. Has the Senator had a chance to read it?

Mr. DOLE. No, I have been very busy.

Mr. GRAVEL. May I commend it to the Senator's attention?

Mr. DOLE. Yes.

Mr. GRAVEL. I will put it in the RECORD, and the Senator can read it tomorrow, unless he would like to read it this afternoon.

Mr. DOLE. No; I shall be busy all afternoon.

Mr. GRAVEL. Maybe I will read it this afternoon.

Mr. DOLE. I wish the Senator would read it this afternoon sometime. But, finally, we have to recognize, to make a judgment in the Senate either pro or con, that it is in our best interests—not the interests of Cambodia, but our best interests—to provide the money. If we make a judgment that it is not, well, we have made that judgment. But to raise all the hypothetical questions, to suggest that there is no real threat from communism, to suggest that nothing would change if everything goes Communist in Southeast Asia, to suggest that President Nixon has been unsuccessful with Vietnamization.

Mr. GRAVEL. I did not say that.

Mr. DOLE. I say these are not facts. The facts are otherwise, as far as the Senator from Kansas understands the facts.

Mr. GRAVEL. Here is a fact: We had 10 percent of the area in Cambodia controled by Communists before we went in. We went in, we have come out, and now it is 50 percent Communist controlled. What does that fact mean to the Senator?

Mr. DOLE. Control of what?

Mr. GRAVEL. Of area. What do we fight for in this world, if not the ground we stand on?

Mr. DOLE. Am I to understand on that ground, then, the Senator would not want to fight in Cambodia?

Mr. GRAVEL. That is right. But I would fight to the death for the ground we have in Alaska and for the ground we have here in Washington, D.C. The problem is, we get confused as to where the Senator wants to die and where I want to die.

Mr. DOLE. I do not want to die at all.

Mr. GRAVEL. And I do not think there is any reason for our boys to die over there. I asked the question earlier, if Vietnam went Communist and Cambodia went Communist, how would it affect the Senator? How would it affect his children? He said it would affect them. I ask the Senator to tell me how.

Mr. DOLE. The Senator from Kansas is not a prophet, and I really do not know. I cannot answer that question, how it might affect me or how it might affect my children.

Mr. GRAVEL. Well, does the Senator want people to die for things we do not know about? That is what we are talking about. What we are talking about is $155 million for bullets to go through people's bodies. And the Senator says we do not know. Secretary Rogers said he did not know. All he knew is that we are there, and that is it. We are there and we are nowhere. We do not know how to stay in properly, and we do not know how to get out. We are just nowhere.

Mr. DOLE. Mr. President, to quote one sentence out of what was probably a rather lengthy period of testimony is not being quite fair to Secretary Rogers. Yes, we are there; that is a fact. We are getting out of there, and that is a fact. All this "mix" theory is a new theory to me; I do not know anything about the mix theory.

Mr. GRAVEL. Let us discuss it, then, if it is a new theory. I think it is a good one.

Mr. DOLE. I suppose I can discuss things I know nothing about; so let us proceed on the "mix theory."

Mr. GRAVEL. The theory I have is that the reason we have a time element in our withdrawal—and it is an extended period of time, and we keep the time unknown—is because we do not know at what point South Vietnam's Government will be unable to sustain itself without our troops being there.

If that does not happen for 10 years, that means we may be in South Vietnam or Southeast Asia, for that matter, to the tune of 300,000 troops over the next 10 years.

We have done that in Europe; we have done it in Korea; we have done it all over. So why should we not do it there?

That is what I say is going to happen. We have not learned anything with the passage of time. We are going to move into another mix, which President Nixon is going to face, because until he finds the point at which the present regime can sustain itself, we will keep our troops there and go on with this war for another 10 years at the proper mix. We will go on until all the people in North Vietnam are eliminated, and when they are all eliminated, we will say we have peace on earth, and we will bring our troops home, and salve ourselves as heroes, that we have done something worthwhile.

All I am saying is, if we want to do this intelligently and efficiently, we should obliterate North Vietnam right now, pull our troops out, and be done with it.

The reason we cannot do that is because that brings into visibility the total moral decision that must be made. We do not have the guts and morality to make that decision, because it is patently wrong. But we have the morality and we have the sophistication of being able to make the decision over a long period of time, and keep the visibility low, so that to bleed North Vietnam and butcher those people for 10 years is not as bad in our minds, as if we dropped a couple of H-bombs this afternoon and obliterated them right now.

That is the fallacy of it all. That is the total fallacy. When you kill, you kill; it makes no difference when and how you do it.

We do not have to do it. Our security does not depend on it. I ask the Senator the question, as a knowledgeable person in this country, how will it change his life today, or the lives of his children 10 years from now, if Vietnam goes Communist and Cambodia goes Communist? How will it change their lives? Because the answer to that question has got to be the reason why we make the decision for those funds. And if it does not affect the Senator's children 10 years from now, we have no reason killing people today.

Mr. DOLE. I am not killing anyone today.

Mr. GRAVEL. Yes; the Senator is, and I am, too. Let us not kid ourselves that we can stand here and absolve ourselves of the bullets that fly, when we pay for them. When we appropriate the money, we are as much killers as the others. Let us not kid ourselves on that. And the Senator should not kid himself on that. We are all collectively guilty of what happened in My Lai.

Mr. DOLE. The Senator has some theories that the Senator from Kansas does not understand.

Mr. GRAVEL. The Senator does not understand that when he votes today for $155 million that the money is going down to the administration; that they are going to go to a factory with this money; that somebody is going to buy a box of ammunition; that somebody is going to take it to an airplane, put it on the airplane, that the airplane is going to fly to Southeast Asia, over Alaska, and land in Southeast Asia; that somebody will take the box of ammunition off and put it on a table; that a guy is going to come by, take some of the ammunition, put it in his pocket, walk over here, load his gun, and shoot another human being?

Mr. DOLE. Is that a question?

Mr. GRAVEL. Yes.

Mr. DOLE. Well, the Senator from Kansas has heard not many statements in this Chamber, because he has only been in this Chamber for a couple of years, but he has heard statements to the effect that this Chamber reeks with blood, and has heard others say that perhaps it reeks with self-righteousness but not of blood.

The Senator from Kansas would suggest that, as he understands the reason for H.R. 19911, it is to take that action which is in the best interests of our country, in the interests of saving American lives, in the interests of proceeding with the Vietnamization program.

Mr. GRAVEL. Here we come back to the Vietnamization program.

Mr. DOLE. Let me respond, since the Senator asked a question.

We can talk about all kinds of theories on the Senate floor. We can ask all kinds of unanswerable questions on the Senate floor. We can speculate about any country. We can speculate about what might be happening in some other part of the world next week or next year or 10 years from now. But we must address ourselves to the present in South Vietnam. That is the conflict in which we are engaged. That is the conflict from which we are attempting to extricate ourselves.

The only question, as the Senator from Kansas understands, is, How do we do it? How do we do it effectively? How do we do it expeditiously? How do we do it with the least loss of American lives?

The Senator from Kansas supports President Nixon, if the Senator from Alaska was not aware of that.

Mr. GRAVEL. I was aware of it.

Mr. DOLE. The Senator from Kansas supports President Nixon because he is extricating us from South Vietnam, perhaps not according to my timetable, not according to the timetable of the Senator from Alaska. But to imply on the Senate floor that there has been no progress in

Southeast Asia is incorrect, because the troop level has been reduced by many thousands.

Mr. GRAVEL. In many hours I did not use the word "progress."

Mr. DOLE. The Senator from Alaska has been critical. He said Vietnamization is nothing but rhetoric.

Mr. GRAVEL. That is right. If there is progress in changing the troop level from 500,000 to 300,000, I will say that is progress.

Mr. DOLE. Did we not believe it was progress in the prior administration when the troop level was escalated?

Mr. GRAVEL. The Senator is back to partisanship.

Mr. DOLE. No.

Mr. GRAVEL. I am willing to concede that they were wrong. I stated publicly that they were wrong, and I will state it again.

Mr. DOLE. That is not important; I am just stating the facts.

Mr. GRAVEL. But the Senator said it in such a defensive way about this administration, as though it is their war and we are just laboring under the burden of it.

Cambodia was not their war. It was Nixon's war. This amendment is to make sure that it is not the national policy of this country and that the Cambodian incursion remains this administration's act and not a matter of policy.

Mr. DOLE. The Senator from Kansas only suggests that we are now at least discussing the issue, and that would be helpful.

The Senator from Kansas believes the only judgment that we should make is whether or not we appropriate the money. The Senator from Alaska feels that this proposal is going to widen the war or somehow escalate into South Vietnam, and if this is so, of course his amendment should prevail. But if a majority of the Senators feel otherwise——

Mr. GRAVEL. Does the Senator doubt that? This is the same argument—I will not say the Senator from Kansas has made it, but I would say that advocates of the present arms race have suggested, "Why not? The Soviet Union has increased its budget, is spending more on arms." Does the Senator doubt that the people in Southeast Asia do not think we are withdrawing when we appropriate more money for arms for Southeast Asia? That is what we are asked to buy in the briefings at the State Department. They were saying we have to appropriate more money so that we can have less of a commitment. That does not make sense. I do not think it makes sense to anybody else. We can deceive ourselves on that, and we do; and that is what the Senator is buying. The Senator is saying that we have to do this, we have to spend more, so that we can keep the Vietnamization working. That is the logic that the Senator is putting forth—that we have to spend more money so that we can make the extrication possible.

Mr. DOLE. One correction.

Mr. GRAVEL. That we should go one step forward so that we can make two backward. Is that right?

Mr. DOLE. No, that is wrong. The Senator from Kansas suggests that it may be a choice of money or men, and when that choice is an easy one——

Mr. GRAVEL. That choice we had in Vietnam at the beginning, and we went from money to men; and we will do the same thing—go from money to men, to mercenaries, and from mercenaries to Americans.

Mr. DOLE. We are at a different time, at a different place, with a different President, and a different atmosphere in America. The Senator from Kansas does not buy that argument for a moment. That is a good argument to toss out every day, to talk about another Vietnam. Let us face the facts.

Some people want a military victory; others would like to get out this afternoon. Others—I think the great majority of Americans—support President Nixon's Vietnamization program, because he is in fact extricating us from South Vietnam.

Mr. GRAVEL. They support it because they think he is going to bring every last American out. That is why they support it.

Mr. DOLE. He is bringing our men home; it is a fact.

Mr. GRAVEL. If they thought for a moment that it meant leaving 300,000 Americans——

Mr. DOLE. That is the figure of the Senator from Alaska.

Mr. GRAVEL. That is right. It is my figure, and I will use it as a prediction, and that is what the mix is going to be—300,000 Americans. It is the same mix we have in Europe. They are going to be there for 10 years or more, and it is not going to be a type of war such as we have in Europe. It is going to be a hot war. We are going to have a little killing, and it is going to be strung out, and we are going to be there, under this Vietnamization policy, until we have sapped the population and the will of North Vietnam—and until, of course, we have bankrupt ourselves financially. Until that point in time, we will say we have won. We will have an honorable peace then. No more North Vietnamese will be left. That is an honorable peace.

I submit that if we had the decision-making power to morally see it right now, and we were able to make the decision, we would eradicate Vietnam right now. We can do it. The reason we do not do it is that we see it is wrong. But we do not see it is wrong when we string it out for a number of years, and that is what the Vietnamization policy is.

The Senator is inferring, from what the administration has said, that they are going to pull everybody out. They are not going to pull everybody out.

Mr. DOLE. So far as the Senator from Kansas knows, the Senator from Alaska must have a better pipeline to the administration, because there has been no timetable——

Mr. GRAVEL. I can assure my colleague that I do not.

Mr. DOLE. The Senator from Kansas has no idea of how many troops are going to be in South Vietnam a year from now. I do know that by May 1 of next year, approximately 80 percent of the combat troops will be out of South Vietnam. That is progress.

Mr. GRAVEL. Wait a second. Suppose there is a Tet offensive? Are they still going to continue with the withdrawal?

We have heard this logic: The reason why we had the recent bombings was that there was a great deal of infiltration, and the infiltration led our military planners to believe that something is imminent in the way of a resurgence, and therefore we had better bomb them and let them know we are ready.

What would happen if we had a Tet offensive and they made a big push? Would we continue, as the Senator seems to infer, so that by May there will be x number withdrawn?

As I heard the President's statements, he will continue to withdraw if they are nice. If they are not nice, we will punish them; we will put more troops back in. Is that a fair interpretation—that we will withdraw as long as they are nice? We have to have a nice war, a war which is geared to our convenience, to our schedule of withdrawal.

Mr. DOLE. The Senator from Kansas is aware of the fact that if the enemy starts some offensive, we must make an appropriate response.

Mr. GRAVEL. That is right. And for what reason? To safeguard our boys, that is why.

Mr. DOLE. There is nothing wrong with that, is there?

Mr. GRAVEL. We have got to send another 100,000 back in order to safeguard our boys.

Mr. DOLE. I am not talking about more troops.

Mr. GRAVEL. Talking about more what?

Mr. DOLE. That is not a proper response——

Mr. GRAVEL. What is the proper response? If the bombers do not do the job, if the Navy does not do the job, then we have to send in troops. That is the last resort. So we back them up with troops. That is the proper response, in the end analysis. What the Senator is saying is that the administration admits publicly that it is willing to reescalate our position in Vietnam anytime the situation warrants. When it does so, it will find that the Nation is totally disillusioned as I was disillusioned with the Cambodian incursion. Up until that time, I thought that this was really a way to pull us out, and that we would pull them out in the most efficient way. It did not happen that way. We had to go forward with this Lon Nol situation. We had to go forward because of Lon Nol. I know if that logic, that wisdom prevails, and that approach in Southeast Asia prevails, we will never get out. The next point in our operation will be to develop a mix to sustain themselves. That is their doing. It is not unusual. Prior administrations have done it. We have done it in Europe. My own administration, a Democratic administration, developed a mix in Europe. Some people here are trying to alter that mix. They should, because we can get locked in on a mix. But the differ-

ence with a mix in Southeast Asia is that, one, it is not that vital to our interests and, two, it is a hot mix, that is, we are killing people. That can make it even worse when there is no reason for it.

Mr. DOLE. Well, I would conclude by saying that I oppose the amendment, and would point out once more that I know of no one in this body who knows, and the President does not know at this point, what tomorrow may bring or next year may bring. The Senator from Kansas is at least persuaded that as many troops as possible will be withdrawn from South Vietnam as possible in the quickest possible time. There have been all sorts of speculation on what the Senator from Alaska refers to as a "mix," and I assume he means by that how many troops will assist there on a semipermanent basis, because the administration has withdrawn 20,000 from Korea, and perhaps we can at least indicate there will be a minimum withdrawal after next May 1.

The Senator from Alaska is entitled to make a judgment with reference to Cambodia. Let the Senator from Kansas point out that there has been a sharp reduction in casualties, that we have kept the Vietnamization program on schedule, and that we have reduced the cost of the war in Vietnam. So far as the Senator from Kansas is concerned, that is some progress.

With reference to the troop level in Europe, and in Korea, and the troop level in other parts of the world, let me point out that the Senator from Kansas views this amendment as being in our interest, in the interest of American lives.

I repeat, if a choice must be made between manpower and money, the choice is easy. If the Lon Nol government is sustained by this appropriation and if it means keeping the Vietnamization program on schedule, so far as the Senator from Kansas is concerned, that will be well worth it. It will be money well spent and I would hope that the Senator from Alaska would join in that observation or that view.

I thank the Senator for yielding to me, briefly.

Mr. GRAVEL. Mr. President, I was able to coin a phrase as to what I think my amendment will prevent and that phrase is simply this: If we vote for this $155 million military aid to Cambodia, this will be the "Tonkinization" of the President's decision to move into Cambodia.

Mr. DOLE. The what?

Mr. GRAVEL. The Tonkinization.

I admit that this body now gives substance to the Presidential decision de facto because he did make the decision and we have to follow. That is the same logic which keeps us in the war; because we are there, we have to stay there and fight. We do not have to do anything. We can debate this, or our children can decide. And if they decide, they will make that decision to do it. But those who hang on to the past, to the logic of something that has happened, do not seem to know that because the position of the President has been to act a certain way, we do not have to back him up that way.

Mr. DOLE. Let me comment on that. I think, one, we have already repealed the Gulf of Tonkin Resolution twice in this body. We could do it again. Second, that——

Mr. GRAVEL. I was going to the spirit of what was involved, the spirit of what is fundamentally set out here, because this $155 million will not make that much difference, because the administration will spend that much money anyway, and they do not need this piece of legislation to do it. Let us not kid ourselves. What they want is the legal affirmation of the Senate that what they did is right, that to be consistent what we should do is move into Cambodia, starting with money, then with mercenaries, as the Senator suggested, and then, of course, in the final analysis, with American troops. That is the course we adopted in Vietnam, a course we have not been able to reverse.

I would hope that the Senate today would realize that if there is a real chance of making a decision, of reversing the forward thrust of our involvement in Southeast Asia, this is the time to do it. This is the time to reverse that thrust. If we do not, then what we are riding on is a complacency which has no place in this country, a complacency which is a result of the deescalation of troop strength. And then we will have to live with a double burden: both the burden of the vast numbers of people killed and the economic burden that will be with us for the next 10 or more years.

Mr. President, let me take recourse to the article by Walter Lippmann which was praised so extensively and was probably his finest piece. It goes to the total psychic problem involved with our presence in Southeast Asia. Let me read one brief paragraph symbolizing the whole problem we face today:

> When the Vietnamese war ends—we pray without a catastrophe—there will be only one salve for our wounds, for our pride, for our honour and for our dignity. Honesty and no pretenses. It is to recognize the mistake as being a mistake, to refrain from pretending that it was not a mistake, and to find the remedy in the universal human knowledge that to err is human.

And to err as a nation, Mr. President, is even more human and more understandable.

Mr. President, that is the sadness we have in this time, that we cannot recognize and we cannot differentiate in our maturity between a national error and an individual error.

Many of us have felt time and again that patriotism which wells up in our bosoms when we say, "My country is right." It hurts so much to think that it is wrong that we will not say it is wrong; we will say it is right. That is a normal human emotion, and a proper one. But when it is out of hand, it is a destructive force that is unimaginable. I would observe that it is unbelievable because we all recognize that if I had the wisdom of the ages and said, "I have never made a mistake and until I die I will never make a mistake," I would be laughed at and I would be ridiculed, because obviously that is not right.

But when a nation does it, when two people, three people, a million people, one hundred million people, two hundred million people come together and say, "We cannot make a mistake. We are right," what recourse is there? We take the recourse of patriotism and say that it has got to be right.

We do not see the compounding, the extension of the idiocy of thinking that an individual should be perfect into thinking that a nation can be perfect. Of course, it cannot.

Our problem in Southeast Asia is a simple one. It is a question of decision-making. If we had the ability to make the decision to leave, we would just leave. It is that simple.

Obviously the people of this Nation do not all feel that way. Many speeches have been made around the country criticizing those who criticize the policy of the leaders, because truly if this war were to come to an end, it could only come to such an end if the people demanded it. And the people of this Nation have not demanded an end to it.

The thing that compounds it at this point is the rhetoric employed by this administration, the rhetoric and the choice of words, the rhetoric of saying that unilateral withdrawing is "bugging out." They compare it, as they did for me in the State Department during a briefing, with an extrication. I use that word because it is a correct word. They compare it to Dunkirk. It is not a Dunkirk. It is not a Second World War.

Our security is not at stake.

At Dunkirk we had the last of the British Army fighting. We had the last evacuation before the total invasion of the British islands. Of course that is not the situation that exists in Southeast Asia today.

What exists today in Southeast Asia is a totally different matter. It is an involvement based upon a psychology of a prior year, upon a period where we felt we had to contain communism and that if we did not contain communism we would be overrun.

I will not go into the truth of that feeling. However, that is exactly why we are there. In fact, I was nearly thunderstruck when the President of the United States, on television being interviewed by three distinguished national reporters, was pressed on the question of why we are in Vietnam. He said that it was very simple, that it was because of the domino theory. The domino theory has been bankrupt for years.

Unfortunately, the Senator from South Carolina still believes that because he has the fear that Burma will fall, India will fall, Singapore will fall, and that they will invade the Philippines.

The domino theory was bankrupted by the significant fact that the dominoes would not play dominoes. They would not play the part that had been assigned to them, that if one is a domino and in danger, he should act like he is in danger. And if he is in danger, he should act like he is in danger and send in troops to put out the fire and to fight a war.

We do not see any troops from Singapore coming forward. Singapore is a domino. It is very close.

We do not see any troops from India. That is very close. It is a domino.

We do not see any troops from Burma. That is very close. It is a domino.

We now see some troops from Thai-

land. Of course, that country is involved. We have discovered that they were involved with a modicum amount of troops who were highly paid, much better paid than our American troops.

So, in all honesty I think that one could question the sincerity of that domino.

Then we have the other domino, Korea, from far away. On examination we find that in Korea we had a situation where we had let contracts to the Koreans, who would have a preferential economic benefit because of an involvement.

In is just coincidental that the number of troops assigned to Korea equals the number of troops they had in South Vietnam.

I will not get into that coincidence, but will merely say that it leads one to suspect that it is the commitment of a domino that is very far away.

We come down to the simple truth that the dominoes are not defending themselves. Therefore, they do not see the threat that we see for them. But even if we did not have the domino theory, we have to come back to the point I made earlier, that the security here today in Washington, D.C., in Anchorage, Alaska, and in Topeka, Kans., depends upon the sending of assistance to Southeast Asia. I maintain that it does not and that if tomorrow Cambodia were to fall, it would merely be due to the fact that the government there could not sustain itself. We could call the government that takes over a communistic government. We could call it what we want to call it. But the government that was in power did not have the strength to sustain itself.

We can give them all the money they want and they will sustain themselves as long as we keep on pouring in our wealth. The same thing is true in South Vietnam.

That is the entrapment. Some of my colleagues may fear that if we do not give this money, Cambodia may fall tomorrow and that the American public will point a finger at the Senate and say, "You Senators did not put up money and the Lon Nol government fell. Now we have got a threat to our troops in South Vietnam."

That suggests that we must pose the question, "Why are we in Vietnam?" That is all tied into the question. If we do not have to pour troops in Vietnam, we do not have to go into Cambodia with money or with troops, as we have done in the past.

Let me state that the realization and understanding of our security can only come from the highest levels of government, but of course, to be backed up and understood, it will have to transmit it to the entire public of the United States.

I would hope that this dialog today would have some effect on public opinion and have some effect on alerting the American people and the taxpayers of this country to what they are looking at, not today, but for the next 10, 15, or 17 years. We have 17 years of involvement in Korea. We have over 25 years of involvement in Europe. Unless we change the trajectory, unless we change the thrust, unless we dent the thrust, we are going on to 10, 20 years in Southeast Asia. But it will not be like the other situations in which we have been involved. This is not a cold war. We are going to maintain it at a crescendo or a crescendo of mix so that we can eventually win. That, of course, is what Vietnamization means.

It means that we are going to win and that we have to win. It means that if we do not have to win, then all we would have to do would be to stop and to take the troops out right now.

Let me go on with the beautiful argument presented by Mr. Lippmann:

When the war in Indochina ends, it will matter a great deal how we understand what happened, and why. For this country can tear itself apart if it falls into bitter quarrels about what happened. There will be those who say that we have been defeated although we could have won. There will be others who say that we should not have intervened but that we were deceived and seduced. "There are two things that will always be very difficult for a democratic nation," said Alexis de Tocqueville, "to start a war and to end it." The heavy losses of the dead and wounded and the enormous costs and frustrations of the war will be tolerable only if we can come to some common understanding as to what went wrong, and why it happened.

I must begin by insisting on a point that President Johnson and President Nixon have needlessly obscured and confused. It is the difference between a mistake and a failure on the one hand and a defeat on the other. The United States has not been and cannot be defeated in Indochina even though we withdraw our armed forces and realize that in the longer run the South Vietnamese Government is not likely to be able to stay on a course that is independent of North Vietnam. For the United States this will have been a large and costly failure to do what we said we were going to do. But the United States will not have been defeated. For defeat is what happened to Nazi Germany and to Japan: to surrender, to have the armed forces lay down their arms, to have the country occupied and governed by the enemy. No such thing can happen to us in Indochina, *which is proof that it is not a vital area to the United States.* And therefore President Nixon would do the country a service if he would cease to confuse a mistaken war with the downfall of being defeated.

ARMED PEASANTS WHO ARE WILLING TO DIE ARE A MATCH FOR THE MIGHTIEST POWER

We need at the same time to explain to ourselves what at first seems to be absurd. Here we are, some 200 million of us, with the greatest armaments that any country has ever possessed and there are the North Vietnamese, some 20 million of them, with a primitive industrial system. Yet we have been unable to make them do what we want them to do. Why not? Because armed peasants who are willing to die are a match for the mightiest power. Elephants cannot clear the mosquitoes from a swamp. The United States has been unable to conquer the armed guerrillas of the vast Asian continent.

Why, we are asked, have we not used *all* our weapons and bombed them back into the Stone Age? The answer is that the United States had compelling reasons to believe that China and the Soviet Union would not stand idly by if we did, and that nothing that was at stake in Indochina was worth another world war.

Thus our failure in Vietnam sprang from a great mistake. We asked the armed forces to do what it was not possible for them to do. Our senior military leaders, the men who were the commanders before and during the second world war, knew better. They had always believed that the United States' military power was on the ocean and that Asian land wars were to be avoided studiously. The men who did commit the United States to a land war in South Vietnam had to ignore the precedents and override the advice of men like Dwight D. Eisenhower, Douglas MacArthur and Matthew B. Ridgway.

THERE FLOURISHED THE FANTASTIC NOTION THAT ONE NATION COULD ACT AS GLOBAL POLICEMAN

If we are pacifists and doves about Vietnam, it is because of the old American view of a land war in Asia. The opposition to intervention on the Asian continent begins with the teachings of our senior commanders in the second world war, long before Senator Fulbright and his colleagues in the Senate began to dissent. The question is why the United States ever violated its own military doctrine.

The reason for the mistake which led to the failure was certainly not the villainy or the ambition or the profit-seeking of anyone. The reason was the global confusion which existed when the second world war came to an end. The two principal enemies of the United States, Germany and Japan, were utterly defeated and all the principal allies and friends, the Soviet Union, China, France and Britain, were prostrated. Only the United States was uninvaded, powerful and rich, unhurt and invulnerable.

Mr. MILLER. Mr. President, will the Senator yield for a question?

Mr. GRAVEL. I am happy to yield for a question.

Mr. MILLER. During an earlier colloquy with the Senator from Kansas I think an implication was made, possibly not intentionally so, which I would hope to clarify in the RECORD. The implication I thought I detected was that the Senator from Alaska saw no difference between, let us say, the communism as evidenced by the new President of Chile and the Communist leaders of North Vietnam. Is that the implication the Senator from Alaska intended?

Mr. GRAVEL. In the broad definition of communism I think it is within those parameters. I think there is a difference in the situation that occurred in Chile, and that situation was that there was an elected government. The point I was trying to make is that we have a Communist government there in Cuba. We call it communism. And we have Communist governments in several Eastern European countries and yet we have good relationships with those countries, so I cannot see why we have to use as part of our argument for being in Southeast Asia that we are fighting communism.

Mr. MILLER. If that is the point the Senator was making, may I suggest to him I realize the word communism is used in a general sense by a great many people, but I think most Members of Congress recognize, and our foreign policy during successive administrations has recognized, that there are differences in Communist governments. For example, there is Yugoslavian-type communism, which is not an aggressive-type communism, as contrasted with the type of North Vietnam, which obviously is aggressive.

I would think for the record we should recognize that. The Senator from Iowa certainly does and I would hope my col-

league from Alaska would do so, also. I think it would be unrealistic if we did not recognize it.

Mr. GRAVEL. Does the Senator make a similar distinction between aggressiveness of democratic governments as with communistic governments?

Mr. MILLER. I think that, no matter whether it is a dictatorship-type of government, in the form of nazism or in the form of North Vietnamese communism, or any other type of government, if it is aggressive, if its objective is to take over other territories by force, whether it is military force or subversion from within the country, directed, controlled, and supplied by the government concerned, it is contrary to the charter of the United Nations and contrary to the policies of this Government, and we should not get bogged down on whether it is democratic aggression, Communist aggression, or Nazi aggression. I think the United Nations Charter makes it quite clear that we do not play around with words, and if it is aggression, it is prohibited.

Mr. GRAVEL. Who enforces it if aggression is prohibited?

Mr. MILLER. The United Nations Charter, as the Senator knows, provides for self-defense. It provides for regional groupings to preserve the integrity of the countries within the groupings. So in the absence of a peacekeeping force of the United Nations, the charter makes it quite clear that such organizations as the SEATO nations and individual countries have the legitimate right of self-defense.

Mr. GRAVEL. Under that definition, our invasion of Cambodia would have been a violation of the United Nations Charter.

Mr. MILLER. The Senator from Alaska begs the question, as some of his colleagues seem to want to do, by referring to it as an invasion of Cambodia. The point is, Was it an invasion or was it not? The Senator from Iowa, and I think a great many others—and the President, of course—recognize that it was not an invasion. All one has to do is look at Webster's Dictionary. It is an invasion when a country goes into another country for the purpose of occupying it indefinitely. There was no intention like that. It did not happen.

Mr. President, I do not want to prolong this discussion. The Senator from Alaska was kind enough to yield. I think my point has been made that there is a difference—I hope the Senator from Alaska recognizes it—between the Communist situation in Chile and the Communist situation in North Vietnam, and I think for the RECORD it ought to be clear that we in the Senate Chamber recognize it.

Mr. GRAVEL. Will my colleague define that, then, so that we have it precisely?

Mr. MILLER. I think the fundamental difference, looking at the charter of the United Nations for guidance, would be whether or not the government concerned is an aggressive type government such as is indicated on the part of the North Vietnamese, whose troops are far beyond the borders of their country of their country, as contrasted to the nonaggressive Government of Yugoslavia.

Mr. GRAVEL. That would be the Senator's definition?

Mr. MILLER. I would say that would not be a complete definition, but that would be an essential and critical difference.

Mr. GRAVEL. If we make a determination that there is aggressiveness, then the next determination is who should go in there and correct it or police it, so to speak. Is that right?

Mr. MILLER. I think that would be a fair statement.

Mr. GRAVEL. Then, in Southeast Asia, who should be the policeman in question?

Mr. MILLER. As I said earlier, under the United Nations Charter, collective regional agreements for self-defense on the part of the countries or a country concerned are entirely legitimate, and it was foreseen by the drafters of the charter that this could happen and it would be essential to prevent aggression, certainly as long as the United Nations itself did not have a peacekeeping force sufficiently strong to intervene and prevent the aggression.

Mr. GRAVEL. If a determination had been made of aggressiveness in the case of Southeast Asia, could not the U.N. have mustered the necessary troops to go ahead and do it, because they had a peacekeeping mission in the Middle East at one time?

Mr. MILLER. The Senator from Alaska should know that the Johnson administration made every effort, to my knowledge, to get the United Nations to take jurisdiction and to do something about it. Unfortunately, the record will show that the Soviet Union, aided and abetted at times by France, indicated that it would veto any move within the Security Council to give the United Nations jurisdiction. Unfortunately, that is the situation. Certainly, I think that is one reason why the charter envisioned and legitimatized the formation of regional collective security groups, recognizing that there might be a bloc in the Security Council so that the United Nations could not take action and there would be nothing else except for a regional group to take necessary action, or a state within one of the regional groups to take necessary action.

Mr. GRAVEL. So that now we are down to an aggression existing, and the only recourse must be extra-U.N.; it would be a recourse to a regional disciplinary force? Is that the Senator's understanding?

Mr. MILLER. Yes, or, as I said earlier, the state concerned itself. For example, if India—not India, if Australia were attacked, Australia might be able to handle her borders defensively without calling on other members of the SEATO group.

Mr. GRAVEL. Which India did when the Chinese moved some troops to change some lines. They decided to solve this problem without expanding it.

Mr. MILLER. I do not recall that China did any invading of Australia.

Mr. GRAVEL. Of India.

Mr. MILLER. I am sorry. I changed my example to Australia.

Mr. GRAVEL. The point I am making is that in the regional force the Senator speaks of—now we are back to the elements that make up this region—everybody should really put his shoulder to the wheel to discipline this aggressive move. Is that correct?

Mr. MILLER. There is not question that it is easy for the Senator from Alaska and the Senator from Iowa to stand here and say what every member of a collective security group should do, which may be different from what they are going to do.

Mr. GRAVEL. Let us examine SEATO and see how many really put their shoulders to the wheel.

Mr. MILLER. May I say I examined that in great detail a year ago. This is one of the arguments made why the United States should not have borne such a great burden for the defense of South Vietnam.

If the Senator is interested, I will be happy to give him the citation, so that he can see the analysis I made; because I spent a lot of time doing so.

But may I suggest this: Might not the Senator be getting back to an argument which a number of his colleagues have advanced, that the United States is illegally in South Vietnam under the terms of the SEATO Charter? If that be true, of course, he and I cannot possibly argue, because that is a difference in premises.

Mr. GRAVEL. No, I do not have that view. I am prepared to accept any view as to why we are there, or the simple reality that we are there.

The area of concern that I have, and that my amendment addresses itself to, is that we do not stay there, and that we do not expand our decision to stay there. What I am striking at is not the money that has been spent, not the money involved in history; I am striking at the money that will be spent in Cambodia, which I think is an expansion of that conflict.

We do not have to go to the other side of the world to get involved in an aggressive battle or an aggressive problem such as is involved in Cambodia. We do not have to do that. Let someone else do it.

Mr. MILLER. May I say to my friend from Alaska that I, for one, certainly do not question the sincerity of his motives, but I think that logically he might just as well complain about putting more money into South Korea. It is just another expansion, so to speak, of our activities.

Mr. GRAVEL. I could; and I think my colleague is following the same logic that was used by the Senator from Kansas. If I had a magic wand, I would not go step by step; I would just wave my wand and end it all. But I do not have a magic wand. All I am offering is one little amendment to insure that this body does not go on record in favor of the Tonkinization of the President's decision to go into Cambodia.

Mr. MILLER. Why does not the Senator offer a similar amendment with respect to Israel?

Mr. GRAVEL. I have chosen not to address myself to that problem.

Mr. MILLER. According to the Senator's logic, any assistance we offer Israel

is going to expand the activities of the United States.

Mr. GRAVEL. The President has not invaded Israel, but the President has moved into Cambodia, and now he is asking us to affirm what he has done. What I am suggesting is an amendment that will not permit such an affirmation.

Mr. MILLER. I am afraid it is not quite that simple. In the first place, I am glad to see the Senator change the word "invasion" to "moved into" Cambodia. I think that is much more neutral, at least.

But we are not in Cambodia, and we hope not to be back in Cambodia, or intend to be back in Cambodia. In fact, the bill so provides.

Mr. GRAVEL. But the Senator made——

Mr. MILLER. But my point is—may I just finish?—that I think we have to make up our minds whether we are going to use financial assistance and military equipment assistance to countries that are victimized by aggression, or whether we are not. This is the basic reason, I think, why we have joined pretty strongly in this body to support aid to Israel, because we do not want to see aggression throw Israel into the sea.

Why should we want to see aggression throw Cambodia into the sea? It is far better, it seems to me, to send weapons and financial assistance over to a country that has been invaded, to help that country preserve its integrity, than it is to sit idly by and suggest that it is a problem that will go away if we just do not talk about it.

It harks back to the "fortress America" concept and the isolationism of the 1930's I would hope we would not take that position.

Mr. GRAVEL. No; it does not hark back to isolationism, and I resent—I do not mean this as a harsh word against my colleague, but I am not an isolationist. I would stand here and vote for aid to the World Bank and to finance economic development in other countries. An isolationist would not do that. But if the Senator's definition of an isolationist is a person who does not want to go kill thousands of people, then the Senator is right.

Mr. MILLER. May I——

Mr. GRAVEL. If the Senator's theory that we have got to go in and fight and stop these aggressive forces from doing their aggressive things is carried to extreme, there are all kinds of aggressive activities around the world that we could get involved in. I think it has become abundantly clear to all of us that we cannot act as policemen for the world.

Mr. MILLER. Does the Senator suggest that it is any less isolationist to sit idly by and let people of another country be killed by outside aggression moving into that country?

Mr. GRAVEL. Well, if the Senator is saying that in Cambodia they are going to be invaded by the north, and that is what we should go into Cambodia for——

Mr. MILLER. No, I have not said that at all.

Mr. GRAVEL. The Senator is asking if I will stand by and watch them do it.

I will. I will stand by and watch them do it, and I will not give them my money to go kill themselves with. If they can pick up their pitchforks and their axes and butcher themselves with them, that is fine; but I am not going to pay for their butchery.

Mr. MILLER. Then the Senator is, in effect, admitting that he is an isolationist.

Mr. GRAVEL. If that is the Senator's definition of an isolationist, I am one; and I shall violate his definition tomorrow when I vote for foreign aid funds.

Mr. MILLER. That is only a part of the definition of an isolationist, but the Senator seems to think that if one favors sending troops in to kill, as he says, lots of people, that to avoid that is not being an isolationist, then I suggest to him that to just sit idly by and let an aggressor country come in and kill people in that country is being an isolationist.

Mr. GRAVEL. Wait a minute. We sat by and let India invade Goa, and nobody got uptight about sending troops over there. We sat by and let China take from India some land in the area of Nepal that they thought was rightfully theirs, and nobody got uptight about that. We are uptight about this one country because we are deeply involved there, we have made a colossal mistake, and it is the colossalness of it that impedes our selling; that is the tragedy of it all.

But using the logic that just because a country is aggressive we have to do something about it just does not follow; otherwise we would be doing it every time.

Mr. MILLER. I do not think that happens.

Mr. GRAVEL. So why select Cambodia at this point in time?

Mr. MILLER. I think the basic reason is that whatever happens in Cambodia can have a very great impact for the good or bad of our own troops in South Vietnam.

Mr. GRAVEL. And that is correct. That is exactly correct, because if Cambodia fell to the Communists, then our troops would come under some danger, so that the President would have to make a decision whether or not to escalate the war in view of this new danger. So he continues in the rhetoric of Vietnamization, which the people of the country think is ending the war. He would then be faced with making the decision; that is the point I have been making all along.

Mr. MILLER. Would not the Senator rather see the Cambodians take care of that situation, so we would not have that problem?

Mr. GRAVEL. No, I would rather see our boys not get killed. To do that, we would not put them in the firing lines.

Mr. MILLER. They are not.

Mr. GRAVEL. We are getting American boys killed every day.

Mr. MILLER. Not out of Cambodia.

Mr. GRAVEL. In Vietnam.

Mr. MILLER. We are not talking about Vietnam, we are talking about Cambodia, and the threat that a communization and takeover by North Vietnam would pose to our troops in South Vietnam.

My point is that it would be far better to let the Cambodians defend themselves against that aggression, and take care of that threat, than just sit here and do nothing about it.

Mr. GRAVEL. Supposing $100 million is not enough—and Melvin Laird testified it probably will not be, that we will need some more next year—when do we stop?

Mr. MILLER. I would say we stop when the Vietnamization program is through.

Mr. GRAVEL. All right. If that took 10 years, or 20 years?

Mr. MILLER. The Senator knows that 10 or 20 years is not even in the ball park.

Mr. GRAVEL. That is not true; I do not know that, and I do not think the Senator does.

Mr. MILLER. Can the Senator name anyone in a position of responsibility who has even made such a suggestion?

Mr. GRAVEL. I have substantial evidence.

Mr. MILLER. What is the Senator's evidence?

Mr. GRAVEL. We have 300,000 troops in Europe who have been there over 25 years.

Mr. MILLER. We do not have a Vietnamization program in Europe; let us get that clear.

Mr. GRAVEL. Why should we not?

Mr. MILLER. We just do not have one.

Mr. GRAVEL. Why should we not?

Mr. MILLER. I do not think we have the same situation.

Mr. GRAVEL. All right. We do not have the need for the rhetoric there.

Mr. MILLER. This is not a rhetorical proposition. The Senator from Alaska well knows that the time announced for the withdrawal of ground force troops—which has already been well exceeded—is that by the end of next spring our ground combat forces in South Vietnam, for all practical purposes, will be gone.

Mr. GRAVEL. By next spring? Suppose there is a Tet offensive in February.

Mr. MILLER. And in the face of that, why the Senator talks about a 10- or 20-year time period is beyond my imagination.

Mr. GRAVEL. Suppose there it a Tet offensive in February. Suppose Lon Nol's government falls and our troops come under greater fire, greater danger. Will the President continue taking out troops?

Mr. MILLER. The Senator from Alaska is supposing things for which I have not seen any basis.

Mr. GRAVEL. But they are reasonable suppositions at this point.

Mr. MILLER. I think they are unreasonable.

Mr. GRAVEL. They are unreasonable?

Mr. MILLER. On the basis of the evidence I have seen.

Mr. GRAVEL. It is unreasonable that the Lon Nol government could fall?

Mr. MILLER. No.

Mr. GRAVEL. That is one of the propositions.

Mr. MILLER. Another Tet offensive within the same framework of the previous Tet offensive.

Mr. GRAVEL. Why did the administration increase the bombing recently, then?

Mr. MILLER. I think we saw a pretty good reason advanced in the local press by rather knowledgeable political writers—that it is quite evident that the President has decided to use airpower as

a means of securing our forces, coupled with the fact that the South Vietnamese combat troops are much stronger than they were.

Mr. GRAVEL. Why should the President need to do that right now though? Why should he resume these bombings right now?

Mr. MILLER. May I say to the Senator from Alaska that I do not know whether he has visited there or not.

Mr. GRAVEL. I have.

Mr. MILLER. I have been there on two occasions. If the Senator has been in the same areas I have been, and talked with the same people I have talked with, he knows that there are times when it is important to make decisions regarding enemy troop and supply buildups and there are times when those decisions can be delayed.

Mr. GRAVEL. The Senator has underscored the point I have made.

Mr. MILLER. I do not think that we in the Senate are in a position to evaluate it.

Mr. GRAVEL. The point made, that I have read, is simply that the bombings were reinitiated because of the high rate of infiltration, which was the same climate that existed prior to the Tet offensive, and that in order to sustain our present policy, we cannot have anything go wrong; because if there is an increase in the crescendo of activity from the North, we have to halt our withdrawals, and that will be an admission that our withdrawal depends upon victory and does not depend upon what people think is happening. I think the public thinks we are withdrawing and we are going to keep withdrawing right down to the last man. That is not going to happen.

Mr. MILLER. What does the Senator mean by "victory"?

Mr. GRAVEL. I do not claim——

Mr. MILLER. The Senator has used the word.

Mr. GRAVEL. I will give the Senator a definition of it: that the Government in power will stay in power and that the Communists will not take over South Vietnam. That is victory.

Mr. MILLER. May I say to the Senator from Alaska that in all the time we have had all these debates and in all the statements that have been made by spokesmen for not only this administration but previous administrations as well, I have never heard that definition of our objective in South Vietnam. With respect to the second part of it, yes. I have never heard that definition of our objectives in South Vietnam.

Mr. GRAVEL. I have just heard it enunciated by the Senator from South Carolina this afternoon.

Mr. MILLER. I did not talk about any Member of the Senate. I am sorry that the attention of the Senator from Alaska was diverted. I will repeat what I said.

In all the time I have been in the Senate, I have never heard any spokesman for either this or the preceding administration enunciate the objectives of our being in South Vietnam such as the Senator from Alaska has just enunciated. Perhaps that is a new definition.

Mr. GRAVEL. I have heard the President of the United States enunciate it on TV, when he said we were there because of the domino theory and that it is to stop the onslaught of communism. I do not have to go to anybody's quotations. I heard him.

Mr. MILLER. That is not what the Senator from Alaska said.

Mr. GRAVEL. That to stop the onslaught of communism means you have to sustain the present government in South Vietnam.

Mr. MILLER. Not at all.

Mr. GRAVEL. What does it mean?

Mr. MILLER. I have never heard anybody say that.

Mr. GRAVEL. He does not have to say it.

Mr. MILLER. I have never heard anybody imply it.

Mr. GRAVEL. It need not be implied. It is self-evident.

Mr. MILLER. It is not self-evident.

Mr. GRAVEL. What does "stop the onslaught of communism" mean?

Mr. MILLER. The second part of the Senator's definition, which I think implied that the South Vietnamese will have freedom of self-determination because Communist aggression will have been stopped and they will leave South Vietnam alone—I think that is proper, and that has been enunciated time after time. But I do not know why the Senator has to bring in the matter of maintaining the present Government of South Vietnam. There is going to be an election next year——

Mr. GRAVEL. What else are we doing, pray tell?

Mr. MILLER. I do not know how the election coming up next year is going to turn out, but it could turn out differently; because, as the Senator knows, the present Government is in power by less than 40 percent of the vote.

Mr. GRAVEL. The Senator is telling me that if next year there is an election in South Vietnam and they elect a Communist, as the Chileans have done, to head their government, they will do what?

Mr. MILLER. The President of the United States, the previous President of the United States, the Secretaries of State, and many other spokesmen for this and preceding administrations have made it quite clear that, in the exercise of the freedom of self-determination in generally free elections, if perchance a Communist government is elected, that is it. But I might say that I do not think any of us are losing any sleep over that.

Mr. GRAVEL. Why?

Mr. MILLER. Because I just do not think it is remotely possible.

Mr. GRAVEL. Why not? Does not the Senator think they have free elections over there?

Mr. MILLER. Yes. I do not think anybody is losing any sleep over that, except possibly the Senator from Alaska.

Mr. GRAVEL. I agree. And does the Senator know why we are not losing any sleep? Because Truong Dinh Dzu, who happened to be a young, vibrant, intelligent politician, was charged with being connected with the Communists and was put in jail. The charge was made against him that he was dealing with his brother. He is in jail.

The Senator is correct. He can feel abundantly secure that there is not going to be any Communist elected in South Vietnam, such as there was in Chile, because they do not have the kind of free government that could do it.

Mr. MILLER. Those were not the ground rules that the Johnson administration laid down nor that the Nixon administration laid down. The ground rules were genuinely free elections, internationally supervised elections. I do not see why the Senator from Alaska would make the statement that he did, in the face of those ground rules.

Mr. GRAVEL. Ground rules change every day. That is why we got into this mess.

Mr. President, I yield to my colleague from Alaska, with the understanding that I will not lose my right to the floor.

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senator may yield to me, without losing his right to the floor, so that I may submit an amendment.

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

Mr. MILLER. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER (Mr. CASE). The Senator will state it.

Mr. MILLER. What is the pending business?

The PRESIDING OFFICER. The pending business is the amendment of the Senator from Alaska (Mr. GRAVEL), which seeks to strike the appropriation for Cambodia.

Mr. MILLER. A further parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Does the Senator from Alaska yield? The Chair takes it that the Senator has yielded.

Mr. GRAVEL. I yield to the Senator for the purpose he has, without losing my right to the floor, and I ask unanimous consent.

The PRESIDING OFFICER. Is there objection?

Mr. MILLER. Mr. President——

The PRESIDING OFFICER. The Senator has already been granted permission by the Senator to yield to the Senator from Alaska for a brief statement.

Mr. GRAVEL. Without losing my right to the floor?

The PRESIDING OFFICER. The Senator from Iowa may reserve the right to object to that request and speak on that reservation.

Mr. MILLER. May I ask the Senator from Alaska (Mr. STEVENS) whether I understood him to say that he was going to offer an amendment? If that is so, I would suggest that it would not be proper, in view of the fact that we have an amendment pending—unless this is an amendment to the amendment.

Mr. STEVENS. This is solely for the purpose of having an amendment printed, so that it can be considered as an amendment to be offered by myself and the Senator from Washington (Mr. MAGNUSON) at the close of the consideration of this amendment. But we would like to have the amendment printed.

The PRESIDING OFFICER. Is there objection?

Mr. MILLER. I have no objection.

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

Mr. STEVENS. Mr. President, I send to the desk an amendment, for myself and the Senators from Washington (Mr. MAGNUSON) and Mr. JACKSON and ask that it be printed if it is not considered today.

The PRESIDING OFFICER. The amendment will be received and printed and will lie on the table.

The PRESIDING OFFICER (Mr. CASE). The Senator from Alaska (Mr. GRAVEL) still has the floor.

Mr. MILLER. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. Does the Senator from Alaska (Mr. GRAVEL) yield for that purpose?

Mr. GRAVEL. Mr. President, I ask unanimous consent that I may yield to the Senator from Iowa without losing my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered, and the Senator from Iowa will state his parliamentary inquiry.

Mr. MILLER. Mr. President, I inquire of the Chair whether the yeas and nays have been ordered on the pending amendment.

The PRESIDING OFFICER. The yeas and nays have not been ordered yet.

Mr. MILLER. Mr. President, I ask for the yeas and nays.

There was not a sufficient second.

Mr. MANSFIELD. Mr. President, I ask for the yeas and nays again.

There was not a sufficient second.

Mr. MANSFIELD. Will the Senator from Alaska yield to me without losing his right to the floor?

Mr. GRAVEL. I am happy to yield to the Senator from Montana without losing my right to the floor.

Mr. MANSFIELD. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from Alaska (Mr. GRAVEL) is recognized.

Mr. GRAVEL. Mr. President——

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Alaska (Mr. GRAVEL).

On this question the yeas and nays have been ordered and——

Mr. FULBRIGHT. Mr. President, will the Sentor from Alaska yield to me?

Mr. GRAVEL. I want to proceed with the Senator from Iowa.

The PRESIDING OFFICER. Does the Senator yield for a question, and to whom?

Mr. GRAVEL. To the Senator from Iowa, Mr. President.

Mr. MILLER. Mr. President, I have finished my colloquy.

The PRESIDING OFFICER. The Senator from Iowa has finished his questioning. Does the Senator from Alaska yield to the Senator from Arkansas or does the Senator from Alaska wish to proceed further?

Mr. FULBRIGHT. Mr. President, I wish to be recognized in my own right, if the Senator from Alaska is through.

Mr. GRAVEL. Mr. President, I yield the floor in order to permit recognition of the Senator from Arkansas.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mr. FULBRIGHT. Mr. President, I regret very much that there were not more Senators present while the distinguished Senator from Alaska was engaged in a colloquy with the distinguished Senator from Kansas. I thought they developed, in a most effective manner, the essential points of the amendment of the Senator from Alaska. I thought they were pertinent and I hope that Senators will have an opportunity to read the RECORD, to increase their understanding of just what is involved in this matter, before we take a vote on it.

Mr. President, this is a most important matter and I would therefore suggest the absence of a quorum without losing my right to the floor.

The PRESIDING OFFICER. Is there objection? The Chair hears none and it is so ordered. A call for the quorum is requested and the clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

[No. 432 Leg.]

Allen	Goldwater	Muskie
Baker	Gravel	Packwood
Bellmon	Griffin	Pastore
Boggs	Hansen	Prouty
Byrd, Va.	Harris	Proxmire
Byrd, W. Va.	Hart	Ribicoff
Case	Kennedy	Scott
Cook	Long	Smith
Cooper	Mansfield	Sparkman
Dole	Mathias	Stevens
Ellender	McGee	Talmadge
Ervin	McIntyre	Thurmond
Fannin	Mondale	Williams, Del.
Fulbright	Montoya	Young, N. Dak.

The PRESIDING OFFICER (Mr. BELLMON). A quorum is not present.

Mr. MANSFIELD. Mr. President, I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

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

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant at Arms will execute the order of the Senate.

Thereafter, the following Senators entered the Chamber and answered to their names:

Aiken	Gore	Murphy
Allott	Gurney	Nelson
Anderson	Holland	Pearson
Bayh	Hollings	Pell
Bennett	Hruska	Randolph
Bible	Hughes	Saxbe
Brooke	Inouye	Schweiker
Burdick	Jackson	Spong
Cannon	Javits	Stennis
Church	Jordan, N.C.	Stevenson
Cotton	Jordan, Idaho	Symington
Cranston	Magnuson	Tower
Curtis	McClellan	Williams, N.J.
Eagleton	Metcalf	Young, Ohio
Eastland	Miller	
Fong	Moss	

The PRESIDING OFFICER. A quorum is present.

Mr. FULBRIGHT. Mr. President, I hope I may have the attention of Senators, particularly on the next point I wish to make. I know some Senators are under the impression that if this amendment is agreed to there will be no money available for the administration to support the Lon Nol government. I think I can prove that is not correct, and that there is money available from the same or similar sources from which the administration has taken approximately $108 million since the incursion into Cambodia last April.

Cambodia has already been given, or promised, $100 million in military aid through the President's use of emergency authority in the Foreign Assistance Act. That same authority can be used to supply Cambodia with additional aid, up to a total of $250,000,000 in this fiscal year, that is, 1971 if the President chooses to do so. In other words, Cambodia can be given an additional $150 million in aid without further congressional authorization.

And, in addition, since no further authorization is needed to give Cambodia the $30 million in Public Law 480 commodity assistance she is slated to get, the total aid available for the 1971 fiscal year would be $280 million, only $5 million less than the entire program planned for Cambodia.

Section 614 of the Foreign Assistance Act authorizes the President to give any country that is "a victim of active Communist or Communist supported aggression" up to $250,000,000 in a fiscal year without regard to the regular requirements of the act, if he deems it "important to the security of the United States." This allows, for example, certain appropriations for economic aid to be used for military aid, as has already been done for Cambodia with $50 million in supporting assistance funds.

The President is authorized to draw on Department of Defense stocks of materials and services, as authorized by section 506 of the Foreign Assistance Act, up to $300 million. The only restriction, and it is not a serious one, is that this does not authorize this money to purchase additional equipment that is not in the inventory. But any material—ammunition or guns of any kind, for example—which is in the inventory, and the inventory runs into many billions of dollars, may be given to Cambodia.

They can transfer unobligated economic aid funds for use as military or economic aid under the authority of section 610 of the Foreign Assistance Act, which could provide as much as $150 million if the President so chooses.

Then, he could use unobligated military aid funds. At least one-half of the 1971 appropriation of $350 million is available for this purpose.

Actually the money which already has been given to Cambodia was, to a great extent, transferred from money which we had authorized for use in such countries as Turkey, Greece, and Taiwan. It was transferred to Cambodia. That explains the $100 million in the bill. That $100 million is to reimburse those funds from which this $108 million was taken.

Then, of course, there are excess defense articles. For example, we are withdrawing, as we are told repeatedly, some

troops from Vietnam and their equipment presumably would be excess. There is no limit on the authority of the President to transfer to Cambodia defense articles declared to be in excess of our present needs.

Under this kind of authority, last year they transferred F–104's to Taiwan by declaring them excess. There is no limit applicable. This equipment is available if they wish to declare it excess.

Then, there is captured material which can be given to Cambodia. As a matter of fact, last spring, when we had the first notice of the decision on our part to give equipment to Cambodia, it was in the form of AK–47's. We and the South Vietnamese had captured those weapons from the Vietcong and the North Vietnamese, and we turned that material over without cost to Cambodia.

Then, of course, there are agricultural commodities under Public Law 480, on which there is no limit.

The main point I want to make, and I shall try to make it again, is this: The adoption of Senator GRAVEL'S amendment will not deprive the administration of money to support the Lon Nol government either in an economic or a military sense.

The significance of the Gravel amendment relates to, is that a policy declaration is involved. What I think the administration wants here is not so much the money, which it can get from other sources, but is to make the Senate and the Congress affirmatively approve the policy of extending support to the Government of Cambodia, both militarily and economically, from now on for an indefinite period.

That is important because there has never been an affirmative approval of assistance to Cambodia. As I have just pointed out, the assistance to date has been given, not under any express authority for Cambodia, but by borrowing money that was given or allocated to other countries in the AID program. One should understand that when the AID Agency comes and presents a justification, they say to both the Appropriations Committees and the legislative committees, that they contemplate such and such a program for various countries, and the authorization is made upon that understanding. In none of these bills, have they requested any money for Cambodia.

So the real significance of voting for this money is, in a sense, to foreclose the Congress, or any of us, from raising a question about Cambodia at a later date. I can see the advantage to the administration. In other words, by this device the administration commits Congress to the policy of supporting Cambodia through thick and thin for the foreseeable future. This may be a policy that should be adopted. That is another matter.

Furthermore, there were no hearings on the question of this policy other than hearings with the administration's own witnesses. We had two hearings, at both of which we heard from administration witnesses, the Secretary of Defense and the Secretary of State. Obviously, they stated a need for the money. But these hearings were only on last Thursday and Friday. There is no possibility of holding further hearings at this late date in this session.

I proposed to the administration, and I propose again to the Senate, that since they have the money and there is no possiblity of their being able to say that they have been deprived of the money, that to claim the Lon Nol government failed because the money was not available, simply would not be true. That would not be true, I made it clear, up to the end of this fiscal year.

I made a personal commitment that we would make the first business of the committee in the coming session, after the 20th of January, the consideration of the policy of affirmatively undertaking to support Cambodia economically and militarily, in much the same fashion as we have supported Vietnam.

That is a very large undertaking. The testimony of the Secretary of Defense made no bones about the fact that this is just the beginning of the program. He intimated that the request for the coming year would certainly be larger than the request before us now. He declined to give the precise amount on the ground that it had not been finally cleared through the Budget Bureau and all the regular channels, but he did not try to say that it would be less. I think it is quite clear from his testimony that it will be substantially larger.

Again, it may be that Congress and the country are enthusiastic about supporting the Cambodian Government in the same fashion in which we have supported Taiwan, Korea, and South Vietnam. It is quite possible that this policy will be adopted. But, again, if we are to follow responsible procedures, there should be hearings. There should be hearings on whether or not it is wise, whether or not we wish to undertake this kind of commitment; and I think it would be a commitment. It would not be a commitment in the sense of the spirit of the commitments resolution. But if the Senate acts affirmatively and approves this program, it would at least approach such a commitment, because, while not in the form of a treaty, it would be a legislative action by the Senate approving a very large program of military and economic assistance to Cambodia.

That reminds me that in the early days of the hearings on Vietnam, in exchanges with the then Secretary of State, Mr. Rusk, one day, we asked him why continuing to have U.S. forces fight in Vietnam was consistent with our national welfare. He cited the aid programs which we had theretofore passed as one of the proofs or justifications for our playing the part we did in supporting Vietnam to the very great extent we were then.

So I submit that it is not just the money we are quarreling about, although that is very important. The amount here is $155 million. But far more important than that, it seems to me, in the long-term interests of the country, is what I would consider the policy commitment.

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

Mr. FULBRIGHT. I yield.

Mr. GRIFFIN. I have listened with great interest to the argument of the distinguished chairman of the committee. While I do not agree with him, I certainly respect his point of view.

I wonder if we are moving toward a vote on this particular bill in the near future. Is it possible that we might be able to arrive at some understanding about a vote on the Gravel amendment?

Mr. FULBRIGHT. I will say to the Senator I have been speaking only 10 minutes. Does he think I have an obligation to explain this matter longer than 10 minutes?

Mr. GRIFFIN. Oh, certainly. I do not intend to suggest a cutoff of any kind to the chairman. He may wish to talk another hour, but I thought he might want to have an agreement as to when we could vote on the pending amendment.

Mr. FULBRIGHT. Let me say I do not think it would be prudent to vote on the amendment today. I think a record of the colloquy between the Senator from Alaska and the Senator from Kansas, which took place when only three or four Senators were on the floor, ought to be available to Senators before they vote.

I say that especially in view of the fact that the hearings on this bill are not yet available. If the Senator understands—I do not know whether he knows it or not, but this bill was reported by the committee only last night. I think on a measure that involves an important policy matter, it seems most uncharacteristic to try to seek a vote immediately, before Members of the Senate have an opportunity—to read the hearings. I would particularly recommend that they read the record of the debate which took place between the Senator from Alaska, who is the sponsor of this amendment, and the Senator from Kansas and the Senator from Iowa today.

In other words, I think it is our duty to give Senators an opportunity, at least, to inform themselves. Whether they take advantage of it or not is their business. But I do not understand the great haste with which it is sought to pass this bill, here within less than 24 hours after it was reported by the committee.

Mr. GRIFFIN. If the Senator will permit a comment, yesterday the Senate passed an appropriation bill which included funds for this purpose. We dealt with this matter and many other controversial matters in that supplemental appropriation bill in a relatively short period of time. So I would think it might not be unrealistic to expect we could get to a vote on this matter.

If the Senator will permit another comment or two, as I understand, at least one of his arguments is to the effect that after all, the administration can use other money to provide aid to Cambodia, and in fact the Senator from Arkansas has been pointing to various places and funds from which money could be transferred.

I do not know whether the suggestions being made by the distinguished chairman represent approval or not. It rather sounds, in the legislative history, as though it is all right with the Senator from Arkansas if the administration

helps Cambodia by using other funds, but he does not want to authorize the funds. Perhaps I misunderstood the Senator's position.

Mr. FULBRIGHT. Yes, the Senator does misunderstand.

Mr. GRIFFIN. I sort of understood his remarks as approval, provided it is different money.

Mr. FULBRIGHT. I am glad the Senator raised that point. I thought I had made it clear. I state only that that fact takes away any real urgency for passing this new authority, because we have time.

I was greatly surprised when I heard that the administration had given Cambodia $108 million worth of material, because only last April, the Secretary of State had assured the committee that the last thing this administration intended to do was to become involved in a large foreign aid program with Cambodia. So I was greatly surprised, and I do not approve.

However, they have already used this emergency authority, and I say they can use it another month or two, to give the Senate an opportunity to have hearings on this matter and see whether or not there is real justification for our assuming responsibility for Cambodia, in much the same fashion as we did in Vietnam.

Mr. SYMINGTON. Mr. President, will the Senator yield on that point?

Mr. FULBRIGHT. Had the Senator from Michigan finished? I do not wish to cut off the assistant minority leader.

Mr. GRIFFIN. I am happy to yield to the Senator from Missouri.

Mr. SYMINGTON. I think the point is that whether or not we approve authority for additional military aid to Cambodia, there is already enough money available to the administration to do what it wants for Cambodia.

Mr. FULBRIGHT. That is right.

Mr. SYMINGTON. And that has nothing to do with the merits as to whether or not it should be done.

Mr. FULBRIGHT. That is right.

Mr. SYMINGTON. There were three different sources developed in the Foreign Relations Committee where there is enough money presently available to the administration to handle this matter.

Mr. FULBRIGHT. That is correct. I am glad the Senator brought up that point. I agree with the administration's policy as expressed last April. We have had no opportunity to have hearings to find out why they have made a 180-degree change in that policy.

Mr. GRIFFIN. I take it that in the committee hearings which were held—the junior Senator from Michigan is not a member of the committee, and was not there—the question was raised with Secretary Rogers as to whether this supplemental appropriation request really had to be granted and whether funds were not available from other sources.

As I understand it, a statement by the Secretary was subsequently submitted to the Committee on Foreign Relations setting forth his answers on that point. Since the Senator from Arkansas wants the RECORD as complete as possible, I wonder if I might ask unanimous consent to have the Secretary's statement put in the RECORD.

Mr. FULBRIGHT. I would be glad to have it. I will put it in myself, or the Senator can put it in.

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

STATEMENT BY SECRETARY ROGERS SUBMITTED TO THE FOREIGN RELATIONS COMMITTEE

I promised to provide you, and the members of the Committee, the reasons why action is required urgently on the supplemental request.

Aside from the legal and funding problems related to further use of emergency authorities, outlined below, this Administration wanted to bring this question before the Congress, as many Members of the House and Senate have requested, for its consideration and action rather than continue reliance on the emergency authorities. We regret that this came up so late in the session but requirements were not clear until now. We hope that the Congress will act on the supplemental request rather than having the Administration resort to the additional emergency authorities contained in the Foreign Assistance Act.

In the absence of the proposed supplemental, we are aware of only two ways in which the existing authorities contained in the Foreign Assistance Act could be used to continue to fund military assistance for Cambodia. One is to use the special authority of Section 506 to order stocks of the Department of Defense. In the past this authority has been used only with respect to Vietnam. We have understood that in providing that authority and in requiring a determination by the President that such use is "vital to the security of the United States," the Congress strongly preferred that this authority be reserved for crises of the greatest danger and urgency. We assume that the preference of this Committee would be to use that special authority only in situations where Congressional action is not possible. Section 506 limits us to items now in defense stocks and this does not include a number of essential commodities for Cambodia, including ammunition for the AK 47 rifle which is presently one of the basic weapons for Cambodian forces. This section of course relates only to military equipment and would provide no funds for economic assistance to Cambodia.

The second way to fund military assistance for Cambodia is to transfer funds from other urgent programs pursuant to Section 610 of the Act.

Apart from these legal considerations, the simple fact is that we do not have adequate funds for further transfer to MAP or to finance economic assistance requirements, without drawing down other programs required in the national security interest.

We have provided funds for the Cambodia Military Assistance Program by borrowing from urgent ongoing programs. In July, we provided $40 million by a transfer within the Military Assistance Program which forced a major temporary restructuring of programs in Greece, Turkey, and Taiwan. It is urgent that these funds be restored so that the FY 1971 programs for these countries that have previously been approved by the Congress can, in fact, be implemented.

In October, we transferred $50 million from Supporting Assistance to MAP, consisting largely of funds borrowed from the Vietnam program. The Vietnamese Government has undertaken a major economic reform program on the expectation that we would be able to carry out our agreement to provide adequate economic support. The amount originally requested from Congress—$220 million for the Commercial Import Program—is now inadequate for this purpose and, in addition, we have had to borrow from this program for the transfers to the Cambodian MAP. Inadequate economic assistance will lead to renewed inflationary pressures and black market speculations, both of which the Vietnam Government is beginning to get under control. Unless the borrowed funds are restored, and the additional amount requested appropriated, the two-month old reform program will be seriously affected.

It is clear that Cambodia requires continued support. Funds now available for the MAP program will be exhausted by the end of this month. In order to keep the supplies flowing, additional funding will be necessary this month. We cannot borrow any more funds without disrupting programs which are of equal importance to us. But the Military Assistance Program alone is not sufficient. Cambodia has sustained serious economic losses—in export earnings and domestic production—this year. It has received no significant new economic assistance to date. Unless economic support is provided now they will not be able to sustain their defense effort. Even with immediate appropriations of supporting assistance funds it will be some monthe before the Cambodians would receive the commodities. There is no other source of funds for this purpose.

If the supplemental request is not approved before Congress adjourns, it would be unlikely that funds would become available in early February because of the time required to re-introduce the legislation and have additional hearings in a new Congress. It is not simply a question of delaying for another thirty days, but for a considerably longer period. This delay would create serious problems in all of the countries for which supplemental appropriations have been requested.

Mr. FULBRIGHT. May I say on that point, before the Senator leaves it, that letter does not deny that they have been using it, or say it is wrong. All he says is that it is the matter of priorities within the foreign aid program. That is what the letter amounts to.

Mr. GRIFFIN. Now, I know the chairman of the committee is familiar with the report, but in the interest of the record, I should like to read this paragraph from the committee report:

A good case has been made for the urgent need for additional aid to Cambodia, military and economic. It is true that more aid can be given to Cambodia, using the emergency provisions of the Foreign Assistance Act, some of which have already been employed. But the continued borrowing from programs for other countries could not continue much longer without serious consequences. The administration, in the committee's view, took the proper step in coming to the Congress at this time. The Committee recommends that the bill, as amended, be approved by the Senate.

I realize that the committee action was not taken by a unanimous vote of the committee; it was an 8-to-4 vote. But this represents the conclusion of the committee. It should be called to the attention of Senators.

Mr. FULBRIGHT. May I comment on that point? There is $100 million that this amendment does not deal with, which replaces the amount which is referred to as having been borrowed from the other programs. So those funds are to be replaced. I am not suggesting that the administration go on forever using this authority to give aid to Cambodia. All I am saying is that we have not had any opportunity for anything like adequate

hearings. All I ask, and I asked this of the committee, that this item of new money for Cambodia go over for approximately 2 months, to give the committee an opportunity to have hearings the last part of January, and early February—in other words, time to consider it. I can assure the Senate that this matter will be considered as the first item of substantive business by the committee.

As to the hearings, which the Senator referred to, the administration only returned those hearings today about noon with their corrections. We have not had an opportunity for the staff to go over them and submit them to the printer. They will be submitted, I suppose, this afternoon or this evening.

But all that means is—and it makes my point—that they did borrow, and they can continue to borrow. We replaced the $100 million, and they can certainly use that for 2 months. That is about all that paragraph means.

Mr. SPARKMAN. Mr. President, will the Senator yield to me briefly?

Mr. FULBRIGHT. The Senator from Alaska was on his feet. I yield to him.

Mr. STEVENS. Mr. President, the Senators from Washington and I had another amendment which we hoped we might be able to offer this afternoon. I am reminded of the procedure the Senator from Arkansas used the other day to test the sentiment of the Senate on a measure such as this. I do not intend to make a motion to table my colleague's amendment myself, but I wonder if there is not a procedure whereby we might test the sentiment of the Senate on this, and see if we could get on to these other matters, if the Senate is not in favor of my colleague's amendment. I am aware of the pending adjournment, or at least recess, for Christmas, and I would like very much to have these other matters considered.

Would the Senator from Arkansas agree that this might be a good time to test the sentiment of the Senate on this matter?

Mr. FULBRIGHT. Well, I would like enough time to state what I consider the significance of the matter. I would hope the Senator would not move prematurely, but certainly he has a right to move at any time he feels appropriate. I would hope he would not do it before there had been an opportunity to explain the significance of this amendment.

Mr. STEVENS. I would say to the Senator from Arkansas that I certainly have no intention of doing that, but I had hoped we might be able to test the sentiment of the Senate this afternoon, so that we could go on. I see another matter is on the calendar, and I am afraid that those who propose other amendments to this bill are not going to have an opportunity to adequately explain our amendments if this situation continues much longer.

Mr. FULBRIGHT. I agree with the Senator, in the sense that I think it is unwise to bring up a bill of this significance under these great pressures from other bills.

For example, last spring we took 6 weeks on a discussion of the Cooper-Church amendment during the period of the invasion of Cambodia. I am corrected—we took 7 weeks. It was finally voted on, and then it was aborted in the House.

We have no hearings available, and we have a very short report. I submit that it is not unreasonable to consider for at least a day or 2 a matter which involves a new policy with regard to supporting Cambodia. The administration no longer believes in treaties—at least, treaties involving important matters—but this is the equivalent of a treaty. If we pass this, and the House approves it, it will be treated in the future as a commitment to support Cambodia. While it is not in form a treaty, I would say that in fact it is practically the equivalent of a treaty, because we will then have assumed the responsibility. Congress will have assumed it.

The senior Senator from Alaska, or the junior Senator from Alaska—both Senators from Alaska are so young and vigorous that they are both junior to me—made the point very well in his presentation a moment ago as to the nature of the commitment we will have assumed.

As I said earlier, it is possible that it is in our interest to assume this commitment. It may be in our interest to support all the poor and impoverished countries in the world. But I think the question deserves more consideration than has been given. That is the main point I have in mind in not wishing to vote before hearings are available, or before a full range of hearings have been held, for that matter with anyone other than those supporting the administration's position. Only the administration's witnesses have been before the committee. There has been no time to hear anyone else. I regret that, but the legislation was requested only a short time ago. We scheduled the administration hearings at the earliest time they were able to come. We asked them immediately as soon as the bill came up, and they came at their earliest convenience, which was last Thursday and Friday.

That is the only point. I do not think there is a disposition to take undue time to consider this question. Because of other matters, other conference reports on important matters, I think there is great pressure to roll over this legislation without taking time to understand its significance.

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

Mr. FULBRIGHT. I yield.

Mr. MANSFIELD. Mr. President, I think the record should be made perfectly clear on this procedure. There has been a good deal of talk today about Cambodia. It should be said that the one item on which the committee has had hearings and investigated is Cambodia—not only here in the Capitol but also through the findings of two staff members who traveled to Cambodia to study the issue first hand.

The money item in question was brought up in the committee only yesterday. I was one of those who then voted against aid for Cambodia, and it is my intention to vote for the Gravel amendment later this afternoon if the Senate is given an opportunity to vote. I was one of those who voted against reporting the bill, because I felt so strongly about the Cambodia issue and all the ramifications it involved. Nevertheless, I was interested in getting a bill to the floor for consideration simply because time is not now on the side of the Senate. Indeed, at this stage in the session the Senate finds itself in most unusual circumstances.

It was mainly for this reason that three of us in the Appropriations Committee—the Senator from New Jersey (Mr. CASE), the Senator from Wyoming (Mr. MCGEE), and myself—assured the Appropriations Committee that, to the best of our ability, we would make every effort to get an authorization bill reported quickly. Such action seemed especially necessary in view of the provisos included in the appropriations measure. Those provisos guarantee that there will be no end runs around the Foreign Relations Committee and no end runs around the Senate with respect to the issue of aid for Cambodia as contained in the supplemental appropriation bill. In short, the provisos would assure the authorization process to support the appropriation.

The able chairman of the committee made his views well known. He expressed himself strongly and very much to the point, as he always does, at the beginning of the meeting yesterday. The committee voted on aid to Cambodia. The committee voted on the Cooper-Church amendment. The committee voted on reporting the bill.

Then the question was raised concerning the report and how soon it could be available. It was said that it could be ready by midnight last night or tonight. The chairman asked what I thought, and I said, that it was my hope that it could be ready at 3 o'clock in the afternoon—which was yesterday; because I wanted to see a bill reported which, to repeat, would safeguard the responsibility and the authority of the Senate Foreign Relations Committee and the Senate as well in dealing with this issue.

The chairman was very cooperative and accommodating and understanding. He instructed the staff to act on the basis I suggested. Then the chairman requested the next ranking majority member, the Senator from Alabama (Mr. SPARKMAN), to manage the bill on the floor.

It should be emphasized that this matter was fully considered. Not only did the committee have two meetings on Cambodia, but it also, I repeat, sent two committee staff members to Cambodia to look into the proposition first hand.

I think the question is simple. I do not think the Senate needs further educating on this matter. So far as I am concerned, I am ready to vote. I think the Senate is ready to vote. I should say that I intend to hold the position I adopted in the committee. I oppose this item. I waned hope that this issue could soon come to a head so that I can vote along with the other members of the body to establish the will of the majority. After all, this is a democratic body and I think that the opportunity should be

afforded to determine the position of the majority.

It should be pointed out, finally, that there is a conference report on the transportation bill available and its consideration is expected to consume a good deal of time. There is also a very important combination bill dealing with social security, the family assistance plan, and trade quotas, which has to be considered. There are other matters, a number of them controversial. There is not much time left.

I am hopeful—I want to discuss this with the distinguished minority leader—that the Senate may be able to go out on the 22d of this month and come back on the 28th. That only leaves 3 or 4 days. Those are the facts. We are up against time factors.

As for this bill, I do not think there is any Member who does not know what the issues are. They have been well publicized. I would hope that we would have the opportunity before too long to vote at least on the Gravel amendment, which I shall support, and to try to bring this matter to a close, rather than postpone it for several months. In that respect, may I say that the chairman did suggest at the beginning of the meeting of the committee on yesterday that this matter be postponed until next year. But the committee thought otherwise.

I only speak to make certain the record is clear on this entire matter. To the best of my ability I have endeavored to relate the circumstances as they developed.

Mr. FULBRIGHT. If all Senators were as well informed as is the Senator from Montana, I am sure they would arrive—at least a majority would arrive—at the same conclusion he has. He is a member of the committee; he knows about the matter; he has heard the testimony.

The hearings are not yet available. While the staff could publish a very brief report, the printed hearings are not available, because they were only received about noon, with the corrections from the administration witnesses.

The very thing that has convinced the Senator from Montana as to the merits of my position—because we did vote in the committee—is what I am trying to make available to the Senate. Very few Members of the Senate have any knowledge of those hearings or of Cambodia. The Senator from Montana has been a student of Cambodia for many years. One of the reasons why I am fortified in my own conviction is that he feels the same way about this particular part of the bill.

All we are dong is saying that one part of the bill, two sections, should be deleted for further consideration. The remainder of the bill could pass in 5 minutes if we could take those sections out. The only thing I am apprehensive about is that very few understand the significance of the amount for Cambodia.

Many believe that we are depriving the administration of any money for Cambodia, which is not correct. I heard one of our distinguished colleagues on this side a moment ago say, "But what about this? We cannot take the responsibility for denying the President money he thinks is necessary for Vietnamization."

In other words, he believes that if we adopt the Gravel amendment, there will not be any money for Cambodia. That is not the fact. If they understood, as the Senator from Montana does, that all we are doing is deferring decision on a policy matter by taking the Gravel amendment, then I believe a majority of Senators would have the same view as the Senator from Montana.

I think we should have a sufficient time to prove it. I have had the floor now for less than 30 minutes. There has been very poor attendance. More Senators are coming in now, as the majority leader is here and the minority leader is standing up. So they are coming in because they believe something is going on of significance.

Mr. SCOTT. Mr. President, will the Senator from Arkansas yield?

Mr. FULBRIGHT. I am happy to yield to the Senator from Pennsylvania for a question.

Mr. SCOTT. There occurs a time every day in the session to Senators on both sides of the aisle when they become restless, and when they say to each other, "Where is the majority leader," or "Where is the minority leader," and then we come in. I may add, both of us have had some experience in the processes of debate and we are both aware of the fact—and I entirely agree with what the majority leader has said—that there comes a time when time is running out. There is also a time of maximum interest in an amendment, and after that, if it is not acted on, what happens is that there is a certain droning on, which never occurs with the distinguished chairman, but can happen in the Chamber elsewhere. And, thereafter, a great deal of valuable time is lost.

All I am pleading for is recognition that we are headed for the Christmas season, that we are coming back, I gather, as the distinguished majority leader and I have indicated and are well aware of, after Christmas, and then the impending 92d Congress comes upon us and kills this one off.

As the Senator knows, there are many other important matters pleading for consideration. There are some urgent matters which Senators feel strongly on. I would only hope, not that the educative process be denied, but I have a strong feeling that at this point very few votes will be changed because in the bill now is the language of the Cooper-Church amendment, as I understand it, and therefore the administration is not asking that we do anything other than to pass the authorization bill in the form which the Senator has wrought, as I am well aware within the Committee on Foreign Relations that it was resolved by a vote in that committee. So all I am urging is that we resolve by a vote on the Senate floor whatever differences there are, so that we can get on with some other matters. We have behind this an enormous bill, 35 pages longer than the Tax Reform Act, with 270 amendments to it.

Goodness knows how much of it we are going to be able to dispose of, but I am really pleading with the Senator from Arkansas to give us an opportunity to move along as soon as he feels, within his conscience, that he has informed the Senate of those things which he has every right to feel the Senate should be made aware of.

I therefore join in the plea of the distinguished majority leader, that Senators may be allowed to get to a vote on this amendment. I hope that the heart of the Senator from Arkansas is suffused now with the spirit of Christmas, especially the spirit of the Christmas soon to come.

Mr. FULBRIGHT. I thank the Senator from Pennsylvania. I certainly will give that most serious consideration. I will talk to the sponsor of the amendment and ask him what he thinks about a reasonable time.

But does not the Senator really think that Senators should have an opportunity to look at the hearings, which will be printed this evening, and to read what was said by the sponsor of the amendment earlier in this debate?

Mr. SCOTT. I wonder whether Senators have not had considerable time already to familiarize themselves with the whole issue, including many weeks of debate on this same basic subject. What we are talking about here now is a fairly narrow point and that is: Does the Gravel amendment deny money to the President or does it not? If it does, how much, and what will be the effect of the denial? If there is more to it than that, then I admit I am in need of education, and not for the first time, of course.

Mr. FULBRIGHT. I notice the Senator did not commit himself, as the majority leader did. Therefore, I conclude he is in need of education.

Mr. SCOTT. Not necessarily——

Mr. FULBRIGHT. I can tell that he does need a little education——

Mr. MANSFIELD. Mr. President, if I may interject there, I must come to the defense of the minority leader, because I may be right or he may be wrong; but then he may be right and I may be wrong. There are always two sides to a question. This issue should be decided through the majority.

Mr. SCOTT. Oh, that is why we all love the majority leader.

Mr. SPARKMAN. Mr. President, will the Senator from Arkansas yield?

Mr. FULBRIGHT. Mr. President, I yield now to the Senator from Alabama.

Mr. SPARKMAN. The Senator had yielded to me and then he yielded to the Senator from Alaska (Mr. GRAVEL) but I yielded and——

Mr. SYMINGTON. Mr. President, would the Senator from Arkansas yield just a moment on that particular part of the colloquy, so I may comment and respond briefly? If not, I will wait.

Mr. SPARKMAN. Well, I have been in this Chamber all day. I guess I can stay a little longer.

Mr. SYMINGTON. I thought there was some idea here of proceeding more rapidly. If the Senator from Alabama wishes, I will wait until he has finished.

Mr. SPARKMAN. I have been waiting here all day rather patiently, I think. I have been rather hoping that I might reply to the arguments made by the Senator from Alaska (Mr. GRAVEL), who of-

fered this amendment, and say something——

Mr. INOUYE. Mr. President, will the Senator from Alabama yield?

Mr. SPARKMAN. Not at this moment. I wanted to say something about this amendment, but I understood that our chairman wanted to speak, and of course I stand aside for him. One thought occurs to me: The senior Senator from Alaska (Mr. STEVENS) has an amendment, that he referred to awhile ago, to be printed.

(Whispered conversation between the Senator from Alabama and the Senator from Arkansas.)

Mr. ERVIN. Mr. President, may I request the Senators to whisper a little louder so that we may hear what they are saying. [Laughter.]

Mr. FULBRIGHT. Mr. President——

Mr. SPARKMAN. Mr. President, I do want to make some comments, but right now, if the Senator from Arkansas is willing to consent to a unanimous-consent request I am about to propose——

Mr. FULBRIGHT. Mr. President, I yield for the purpose of the unanimous-consent request.

Mr. SPARKMAN. It might move things along.

I ask unanimous consent, Mr. President, that the senior Senator from Alaska (Mr. STEVENS) be allowed to call up his amendment at this time, without in any way imposing on the time of the Senator from Arkansas.

Mr. FULBRIGHT. Mr. President, reserving the right to object, and I shall not, I only want the parliamentary situation to be made clear that the Senator from Arkansas yields to the Senator from Alaska (Mr. STEVENS) for the purpose of making a substantive amendment and not for the purpose of making a motion to table.

Mr. SPARKMAN. And not in any way to misplace the Gravel amendment, Mr. President.

Mr. FULBRIGHT. Solely for the purpose of offering a substantive amendment which relates to ships. I do not yield for any other purpose.

I ask that the Chair inform me if I may do so, and if not, I shall not yield, but I shall yield for that sole purpose.

The PRESIDING OFFICER (Mr. COOK). The Chair's understanding is that the Senator may yield for that purpose. The Chair takes the position that the present amendment is, therefore, temporarily set aside in order to consider the amendment of the Senator from Alaska (Mr. STEVENS), and then the Senate will proceed immediately to the Gravel amendment.

Mr. FULBRIGHT. Yes. I do not yield for the purpose of making a motion to table.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Alabama? The Chair hears none, and it is so ordered.

Mr. STEVENS. Mr. President, I assure my good friend from Arkansas that I shall not evade the stipulations in any way.

Mr. President, I call up my amendment which I have offered on behalf of myself and the two Senators from Washington (Mr. JACKSON and Mr. MAGNUSON).

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

On page 4, line 24, strike the figure "$150,000,000" and insert in lieu thereof "$144,200,000".

On page 4, line 25, strike the semicolon and insert a colon followed by *"Provided*, That no funds appropriated pursuant to this authorization shall be used to purchase, acquire, repair or maintain small attack vessels for the armed forces of the Republic of Korea;".

Mr. STEVENS. Mr. President, this amendment would delete $5.8 million from the foreign assistance bill now before us. The money is intended for the purchase of small attack naval vessels for the Republic of Korea. Without going into the question of the appropriateness of purchasing attack vessels for a military force whose sole mission is defense, I would like to point out the effects our continued foreign assistance to South Korea is having.

Since our various assistance programs began in 1946, we have given South Korea nearly $8 billion. I ask unanimous consent that the table of aid to Korea supplied to me by the State Department be printed in the RECORD at this point.

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

LOANS AND GRANTS FROM ABROAD—SOUTH KOREA
[U.S. fiscal years—Millions of dollars]

U.S. overseas loans and grants, net obligations and loan authorizations

U.S. program	Postwar relief period 1946–48	Marshall plan period 1949–52	Mutual Security Act period 1953–61	Foreign assistance act period 1962	1963	1964	1965	1966	1967	1968	Total 1962–68	Total 1946–68	Repayments and interest 1946–68	Total less repayments and interest	1969
AID and predecessor agencies, total		10.0	2,042.4	119.8	107.6	104.9	118.6	143.9	112.9	71.6	799.3	2,831.6	10.0	2,821.6	43.2
Loans			25.3	25.2	25.8	27.6	47.9	79.0	60.3	29.4	295.2	320.6	10.0	310.6	19.0
Grants		10.0	2,017.1	94.6	81.8	77.3	70.7	64.9	52.6	42.1	484.0	2,511.0	.....	2,511.0	24.1
Food for freedom, total		.3	313.8	70.6	73.4	112.8	63.3	119.1	63.3	99.3	601.8	916.1	1.2	914.9	193.4
Title I, total			176.5	60.4	62.1	79.4	34.4	38.1	36.1	56.5	367.0	543.6	1.2	542.4	132.0
Payable in U.S. dollars, loans									1.5	.....	1.5	1.5	.....	1.5	97.1
Payable in foreign currency, planned for country use			176.5	60.4	62.1	79.4	34.4	38.1	34.6	56.5	365.5	542.1	1.2	540.9	34.9
Total sales agreements, including U.S. uses			(211.3)	(68.6)	(69.7)	(93.2)	(42.5)	(47.7)	(43.2)	(79.1)	(444.0)	(655.3)	.....	(655.3)	(49.2)
Planned for country use			176.5	60.4	62.1	79.4	34.4	38.1	34.6	56.5	365.5	542.1	1.2	540.9	34.9
Economic development loans															
Economic development grants															
Common defense grants			174.4	60.3	61.8	79.3	34.0	37.6	31.7	53.7	358.4	532.9	.....	532.9	32.0
Cooley loans			2.1	.2	.3	.1	.4	.5	2.8	2.8	7.1	9.2	1.2	8.0	3.0
Other grants															
Assistance from other country agreements															
Title II, total		.3	137.3	10.2	11.3	33.4	28.9	81.0	27.2	42.8	234.8	372.5	.....	372.5	61.4
Emergency relief, economic development and world food program			22.1	.....	1.2	23.2	20.3	69.8	24.7	39.7	178.8	201.0	.....	201.0	59.1
Voluntary relief agencies		.3	115.2	10.2	10.1	10.2	8.6	11.2	2.5	3.1	55.9	171.5	.....	171.5	2.3
Export-Import Bank long-term loans									3.8	16.2	20.0	20.0	.....	20.0	2.6
Other U.S. economic programs	181.2	475.3	202.8	.....	.....	.....	.....	.5	1.4	1.7	3.6	862.9	6.5	856.4	1.4
Peace Corps								.5	1.4	1.7	3.6	3.6	.....	3.6	1.4
Social Progress Trust Fund															
Other [1]	181.2	475.3	202.8									869.3	6.5	852.8	.....
Total economic	181.2	485.6	2,559.0	190.4	181.9	217.7	181.9	263.5	181.4	188.8	1,407.7	4,630.6	17.7	4,612.9	240.6
Loans	24.9	.....	27.4	25.4	26.1	27.7	48.3	79.5	68.4	48.4	323.8	376.2	17.7	358.5	121.7
Grants	156.3	485.6	2,531.6	165.1	154.9	190.0	133.6	184.0	112.9	140.3	1,080.8	4,254.4	.....	4,254.4	118.9
Military assistance program (Chg to FAA App.) [2]		11.7	1,388.5	136.9	169.1	124.3	173.1	153.1	149.8	197.4	1,103.7	2,768.6	.....	2,768.6	210.0

Footnotes at end of table.

U.S. overseas loans and grants, net obligations and loan authorizations

U.S. program	Postwar relief period 1946–48	Marshall plan period 1949–52	Mutual Security Act period 1953–61	Foreign assistance act period 1962	1963	1964	1965	1966	1967	1968	Total 1962–68	Total 1946–68	Repayments and interest 1946–68	Total less repayments and interest	1969
Credit Assistance															
Grants		11.7	1,388.5	136.9	169.1	124.3	173.1	153.1	149.8	197.4	1,103.7	2,768.5		2,768.6	210.0
Additional grants from excess stocks		(0.6)	(119.8)	(52.6)	(21.1)	(13.4)	(46.1)	(15.6)	(3.5)	(6.7)	(159.0)	(324.8)		(324.8)	(27.7)
Other military assistance grants			43.3		13.4						13.4	56.7		56.7	
Total military		11.7	1,431.8	136.9	182.5	124.3	173.1	153.1	149.8	197.4	1,117.1	2,825.3		2,825.3	210.0
Total economic and military	182.1	497.3	3,990.8	327.3	363.5	342.0	355.0	416.6	331.2	386.2	2,521.8	7,455.9	17.7	7,438.2	450.6
Loans	24.9		27.4	25.4	26.1	27.7	48.3	79.5	68.4	48.4	323.8	376.2	17.7	356.5	121.7
Grants	156.3	497.3	3,962.4	302.0	337.4	314.3	306.7	337.1	262.7	337.7	2,197.9	7,079.7		7,079.7	328.9

[1] Represents (in millions), CRIK $420.2; civilian supplies, $292.1; Korean aid program, $121.6; surplus property credits, $24.9; and UNRRA, $0.6.

[2] Annual data represent deliveries; total through 1968 is the cumulative program.

ASSISTANCE FROM INTERNATIONAL AGENCIES—COMMITMENTS

	Fiscal year 1967	Fiscal year 1968	Fiscal years 1946–68
Total	2.1	20.9	50.6
IBRD–World Bank		5.0	5.0
Int'l Development Association		11.0	25.0
Int'l Finance Corporation		.7	.7
UNDP—Special Fund	1.4	3.2	14.2
UNDP–TA (calendar year)	.3	.3	2.0
Other UN (calendar year)	.4	.7	3.7

D.A.C. COUNTRIES (EXCLUDING U.S.) OFFICIAL BILATERAL GROSS EXPENDITURES

Donor	Calendar year 1966	Calendar year 1967	Calendar years 1960–67
Total	49.7	77.3	212.1
Japan	35.8	58.2	150.1
Germany	6.6	15.1	41.5
Italy	5.6	1.4	8.0
Other	1.7	2.5	12.5

Mr. STEVENS. Mr. President, I am informed that of this $8 billion, approximately $241 million has been spent on their Navy. In other words, they have spent $241 million of our money on their Navy. According to the Department of Defense and the Department of State, neither of them know how much of her own money South Korea has spent on her Navy. It is preposterous to think that we have spent nearly a quarter-billion dollars on Korea's Navy without knowing what Korea herself has spent on her own Navy. But that is another story.

The question I wish to discuss is what did South Korea do with the $241 million of their money they did not have to spend on their Navy because of our assistance.

Let me examine just one facet of the Korean economy—the merchant marine and fishing industry—and judging by the results, they have spent it well. In 1950 the South Korean merchant marine contained four ships over 1,000 tons displacement. In 1960 that figure had risen to 28 ships. It now stands at 95 ships. That is a fantastic rate of growth. During that same period the U.S. merchant marine has declined from 3,513 ships to 1,937 vessels. And the average age of our ships is 22 years, while the average age of the Korean merchant marine must necessarily be less than 10 years. In short, we can see at least one possible place some of that $241 million could have gone—into a merchant marine that now competes directly with our own aging fleet.

However, I would now like to focus attention on developments in the fishing area—developments which are having a direct and deleterious effect on the economy of my own State.

The deep water fishing fleet of South Korea was virtually nonexistent before 1960. In 1962 the Koreans had 18 ships. By 1967 this number had grown to 175 and now numbers between 250 and 300. From none to 300 in 10 years. And the Korean Government has announced its intention to spend over $200 million to double its fleet in the next 5 years. Its official goal is to export $100 million in fish products annually by 1976.

Mr. President, the fishing industry is the largest private employer in Alaska. Except for the petroleum industry, which so far has provided few jobs to Alaskans, fishing is the most important industry in dollar volume as well, having grown from less than $100 million in 1960 to over $200 million in 1969.

However, the Koreans have been eyeing the traditional fishing grounds of Alaskans for some time now. Before 1966 there were virtually no Korean fishing vessels in our waters. In 1966 the Coast Guard sighted one exploratory vessel. In 1967 one refrigerator ship and three trawlers were sighted. In 1969 one factory ship, two freezer ships, four trawlers and five gill netters were operating in our traditional fishing areas. These figures give some indication of the degrees to which the Koreans are fishing in our waters.

This summer, for the second year in a row, the Koreans attempted to fish in the Bristol Bay salmon run. This run is the subject of treaty between the United States, Canada, and the Soviet Union. Each nation has agreed to abstain from fishing in the other nation's traditional salmon area. Japan has agreed to observe the abstention line established by the treaty. This permits Alaska to control fishing in its runs to assure that proper conservation techniques are employed to protect the runs.

The Korean action threatens to destroy this delicate balance and open the Alaska salmon runs to overfishing and eventual destruction. In the summer of 1969 we succeeded through diplomatic action in getting the fleet to withdraw, but not until it had taken tons of Alaskan salmon. This year, thanks to quick action by the Senate in adopting my amendment to prohibit further economic assistance to South Korea if they continued to fish east of the abstention line, the Korean fleet withdrew after less than a week in our traditional fishing grounds.

The threat of the Korean fishing fleet to our own fishing industry has now reached serious proportions. Unlike the merchant marine, in which we still outnumber the Koreans by nearly 20 to 1, the size of their fishing fleet is fast approaching ours. They have a total of 11,444 motorized vessels to our 12,830 vessels. We outweigh them about 2 to 1 in total tonnage. But their 5-year plan calls for a dramatic expansion of their fleet, particularly their deep ocean fleet, which would be doubled. If they can afford to devote over $200 million to this project, certainly they can afford the $5.4 million for attack naval vessels we are being asked to approve. It is the height of folly for the United States to continue to finance the military forces of another country which, by its own announced intentions, will use the money to enter into direct, detrimental competition with our own citizens.

Therefore, I am offering my amendment to delete the $5.8 million and to prohibit the expenditure of any of the funds in this measure for small naval attack vessels for the Republic of Korea. I urge the Senate to approve this amendment and thus make clear to the Korean Government our expectation that they will increase their contribution to their own defense before engaging in ambitious expansion of an industry which directly competes with our own.

The PRESIDING OFFICER. Does the Senator from Alaska wish both amendments to be considered en bloc.

Mr. STEVENS. Mr. President, that is our desire. I ask unanimous consent that that be done.

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

Mr. MAGNUSON. Mr. President, the problem of South Korean fishing vessels operating on the high seas on the stocks of American Bristol Bay salmon is one which is of vital importance to the fishermen of my State and other areas of the west coast.

In June of this year, I held a hearing before my Senate Committee on Commerce on this subject at which time I had assurances from not only the Ambassador of South Korea but from other

officials who came from Korea to this country that there would not be a high seas net fishery on the 1970 salmon runs. Unfortunately, although we were advised that the motherships and catcher boats were not licensed to operate on this anadromous stock, they did take substantial quantities of salmon. Our Coast Guard observed them, advised them of the understanding and provided my committee with pictures of the operation. The vessels did depart the area, but it is obvious that the agreement was violated and that there must be something more substantial than these assurances in the future.

The present amendment which would remove $5.4 million from the foreign aid authorization bill for South Korean attack vessels is a stop-gap measure. It is not an answer to the conservation and preservation of the salmon resources. But it can serve to demonstrate the concern of the United States that we do intend to protect our fisheries and that we do not subscribe to the theory that the ocean resources are inexhaustible.

This Nation can no longer continue a policy where nations, such as South Korea, completely ignore conservation principles on one hand and yet on the other hand are provided with foreign aid, grants, and low-interest loans by the United States.

It is increasingly obvious that the calling of a Third Law of the Sea Conference is necessary to provide for a proper and orderly regime for conservation and management of the marine resources of the world. Until such time as the conference can be held, this Nation must serve notice to the fishing nations of the world that we do not intend to stand idly by and watch the important salmon resources or any of the other important adjacent fishery stocks be harvested beyond the point of maximum sustainable yield.

The deletion of this item is necessary in order to properly serve notice of the intent of the United States.

Mr. COOPER. Mr. President, may I have the amendments read again?

The PRESIDING OFFICER. The clerk have the amendments read again?

The assistant legislative clerk read as follows:

On page 4, line 24, strike the figure "$150,000,000" and insert in lieu thereof "$144,200,000".

On page 4, line 25, strike the semicolon and insert a colon followed by "*Provided*, That no funds appropriated pursuant to this authorization shall be used to purchase, acquire, repair or maintain small attack vessels for the armed forces of the Republic of Korea;".

Mr. COOPER. What is the purpose of the amendments?

Mr. STEVENS. Mr. President, the purpose of the amendment is to delete from the bill the money to be used for the purchase of small attack naval vessels for the Republic of Korea. Basically we feel that the Republic of Korea has, in effect, been using moneys we have provided for military and economic assistance to free money from internal sources for increasing their merchant marine and the number of their fishing vessels.

They have had a dramatic increase in their merchant marine and in their fishing fleet.

In 1950 they had four ships of 1,000 ton displacement. They now have 95.

In 1962 they had only 18 ships in the deep sea fishing fleet. That number has grown to the point that they now have nearly 300.

We feel that instead of supporting the effort the money should support, namely the building of their small attack naval vessels, we have made available the money they used to build up their fishing fleet.

We wish to assert the position that the Senate took last year: that Korea should use its own money for its defense where possible, and that we should not provide the money to build their small attack vessels if they can finance a doubling of their deep sea fishing fleet.

This is a burden which their economy, which is growing at a very rapid rate, can sustain.

Mr. SPARKMAN. Mr. President, I have discussed the amendment with the Senator from Alaska and the Senator from Washington. I have suggested that I would be willing for us to accept the amendments and take them to conference.

Mr. JACKSON. Mr. President, I wish to endorse the Senator from Alaska's amendment. The Korean fishing fleet has grown from nothing to nearly 300 deep sea vessels in less than 10 years. During that time we have been supplying hundreds of millions of dollars in support of their military forces while they have been using the money thus released to expand an industry which now threatens to come in direct competition with our own domestic industry.

Clearly, if the Korean Government can invest over $200 million, of which $30 million is internally generated capital, in their deep sea fishing fleet, they can contribute the less than $6 million required for the purchase of these small naval vessels.

It is my view that this amendment clearly protects our national interest in the salmon fishing and the jobs of American fisherman.

Mr. STEVENS. Mr. President, I move the adoption of the amendments.

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

The amendments were agreed to.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had passed, without amendment, the following bills and joint resolution of the Senate:

S. 1785. An act for the relief of Irene Sadowska Sullivan;

S. 2336. An act relating to the parishes and congregations of the Protestant Episcopal Church in the District of Columbia; and

S.J. Res. 236. Joint resolution authorizing the preparation and printing of a revised edition of the Constitution of the United States of America—Analysis and Interpretation, of decennial revised editions thereof, and of biennial cumulative supplements to such revised editions.

The message also announced that the House had passed the bill (S. 1626) to regulate the practice of psychology in the District of Columbia, with amendments, in which it requested the concurrence of the Senate.

The message further announced that the House had agreed 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. 17755) making appropriations for the Department of Transportation and related agencies for the fiscal year ending June 30, 1971, and for other purposes; that the House receded from its disagreement to the amendments of the Senate numbered 6, 12, 32, 44, and 45 to the bill, and concurred therein, and that the House receded from its disagreement to the amendment of the Senate numbered 14 to the bill and concurred therein, with an amendment, in which it requested the concurrence of the Senate.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 19928) making supplemental appropriations 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. MAHON, Mr. ROONEY of New York, Mr. PASSMAN, Mr. EVINS of Tennessee, Mr. BOLAND, Mr. NATCHER, Mr. FLOOD, Mr. STEED, Mrs. HANSEN of Washington, Mr. BOW, Mr. JONAS, Mr. RHODES, Mr. MICHEL, Mr. CONTE, and Mr. DAVIS of Wisconsin were appointed managers on the part of the House at the conference.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Leonard, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer (Mr. COOK) laid before the Senate messages from the President of the United States submitting several sundry nominations, which were referred to the Committee on the Judiciary.

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

SPECIAL FOREIGN ASSISTANCE ACT OF 1971

The Senate continued with the consideration of the bill (H.R. 19911) to amend the Foreign Assistance Act of 1961.

Mr. FULBRIGHT. Mr. President, since the conference report has come over and many people are interested in that conference report, I would of course be glad to yield the floor for the consideration of the conference report.

Of course, I would like to have the ideas of the Senator from Alaska about this matter.

If the Senator from Washington would like to take up the conference report, I am agreeable. That is a privileged matter. I do not know whether it is his intention to take up the conference report or not.

Mr. MAGNUSON. Mr. President, the chairman of the conference committee is the Senator from Nevada.

Mr. FULBRIGHT. I apologize. I thought it was the Senator from Washington.

Mr. BIBLE. Mr. President, I do not wish to call up the conference report until we finish the pending business.

Mr. FULBRIGHT. It is not the desire of the Senator to lay this matter aside and pick up the conference report?

Mr. BIBLE. The Senator is correct.

Mr. FULBRIGHT. Then that only confirms my view that there is really no urgency about the pending bill, because no one wishes to move to more important matters.

Mr. President, I yield to the Senator from Missouri.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. SYMINGTON. Mr. President, I have listened to the discussion this afternoon with a great deal of interest. It seems to me that the situation is quite clear. No one has more respect for the majority leader and the minority leader than I do but the urgency about the necessity for authorization is theoretical. Whether we pass the bill or not, we know that the money will be expended. It has been expended in the past without any particular interest in the views of the Senate. It undoubtedly will be expended in the future without any particular interest in what the Senate thinks about it.

It has been clearly brought out in the Committee hearings that a lot of money is available. There is plenty of money available to take care of this matter and to continue the spending in Cambodia without the authority of the Senate. So I do not see why we should pass the bill at this time. Why not wait until next April and ratify the $300 million or $400 million that they will have spent by that time instead of approving today the $108 million that they have already spent without our knowledge, let alone without the approval of the Senate.

It seems to me that this discussion is quite theoretical. Cambodia has already been given or promised $108 million in military aid through the President's use of emergency authority under the Foreign Assistance Act. That same authority can be used to supply aid up to a total of $250 million in this fiscal year if the President chose to do it. He chose to spend $108 million without taking it up with the Senate. $100 million of that was in this fiscal year. Why should he not choose to spend $250 million? I think it would be more consistent to postpone approval of the bill until he spends it all instead of approving a little more for him.

Why does he not spend it and come up and say, "Stamp the bill. This is the amount we have expended."

Section 614 of the Foreign Assistance Act authorizes the President to give any country that is under actual Communist or Communist-supported aggression $250 million in the fiscal year without regard to the regular requirements of the act if he deems it important to the security of the United States.

Mr. President, certainly we are not spending all this money out there, hundreds and hundreds of millions, if not billions, unless the President thinks it is important to the security of the United States. So, he already has that money to use. This allows certain appropriations for economic aid to be used for military aid. He can make that switch, as he has in Cambodia, with $59 million in support assistance funds.

Here is a list very briefly of all the sources available to the President to use funds to continue giving military support and economic support to Cambodia if he wants to do so.

First, he can draw on the Department of Defense stocks of materials and services as authorized by section 506 of the Foreign Assistance Act. Up to $150 million can be used for Cambodia under that act.

Then he can transfer certain unobligated AID funds for use as military or economic aid under the authority of section 610 of the Foreign Assistance Act. That gives him $150 million that he can spend on Cambodia. He is only asking for $285 million, $108 million to cover what he has already spent.

Then he has the use of unobligated miiltary aid funds. Under that authority, he can spend up to $150 million for Cambodia. Under any one of those three sources or in a combination of all three, he could spend a total of $150 million.

In addition, he has the unlimited use of excess defense articles. Defense articles in any amount, $100 million or more, that are declared in excess can be used if that is what he wants to do for Cambodia.

Then he has the use of any material captured in the Cambodian operation from Vietnam. There is no limit here.

Finally, he has the use of agricultural commodities under Public Law 480, under which he can give all the food he believes the Cambodians or anybody else who is in Cambodia should have.

So under all these circumstances, I think we should be in no hurry. Why do we not just wait until the President has spent $285 million and approve that, instead of moving hastily in these rather frenetic final hours of the session to operate on this bill. It is not necessary.

I should like to ask the chairman of the Committee on Foreign Relations if he does not agree with the logic of this. Why not just forget this proposal until next year, when we will have more knowledge about what has been or may be spent?

Mr. FULBRIGHT. I agree with the Senator from Missouri. All I ask is that this particular item be put over until after the first of the year; then we can deal with it in a deliberate manner. It seems to me, I say to the Senator from Missouri—and this statement also applies to what the Senator from Montana (Mr. MANSFIELD) has said—that if the amendment of the Senator from Alaska (Mr. GRAVEL) is adopted, the rest of the bill could easily be passed within a matter of minutes. I feel quite certain that adoption of the amendment would not have any practical effect on the administration's plans for aid to Cambodia, as the Senator has said. The real significance of the Senate's approval of new money would be an endorsement of the policy.

Mr. SYMINGTON. The Senator is correct.

Mr. FULBRIGHT. It certainly will not affect the administration's basic plan to delay action on this item until late January or early February. If the leadership wants to move on to the Department of Transportation conference report or to other matters, and could give us some assurance about this amendment, the bill could pass.

I will say this. On the other hand, if we allow this to go to a vote, and this provision is kept in the bill, I plan to try to educate my colleagues further on what is involved here.

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

Mr. FULBRIGHT. It will take a good deal of education because it will be much more serious. There are items in here for Korea, Indonesia, and things that could be proceeded with; but this item of new money for Cambodia is moot important.

I yield to the Senator from Montana.

Mr. MANSFIELD. Mr. President, the leadership can give no such assurance, but the Senate as a whole should have the opportunity to face up to its responsibility individually and collectively. I must say I am disappointed at the trend this debate is taking because I think it will not accomplish what the distinguished chairman seeks to achieve.

I have said before and I will say again that I will vote for the Gravel amendment and against the bill.

When I say I do not believe in Vietnams, I do not mean another Vietnam; I think one Vietnam is too many.

I want to express my opinion, be on the record, and accept my responsibility; but I do not and I will not take any responsibility for thwarting the will of the Senate regardless of what the outcome may be. I would hope that the distinguished Senator from Arkansas might show some recognition of the fact that we are up against a combination of factors—including bills, not only out of his committee as in this instance but also from the Committee on Finance which has reported three very important proposals dealing with trade, family assistance, and social security. There is also a Department of Transportation conference report that must be dealt with and there is a likelihood that we may have some difficulty on the defense appropriation bill conference report.

Time is wasting. No good purpose will be achieved by delay. What will be the result in the long run is that this institution will be made to look a little more ridiculous than it has looked for the past several days.

Mr. FULBRIGHT. The Senator, in taking that view, denies there is any value in debate, instruction, or information. I would not thwart the informed judgment of the Senate either, but I do not think it is reasonable to believe that the majority of the Senate is informed about all the details of this situation. That is what is involved here. The hearings are not even available yet. The Senators could not have read the hearings. Only six or eight members of the committee were present at the hearings.

I understood this lame duck session

would be devoted to bills already underway, primarily appropriation bills. Here is a new item that no one anticipated would be presented. The majority leader, I thought, had left the impression that in this session new matter that had not been heretofore considered would not be considered unless it was an emergency, and this is not an emergency session, as the Senator from Missouri pointed out.

The administration is seeking to take advantage of a very critical time situation to get an endorsement of a policy which I think is very dubious and I do not want to be a party to it. This has nothing to do with money. They are trying to take advantage of the time problem; Christmas is here. This is the type situation in which mistakes by this body have always been made, and I see no reason to make another mistake of that kind. It is the policy aspect of the matter that is important. I think we should not endorse that kind of policy without thorough consideration.

No one likes to be reminded of Tonkin, but that was a case where a previous administration took advantage of an alleged attack on our ships, and I emphasize the word "alleged," to inflame the emotionalism and patriotism of this body to do a very serious thing. There was severe pressure to limit debate and when people like the Senator from Wisconsin wanted to speak there was no time. We voted like a bunch of sheep, and I was one of them. The same principle is involved here.

This is an effort to get a commitment on a policy. It has nothing to do with money. I see no merit in all of this pressure to vote today. I do not know how long the matter should be discussed but it should be made clear that it is not the money we are concerned about. Democrats, especially having been responsible for control of the Gulf of Tonkin measure, should be very careful about going down that road a second time and endorsing a very short-sighted policy without knowing what they are getting into.

The Senator from Montana is against that policy. Why does he want us to rush into this? He is informed; most Senators are not.

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

Mr. FULBRIGHT. I yield.

Mr. MANSFIELD. The Senator used the word "informed" as being applicable to but a small group of members of the Committee on Foreign Relations, not recognizing the fact that the entire Committee on Foreign Relations has also been made aware of the situation covering this request. I do not underestimate the intelligence, or understanding, or knowledge of fellow Senators who serve on the Committee on Foreign Relations or the Committee on Appropriations, and I would not stand on the floor and denigrate the lack of knowledge. I do however deny a lack of knowledge on the part of my colleagues because I think they study issues and they read newspapers, among other materials. I should say that one will find out just as much from reading newspapers and magazines as he will from attending these so-called executive sessions. It has been my experience that 90 percent of the information Senators were not supposed to disclose has already been printed in the newspapers of the country.

Several Senators addressed the Chair.

Mr. FULBRIGHT. I yield to the Senator from Missouri.

Mr. SYMINGTON. Mr. President, with all due respect to the distinguished majority leader, and there is no one in this body I have more respect and affection for, I did not know until the staff of the Committee on Foreign Relations informed me a few days ago, just prior to the time when the Secretary of State and the Secretary of Defense came before the committee that these moneys and materials were available from all these sources.

I would wager that no one in this body except members of the Committee on Foreign Relations knew that there are already hundreds of millions available to this administration to be used in Cambodia under its interpretation of the law. We have no treaty with Cambodia; we have no agreement with Cambodia; no one in this body had the slightest idea we were going to invade Cambodia.

I like being a Senator, but I thought we were supposed to be somewhat like a board of directors, where they would come up here and ask us for money, just as happens in a company, in order to carry out the operations of a business or, in this case, the operations of a government. That has ended. They do not do that any more. They simply spend the money, and then come to us and tell us how much they have spent and how much more they want. Under those circumstances, I say it is a very poor way to operate a business. Any business that operated that way would go bankrupt in no time.

Mr. FULBRIGHT. We are bankrupt.

Mr. SYMINGTON. That may be one of the chief reasons why.

Mr. FULBRIGHT. It may be.

Mr. SYMINGTON. The money is often being spent without the knowledge, let alone the approval, of Congress. If Congress knowingly wants to go along on that basis, that may be its prerogative, but I think not only is it bad business, but I think we are giving up our rights and responsibilities under the constitution to approve this type and character of expenditure.

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

Mr. FULBRIGHT. I yield.

Mr. SPARKMAN. I did not rise for the purpose of speaking on this matter, but the Senator just said money has been spent without our knowing anything about it. As a matter of fact, this $108 million is spent under a provision that we passed through Congress and out of the Foreign Relations Committee. What the Senator is proposing is, instead of giving the administration definite authorizations, letting it continue to pick out whatever money it wants to, without our knowing anything about it.

Mr. SYMINGTON. The Senator does not want to misunderstand me, I know. I want us to authorize and direct the use of any money spent for Cambodia. Under all the current circumstances, if the law was intended to accomplish what the Senator says has occurred, we ought to change that law.

Mr. SPARKMAN. That is what the law says. Do we want to keep on doing that?

Mr. SYMINGTON. I do not argue that we should go ahead and do it. I do not think we should be spending that money, but that is not the problem that could be cured now on the Senate floor. The money has been spent regardless of whether we wanted them to or not.

Mr. SPARKMAN. Mr. President, I want to make this one point following what the Senator from Michigan had to say. All these matters have been discussed in the Foreign Relations Committee. These facts were put before us. Even after all of that, the majority of the committee voted to report the bill out and said it was urgent enough that the administration was justified in asking us to speed it up. Our majority leader, in committee, urged us to get the bill out. I do not think he would mind my saying that he said, before the whole committee, that he would vote to report it out if his vote was necessary.

Mr. MANSFIELD. I said only on that basis would I vote for it, but I would vote against the bill on the floor.

Mr. SPARKMAN. Yes; the Senator from Montana certainly did, but what I mean is that the Senator was impressed with the urgency of this matter to such an extent that he was willing to report it out.

Mr. MANSFIELD. Not in that sense. The urgency was tied to the time factor, which we all had to consider, and the possibility that if the Foreign Relations Committee did not live up to its constitutional responsibility, it and the Senate would be subject to an end run in view of what might happen in the House on an appropriation bill.

Mr. SPARKMAN. Yes. I do want Senators to keep in mind that notwithstanding that these facts were known and were brought up in discussions, the committee voted to report the bill to the Senate. At the time we knew there was an urgency for taking it up here.

I have great respect for my chairman. I count him as really one of my good friends. He presides over the committee in a very fair manner, and he presided in a fair manner here. The roll was called and a majority of the committee voted in favor of reporting the bill to the Senate, and in recommending its passage, by a vote of 8 to 4.

Mr. FULBRIGHT. The vote was 8 to 4 out of 15. The Senator is correct.

Mr. SPARKMAN. Three Senators were not present and were not recorded.

Mr. FULBRIGHT. Mr. President, I think the Senator from Missouri (Mr. SYMINGTON) made the case very well as to the question of the availability of the money and what is involved in the effort to rush the Senate to a vote immediately, or as soon as possible, or very soon, on this matter.

Reference was made by, I think, the Senator from Michigan, or I believe it

was the Senator from Montana, to the Cooper-Church amendment or the restriction that was put in the appropriation bill for the Armed Services Committee. I have just been told by a member of the press—I have not seen any official notice—that the conferees have emasculated that provision. In other words, the Senator from Idaho has been most interested in preserving the idea that we could by words restrict the invasion and control of Cambodia by our troops. Just a few minutes ago, before I started, I was told by a member of the press that the conferees added language that is not unlike what we referred to as one of the Byrd amendments. The language adds, after the provision banning ground combat troops to Cambodia and Thailand, the following language—and this shows us just how determined those of the other view are with regard to the matter of Cambodia. This is the language that has been added, I am told:

Nothing contained in this section should be construed as prohibiting the President from taking action in said areas designed to promote the safe and orderly withdrawal or disengagement of U.S. forces from Southeast Asia or to aid in the release of Americans held as prisoners of war.

I would say that language is broad enough to emasculate any effect that the restriction of the so-called Cooper-Church amendment might have.

Mr. SYMINGTON. Mr. President, I was a member of that conference. I did not sign the conference report. Again, it brings out the fact that it really is not very important what we do here on the floor of the Senate any more. We have heard the expression that we cannot tie the hands of the President. We cannot tie the hands of the President and therefore it is presumed to follow that we should give him a blank check. He is going to use that blank check, and when he gets around to it, he is going to come before us and ask for approval after the fact. That is exactly what we have been talking about for at least the last hour and a half that I have been on the floor.

Mr. FULBRIGHT. But I think there is a difference between giving him a blank check and letting him go ahead and do what he wants and then coming to us and asking for approval. If the Gravel amendment should be adopted, come January or February this matter would come up again in committee for approval of the policy of assisting Cambodia. It ought to come here, if the Constitution has any effect, in the form of a treaty, with the proposal that we enter into a treaty of support, and so forth, in which we undertake to support the Government of Cambodia, and that we will give them all sorts of assistance, and lay out whatever the program of the administration is, in order to give the Congress and the people an opportunity to express their judgment upon the wisdom of such an undertaking.

If we were going to adopt a protege and support them indefinitely, that used to be done in the old days. We have a treaty with Taiwan and treaties with a number of countries. We have a treaty with the NATO countries, which we formally considered; it was submitted to the Senate and we considered it and debated it, not just one afternoon but for 3 weeks, and the country and Congress were committed to it. We still are. That treaty is the backbone of the most important and the oldest alliance we have entered into since World War II.

I think that is the way the matter should be approached; but if they do not wish to use treaties—and there seems to be, at least at the present time, a tendency to shy away from treaties and to have executive agreements—even they should be submitted. In the case, for example, of Spain, while we were not shown the courtesy of their asking our approval, at least we were informed about it, and we had an opportunity informally to express our disapproval of it, although it was not effective, and the matter was not submitted for approval. I think that was a very unfortunate executive agreement.

Mr. President, since we have settled the matter of any immediate vote on this matter, there are a few substantive questions that I wish to point out for the RECORD.

Following the hearing with the Secretary of State, the New York Times, I think it was last Friday, published an article, written by John W. Finney, interpreting what the significance of the military assistance to Cambodia was. The headline on that article referring to Mr. Rogers, the Secretary of State, said, "Rogers Sees a Long-Term Need for Military Aid to Cambodia."

Then it goes on to describe it in detail, and I shall ask unanimous consent that the article be printed in the RECORD.

The reason I think this article is significant is that this is the interpretation of one of the most sophisticated reporters of the scene in Washington that the Secretary sees a long-term need for military aid to Cambodia.

It strikes me, if that is true, that it only lends support to the idea that instead of a casual manner of approaching what seems to be a relatively small appropriation, we are undertaking a long-term program for aid to Cambodia.

It ought to be out in the open. We ought to have testimony as to the probable length of it, whether it be 5 years or 10 years, an estimate of how much it will cost, and so on, in order that the Senate might make up its mind in an informed manner.

I ask unanimous consent that the article entitled, "Rogers Sees a Long-Term Need for Military Aid to Cambodia," written by John W. Finney, and published in the New York Times of December 8, 1970, be printed in the RECORD.

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

ROGERS SEES A LONG-TERM NEED FOR MILITARY AID TO CAMBODIA

(By John W. Finney)

WASHINGTON.—Secretary of State William P. Rogers told Congress today that the United States must assume a long-term program of assistance in Cambodia, but he emphasized that the Administration was intent on avoiding direct military involvement there.

The Senate, meanwhile, approved a $66-billion defense appropriations bill containing a provision prohibiting the President from introducing American ground troops into Cambodia without the consent of Congress.

The defense bill—$2.3 billion less than the Administration had requested—was approved by the Senate by a vote of 89 to 0 after one day of discussion and sent to a Senate-House conference committee.

Along with Secretary of Defense Melvin R. Laird, Mr. Rogers testified before a generally sympathetic Senate appropriations subcommittee in support of the Administration's request for $1-billion in supplementary military aid, including $255-million for Cambodia.

The request for Cambodia, which could become a major controversy of this session of Congress, is running into opposition from some members of the Senate Foreign Relations Committee who are fearful that an American commitment to support the Lon Nol Government could lead to a United States involvement in Cambodia equal to that in South Vietnam.

FUND CURB IS APPROVED

In a climax to the long controversy in the Senate over imposing Congressional restraints on the President's authority to undertake military activities in Cambodia, the Senate, with a minimum of debate, accepted a Senate Appropriations Committee provision in the defense appropriations bill "prohibiting the use of any of the funds to finance the introduction of American ground combat troops into Laos, Thailand or Cambodia."

The Administration made no attempt to oppose the prohibition in the Senate. This appeared to increase the likelihood that the Senate provision would be accepted by a Senate-House Conference Committee that will be assigned to reconcile differences between the Senate and House bills.

A similar structure on ground troops in Laos and Thailand was incorporated with Administration approval, in the defense appropriations act last year, and included in the defense bill again this year by the House.

At the suggestion of Senators John Sherman Cooper, Republican of Kentucky, and Frank Church, Democrat of Idaho, the cosponsors of the Cambodian amendment in the Senate, the prohibition was broadened by the Senate Appropriations committee to include Cambodia.

The hearing on the supplementary military aid program for Cambodia centered on whether it would lead to an American military involvement.

Mr. Rogers acknowledged that the $255-million requested was but the first installment on a continuing military aid program designed to help Cambodia resist what he repeatedly described as an "invasion" by North Vietnam.

But Mr. Rogers said "the idea this is a repetition of Vietnam is fallacious. It is not going to occur."

"We have no intention of slipping into the mistakes of the past," he said.

TWO AREAS LEFT OPEN

In the course of their testimony, however, Mr. Rogers and Mr. Laird left open the possibility of two areas of military involvement in Cambodia by American forces. Mr. Laird said it would be necessary to have a military mission in Cambodia, "which we hope to hold to a minimum," to account for the use of the military equipment supplied by the United States. And Mr. Rogers, without any cross-examination by the subcommittee talked in terms of American planes providing bombing support for the Cambodian Government forces.

In addition to the Cambodian aid, the Administration request includes $500-million in military credits for Israel, $30-million for Jordan, $5-million for Lebanon, $150-million for South Korea, $65-million for South Vietnam and $13-million for Indonesia.

With the exception of the Israeli aid, which has already been authorized, the rest of the

program normally must be authorized in separate legislation before any money can be appropriated. The authorizing legislation is handled by the Senate Foreign Relations Committee.

If the Foreign Relations Committee delays action on the authorizing legislation in the closing days of the session, there were suggestions by Republican members to have the appropriations bill passed by the House and then accepted by the Senate in a Senate-House conference committee.

Mr. FULBRIGHT. Mr. President, here are a few other small items. Here is a UPI article from Saigon, published in the Washington Post of December 13. It reads as follows:

Cambodian pilots, crewmen and ground mechanics are undergoing helicopter training in South Vietnam by American instructors, U.S. headquarters announced today.

Other Cambodian officers are undergoing American combat training in South Vietnam, informed sources said. They said a pilot program of about 40 Cambodian company commanders and other junior officers and senior noncommissioned officers are starting a new program aimed at improving the "grass roots leadership" level in a program which could later include several hundred Cambodians.

The United States has previously paid for the training of Cambodian recruits, but the instruction was given by South Vietnamese.

That, again, only indicates the seriousness of the undertaking. We are now undertaking to train their pilots, and so on, and it is almost the same kind of involvement that we had in Vietnam, which we have mentioned before.

On August 6, 1970, the Washington Evening Star published this very interesting article, under the title "Nol Favors U.S. Troops, But Won't Request Them." It reads:

Premier Lon Nol said today American military intervention in Cambodia would "solve all our problems," but he will not request intervention until the situation demands it.

In an interview with UPI, Lon Nol said American intervention in Cambodia "would allow us to solve all our problems easily with a minimum of expense and effort."

He also noted that American presence in Cambodia would "be very good for the neighboring countries" because it would contribute to "quickly defeating the North Vietnamese."

The premier said any request for American troops to intervene in Cambodia will "depend on the situation." But he added, "all the Cambodian people want U.S. troops operating in our country."

"Cambodians are not worried about their country being destroyed because we will rebuild again," he said.

Nol said "on the advice of our friends" the Cambodian army had pulled back from areas in the north and east of Cambodia to protect the populous agricultural areas in the heart of the country.

And the article continues along that line.

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

Mr. FULBRIGHT. I yield.

Mr. SYMINGTON. The Senator will remember that when General Ky came before the Senate Foreign Relations Committee the other day, each of us had the opportunity to ask him a question.

Many people do not realize, but we did not have just 550,000 people in South Vietnam at the peak, if we count all Americans who were working toward achieving whatever it was we were trying to achieve then in South Vietnam. We had more nearly 800,000. That counts the people in Thailand and the people in the fleet, in the Philippines, Guam, Okinawa, in hospitals in Japan, and so forth. We had between 7 and 8 hundred thousand Americans doing their best every day to achieve success in the South Vietnamese–North Vietnamese operation.

My question of General Ky was:

If you and General Thieu could not do this job with 700,000 to 800,000 of the best that we have, how do you expect to do it by yourselves, which, as I understand it, is what Vietnamization is all about?

Then I commented:

That is especially pertinent to me, because what a guerrilla wants to operate is space. He wants to hit and run. What the man with the fire power wants is concentration. When we invaded Cambodia, we more than doubled the space in which the guerrilla can operate because Cambodia is about a thousand square miles larger than South Vietnam.

I thought that General Ky's answer was quite interesting. If the Senator will remember, he said that what he planned to do was work out a treaty between South Vietnam, Cambodia, and Thailand, so that in the long run, those three countries together could resist the Communists, as he put it, and he added Laos to that as well. They were going to have a joint group of countries that were going to resist successfully any aggression from any Communists.

In 1961, when I was in Saigon on the famous trip with Mr. Rostow and General Max Taylor, Thailand, and Cambodia were very close to war.

Mr. FULBRIGHT. Yes.

Mr. SYMINGTON. From reading the newspapers, one would have thought they were at war. We all remember what happened to the South Vietnamese in Cambodia in the early stages of our invasion and, just before our invasion, upon the fall of Sihanouk. I do not suppose there is any country that dislikes another country much more than Cambodia dislikes South Vietnam, unless it is the Thai feeling with respect to Cambodia.

Mr. FULBRIGHT. That is right.

Mr. SYMINGTON. Therefore, although I have great admiration for General Ky, his report to us about his planned solution to the problem did not seem quite logical to me, based on the various differences that we know are so great in that part of the world.

I mention this because if we continue to support all these countries at the same time we are destroying their towns and villages, it seems to me it is going to cost a great deal of additional money, aside from the moral aspect involved. That is why I would like it if we could get a handle on what it is we are doing, as is done in business. When someone starts losing money, he wants to find out what his costs are, where the money is going.

I compliment the able Senator, because it seems to me that this is really what he is talking about this afternoon—the policies that are involved in the expenditure of these gigantic sums of money, especially as we now know only too well how badly that money is needed at home.

Mr. FULBRIGHT. The Senator is correct.

President Truman, under the guidance and advice of Mr. Acheson, in 1950, agreed to send money to Vietnam to help France maintain her control over her colony. At that time, this country was by far the best-off country in the world. We had been injured the least. We had $25 billion in gold. The rest of the world was practically broke. This was at the time the Marshall Plan was getting under way. We put that in for a purpose. The Senator knows all about that. Nobody objected to it. We had to find some way to help our friends, we thought. That was a misguided effort.

It was the only case I know of in which our country took the side of the colonial power to keep its control of the colony. Always, because of our own history, we have been sympathetic to the colony, in every case—India, Indonesia, Egypt, the Congo. We have always sympathized with people wishing to get their freedom. We were misguided in that case. Anyway, the circumstances were different.

In 1954, we still had a dollar gap. That dollar gap was the other way. The rest of the world did not have enough dollars to carry on international business, and we were trying to get money to them. This was the justification for the original aid program. We were not discriminating. We thought it would serve a useful purpose to put other countries back in business so that we could do business with them.

In those days, leaving out the aid, we had a big trade surplus, as the Senator knows. We were the only country in reasonably good condition. That has all changed. We could be as profligate and as extravagant as we liked then and get by with it. Today, the needs of this country at home are so great that that is all the more reason why we ought to consider the significance of this policy.

Just because we went into Vietnam under different circumstances is no reason to go into Cambodia, although I think that was the biggest mistake we have ever made that I can think of, other than our own Civil War, in which we got at each other's throats. The next worst tragedy for this country is what we are doing now.

One of the principal reasons why it disturbs me and why I think we ought to relate this to our domestic affairs is just what the Senator has said.

There is now in progress a conference of Republican Governors, and these governors of some of the richest States of the Union are saying, "We are going to be broke if we have to pay welfare."

Mr. SYMINGTON. They require $10 billion right now.

Mr. FULBRIGHT. One of them—I forget which one—said, "If the Federal Government does not pick up the tab for the welfare bill in my State, we will be bankrupt." I think I am not overstating it. I do not recall which one said it; it might have been the Governor of Pennsylvania. It was one of the important States.

That is related to this question. The conditions at home cannot be disassociated from what we are doing abroad, especially in this area. I do not think anybody realizes that this is the beginning, the downpayment, on an enormous program. In all fairness to the Secretary of Defense, he does not deny this. When this was put to him the other day, he did not try to minimize it. He said frankly, "Yes, it is going to be bigger next year and bigger the next." We did not press him. He obviously cannot foresee how much. He did not disagree with the idea that this is just the beginning of a very large undertaking with regard to a small country of some 6 million people.

As the Senator has said, the more destruction we cause, the more we are going to be called upon to reconstruct. So we will have it both ways. We will spend several billion dollars destroying it, and when the war is over, we will have to spend several billion dollars more to reconstruct it.

That is what Lon Nol said:

We are not too worried about the destruction. We know that you, the United States, will rebuild it.

Instead of their old, obsolete buildings, we will give them nice, new buildings and new factories, as we have in many other countries which now compete with our business. We have done that in many other places, as the Senator knows.

Mr. SYMINGTON. That is correct.

Mr. FULBRIGHT. This is a more serious matter than a little money for a poor, little country that needs some help. It involves much more than that.

One article that surprised me quite a bit and that I think should be in the RECORD—because he is a very well known commentator and in many circles he has a great appeal—is Mr. Paul Harvey's column of November 23. He wrote as follows:

Cambodia is in trouble. Cambodia, next door to Vietnam, faces much the same situation which recently faced Vietnam and we are responding in much the same manner.

President Nixon prefers contingency plans for evaluating crises before they develop. We'd better evaluate this one now.

Since the United States thrust into Cambodia last spring the situation for the Cambodians has steadily deteriorated. Since President Nixon took full responsibility for the consequences of that intrusion, he must feel morally obligated to rescue the Cambodians.

Toward that end, quietly, our dollar aid to Cambodia has been multiplied. Our government persists in pretending that American planes are not flying direct support missions in Cambodia, when, in fact, they are.

That is the kind of unofficial escalation which got us in over our heads in Vietnam. So it is not such a secret that this means the same thing.

Mr. President, I ask unanimous consent that the entire article by Paul Harvey be printed at this point in the RECORD.

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

CAMBODIA FOLLOWS VIETNAM'S PATTERN

(By Paul Harvey)

CHICAGO.—Cambodia is in trouble. Cambodia, next door to Vietnam, faces much the same situation which recently faced Vietnam and we are responding in much the same manner.

President Nixon prefers contingency plans for evaluating crises before they develop. We'd better evaluate this one now.

Since the United States thrust into Cambodia last spring the situation for the Cambodians has steadily deteriorated. Since President Nixon took full responsibility for the consequences of that intrusion, he must feel morally obligated to rescue the Cambodians.

Toward that end, quietly, our dollar aid to Cambodia has been multiplied. Our government persists in pretending that American planes are not flying direct support missions in Cambodia, when, in fact, they are. That's the kind of "unofficial escalation" which got us in over our heads in Vietnam.

Despite our $50 million worth of recent generosity, the Cambodian government continues to demand more. Despite the commitment of our planes, in contradiction to our President's promise, the Communists have seized two-thirds of the country and are now at the gates of the stronghold cities.

While official Washington seeks to focus your attention on the chronic Arab-Israeli standoff in the Middle East, the Indochina situation is critical.

Most Americans find reassurance in our much publicized piecemeal withdrawals from Vietnam. But meanwhile the Communists are squeezing the life out of Cambodia and—to a lesser extent—Laos.

In Cambodia, last time I looked, the Lon Nol government was still in control of the capital city, Phnom Penh, and Kompong Thom and Siem Reap.

Yet all those strong points are hit from inside by guerilla raiders and periodically cut off from outside by Communist siege.

Four of Cambodia's seven major highways have been cut off almost continuously for five months. At Kompong Thom, a provincial capital, food is so short that townspeople have had to slaughter and eat zoo animals.

Now the monsoon rains are ending. Dry weather will facilitate increased Communist attacks in the northeast. More American planes will be committed and there will be pressure on us to commit American troops.

And a chorus from 45,000 flag-draped coffins cries out "In heaven's name, not again!"

In Cambodia, as in Vietnam, the Communists show no inclination to mobilize massive, costly attacks on the cities. It's less costly and eventually more distressing to the defenders if the Reds hit and run and survive to hit again.

Cambodia is trying to mobilize 60,000 additional soldiers by the end of this year. No way. Already Cambodia's army includes many juveniles and some women.

Mr. FULBRIGHT. I will read an excerpt from another article, and then I will put the entire article in the RECORD:

Administration spokesmen insist it is not a "commitment," but that seems to be more an argument over words than fact.

By whatever name, the United States now stands before the world as the guardian and guarantor of the anti-Communist Lon Nol regime in Phnom Penh. Its overthrow would be taken by millions—at home and abroad—as a defeat for the United States and a blow to American prestige.

And since President Nixon has said he will not permit the United States to suffer defeat or appear as a "pitiful, helpless giant," the pressure to save Lon Nol must remain intense.

* * * * *

Speaking a few hours after a long consultation with Mr. Nixon and national security adviser Henry Kissinger, Agnew said, "We're going to do everything we can to help the Lon Nol government.

"The whole matter of Cambodia is related to the security of our troops in Vietnam."

Mr. FULBRIGHT. Mr. President, I ask unanimous consent to have printed in the RECORD an article published in the Philadelphia Inquirer of August 25, 1970, written by Robert S. Boyd, entitled, "U.S. Binding Itself to Lon Nol Rule."

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

U.S. BINDING ITSELF TO LON NOL RULE

(By Robert S. Boyd)

WASHINGTON, August 24.—The United States, which waded into Cambodia up to its neck, then waded out to its ankles, is now back in up to its knees.

The latest government statements and actions indicate the Nixon Administration is edging into an all-but-open commitment to defend Cambodia from Communist overthrow.

Administration spokesmen insist it is not a "commitment," but that seems to be more an argument over words than fact.

By whatever name, the United States now stands before the world as the guardian and guarantor of the anti-Communist Lon Nol regime in Phnom Penh. Its overthrow would be taken by millions—at home and abroad—as a defeat for the United States and a blow to American prestige.

And since President Nixon has said he will not permit the United States to suffer defeat or appear as a "pitiful, helpless giant," the pressure to save Lon Nol must remain intense.

It's not for love of Lon Nol that the U.S. is getting so deeply involved, officials make clear. It's because the success of Mr. Nixon's plan to get the United States out of the Vietnam war is at stake.

By Vice President Spiro T. Agnew's admission, a Communist takeover in Cambodia would make it "impossible for the Vietnamization program and the disengagement of American troops."

When he ordered the U.S. ground troops into Cambodia in April, Mr. Nixon said it was necessary to make Vietnamization work. The fall of all Cambodia would undercut the whole strategy on which the President's withdrawal plan is based.

Agnew's remarks to reporters in his plane Sunday en route to Asia were only the latest evidence of this creeping commitment.

Speaking a few hours after a long consultation with Mr. Nixon and national security adviser Henry Kissinger, Agnew said, "We're going to do everything we can to help the Lon Nol government.

"The whole matter of Cambodia is related to the security of our troops in Vietnam."

TAKEN AS OFFICIAL

Inevitably Agnew's words will be taken as official U.S. policy.

Assistant Republican Senate leader Robert P. Griffin (Mich.) said in Washington on Monday that Agnew was "acting as a spokesman for the President."

"It would be very dangerous to our situation in Vietnam if there were a Communist takeover in Cambodia," Griffin said.

"We all agree that American troops shouldn't go in to support the Lon Nol government, but to help it defend itself . . . is certainly consistent with protecting our troops in Vietnam."

The unacknowledged commitment to Cambodia is also evidenced in the new $40 million U.S. aid agreement, intensified U.S. bombing raids over all corners of the country, including close-in tactical air support of Lon Nol's troops, and administration efforts to persuade Thailand to send troops to Lon Nol's defense.

Mike Mansfield, the Senate Democratic leader, sees "a revival of the policies that

led us into our troubles in the beginning in Vietnam. . . .

"It appears to me the increase in aid, the increase from 11 to 50 of the U.S. mission advisers, the close air support, and all these could be a prelude to advisers to administer the aid, and then others to protect the advisers," the Montanan added.

UPSET BY AGNEW

There was concern also at the State Department on Monday over the sweeping nature of Agnew's remarks.

"There he goes winging his way across the Pacific, spraying commitments like flowers," one official said privately.

A former high official of the State Department warned that the fall of Cambodia is likely, despite U.S. efforts, and that it is unwise for the administration to commit its prestige to the survival of Lon Nol.

Mr. FULBRIGHT. This raises and confirms the theory or the idea I have been advancing, that this is a policy decision with which we are involved.

I think that this is of such consequence that it deserves deliberate and thorough consideration by the Senate and by the committee that is not possible under circumstances in which the leadership and other Senators are preoccupied with the SST, with the Defense Department bill, the HEW bill, and with other very important matters. At this moment, eight Senators are in the Chamber, three of whom are listening to the debate. These are not circumstances in which an important commitment to a country, involving billions of dollars, should be made. Quite a number of Senators were present a moment ago, but as soon as they could not immediately vote on it, they obviously lost interest in the amendment. I do not blame them much, because there is not much to get one's teeth into. There is no record of hearings. There is no testimony of people qualified to judge the wisdom of this undertaking, other than those from the administration, who are committed to this program.

Mr. SYMINGTON. The Senator is so right. In one country we were in, not long ago, investigating our commitments around the world, we finally said to the head military man, "You do not know how many bases you have in this country, do you?" He said he guessed that was right. He was not quite sure how many he had left in the plan of reduction.

I believe on next Monday that the report we will issue, as a result of the 2-year effort we made in trying to find out what our commitments are, will be of great interest to the Senate.

What worries me is the speed we are doing some of these things in the last few days. Information in our report covering expenditures in countries with whom we do not have treaties and others could have a bearing on the thinking of Senators if they had an opportunity to further study the financial activities as well as the other activities incident to the financing in Cambodia. Does not the Senator from Arkansas agree with that?

Mr. FULBRIGHT. Yes, I agree with that. It is extremely difficult to deal with a matter, when in our regular procedures a matter of this consequence clearly should be presented as a treaty. It should be out in the open, and there should be justification given for long-term commitments to Cambodia, if that is what is involved. What is so frustrating about this is, while this is a little item in an authorization bill, I know its full implications. The first time this matter was called to my attention in the hearings, there was a confidential communication from General Wheeler, I believe, to General Burkinall that said something to the effect that the "circumstances of our presence are a greater insurance of our responsibility to protect you than would be the case with a treaty." That opened my eyes in that case.

Here we have a matter of $155 million in a bill that could pass here in 5 minutes and a serious policy were not involved. Yet it creates a situation just as important or more important than a treaty. This is a fine way to do business. I am quite sure that many Senators, and certainly the country, will not understand that until long after, when they are presented with the bill. That is what I think.

Mr. SYMINGTON. I shall not detain the Senator any longer, except to observe that back in the fall of 1967 after my sixth trip to Vietnam, I came home and reported to the President, and made a talk on the floor suggesting a cease-fire because the situation out there, in my opinion, was going quite poorly. At that time 13,000 Americans had been killed. A few weeks ago, a group of the so-called hawks in the Senate suggested a letter to the President recommending a cease-fire and asked me if I would sign it. I was glad to sign it, as it was comparable to the suggested cease-fire made 3 years before—3 years to the month before—and now we have lost over 44,000 Americans.

What seems to be so pertinent about it, is that it seems so plain to see that Cambodia is following the same pattern as South Vietnam. It is the same pattern as Laos, and it could well be the future pattern of Thailand unless the situation is opened up and discussed so that people really know what is involved and what is happening in that part of the world. Does the Senator from Arkansas agree?

Mr. FULBRIGHT. The Senator is correct.

Mr. SYMINGTON. I thank the Senator from Arkansas. This is a most valuable debate. I congratulate him for bringing it up and discussing it extensively this afternoon.

Mr. FULBRIGHT. The Senator has made a great contribution but let me carry that one step forward. Let us assume that this goes through with reference to creating a military complex in Cambodia because Cambodia has never really had much of an army. It had a ragtail army of 30,000 men or so, many of them without real arms, with obsolete, discarded carbines, and so forth. Now it is proposed that we finance the building of a big, sophisticated army—200,000 men or more. Supposing they succeed, and they may, given enough money, and push the Vietnamese into Laos and then what we will have to do is to go into Laos and create another big army there.

This is an open-ended commitment, so that we will be going further and further into the mire. It seems to me it should be decided as a policy matter with full debate in this fashion rather than in saying that we should give them a little money, help a poor fellow out in trouble. That is what it amounts to. Money is the only thing that we can effectively restrict at this time in order to force a debate upon the policy issue.

If we give them this money, they will consider that the matter is settled, that we have endorsed the policy by passing this bill. There is no need for a treaty or any further discussion. It will all have been done. This is exactly the attitude President Johnson took at the time of the Gulf of Tonkin resolution for the next 4 years thereafter. Any time anyone raised the matter, he would say, "Look, here is the resolution. You have endorsed it, and that is that."

Mr. President, it is very revealing, the attitude of the Cambodians, in some of the interviews which have been published. On November 28, in the Washington Star, which is recent, there is an article written by Henry S. Bradsher entitled "Cambodia Relying on Nixon" which states in part:

The foreign minister of Cambodia is confident President Nixon can find a way to provide further aid for his country even if Congress refuses to grant a $155 million new aid request.

He is aware of what we have been saying. He thinks we can find another way. He is confident. He knows someone here who is knowledgeable about our affiairs and what we are talking about. This fortifies my view that there is no urgency whatever about this item in the bill.

Further in the article, he writes:

American sources talk of Nixon's determination not to let Cambodia slide into complete Communist control.

Because of the tie to the Vietnam war some American sources talk of the possibility of obtaining ammunition for the Cambodian Army from Vietnam supplies if Congress fails to authorize the full weapons request. About $60 million out of the $85 million requested for military supplies would be for ammunition alone.

The foreign minister said that Cambodia has explained to the United States how much aid it needs. "We never expected them to give us all of it," Koun Wick said.

Mr. President, I ask unanimous consent to have the entire article printed in the RECORD as well as an article from the August 6 Washington Evening Star.

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

CAMBODIA RELYING ON NIXON

(By Henry S. Bradsher)

PHNOM PENH.—The foreign minister of Cambodia is confident President Nixon can find a way to provide further aid for his country even if Congress refuses to grant a $155 million new aid request.

Foreign Minister Koun Wick expressed his confidence in an interview as two investigators for the Senate Foreign Relations Committee arrived here. They began a weeklong inquiry into the Cambodian situation and the need for additional aid.

Koun Wick's confidence in Nixon's ability to juggle foreign funds seems to emanate from the U.S. embassy here.

American sources talk of Nixon's determination not to let Cambodia slide into complete Communist control.

This determination is based more on the importance of Cambodian rear areas to the Vietnam war than on desire to help Cambodia for its own sake, although Cambodia's separate claim for help against essentially external aggression is considered valid.

Because of the tie to the Vietnam war some American sources talk of the possibility of obtaining ammunition for the Cambodian Army from Vietnam supplies if Congress fails to authorize the full weapons request. About $60 million out of the $85 million requested for military supplies would be for ammunition alone.

The visit of two Senate investigators, Richard Moose and James Lowenstein is result some congressional skepticism about getting drawn into a deeper commitment in Cambodia—"another Vietnam" which could eventually require U.S. armed intervention.

Cambodian officials insist they neither want not expect such an escalating commitment.

In the interview, Koun Wick emphasized the determination of Cambodia to fight its own war.

In contrast to the difficulties of drafting soldiers in South Vietnam, volunteers are multiplying the Cambodian Army to seven times its former size as an unmilitary civic action organization before the fighting began last April. Weapons for the army of 210,000 and replacements for loss of peacetime rice and rubber exports are needed as aid, Cambodians say.

Aside from a possible $20 million from Japan and release of $25 million from the old aid agreement with France—both of which are limited to development rather than war or consumer uses—Cambodia has to rely almost completely on the United States for aid, Koun Wick said.

This reflects the U.S. thinking here. Survival of the independent Cambodian regime seems to depend upon it, Washington American sources say.

Neither American nor other foreign observers see any possibility of compromise between the determinedly nationalistic government of Gen. Lon Nol and communist-backed forces operating in the name of ousted Prince Norodom Sihanouk.

The foreign minister said that Cambodia has explained to the United States how much aid it needs. "We never expected them to give us all of it," Koun Wick said.

CAMBODIA SAYS ONLY AID FROM U.S. WILL BAR DEFEAT

(By Iver Peterson)

PNOMPENH, CAMBODIA.—One of Premier Lon Nol's closest advisers said today that the Cambodian Government could last only six months more without important military and economic aid, principally from the United States.

He added that Washington was "morally and materially responsible" for the situation in which Cambodia finds herself.

Sim Var, a member of General Lon Nol's six-man Political Council and a Deputy, added that the Vietcong and North Vietnamese were rushing to encircle Pnompenh and cause its economic collapse before help could be delivered.

The United States, Mr. Sim Var said, has an obligation to assist Cambodia in her worsening military situation because the American incursion into Communist sanctuaries in the spring pushed the enemy into the countryside and toward the capital.

"So it should not be forgotten," he said, "that the United States is to a certain degree responsible for the war in Cambodia. In my opinion, they should therefore help us."

Mr. Sim Var, who spoke in French during an interview, stressed that his country wanted only military equipment and arms—not troops—in addition to economic aid. He added that the five-month-old Government had recently submitted a new aid request to Washington but he declined to give details.

The worst problem Cambodia faces, he said, is economic, although that problem is closely tied to the military situation. Pnompenh's food supply is dwindling, he added, as the Communists continue to interrupt road and river transport, and prices have been rising slightly in the last two months.

At the same time, he went on, the population of Pnompenh has nearly doubled to 1.1 million people because of an influx of refugees from the countryside who, in better times, raised food for the city.

According to Mr. Sim Var, only two of the seven roads leading into Pnompenh are open and supplies cannot be brought in as quickly as they are consumed.

Military aid is essential, he asserted, if the Cambodian Army is to reopen the roads and keep the Communists out of the capital region. Enemy forces are now operating in strength in an arc about 40 miles to the north, west and south.

Throughout the conversation Mr. Sim Var reiterated his belief that the United States was withholding aid because the American people mistakenly considered the fighting here part of the Vietnam war, from which they want to withdraw. It is an argument frequently made here, by officials intent on showing that Cambodia has a separate claim on American sympathy and support.

"The United States is tired of fighting in Vietnam because it is a civil war—Vietnamese fighting Vietnamese," Mr. Sim Var said. "But here it is not so. We have been invaded by foreigners, and if the (South) Vietnamese fought like the Cambodians, the Vietnam war would have been over in two years."

Mr. Sim Var said he was not hopeful of receiving aid from Thailand, explaining: "The Thais give us a lot of support, but only with words. When they suddenly find the VC at their door, perhaps they will react."

Mr. FULBRIGHT. Mr. President, I yield the floor.

Mr. GRAVEL. Mr. President, I cannot underscore more ably than has been done by the chairman of the Committee on Foreign Relations and his able colleague the distinguished Senator from Missouri (Mr. SYMINGTON) in making a background case with respect to the events and statements as to where we are today and what the decision that we are attempting to effect today is all about.

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

Mr. GRAVEL. I yield.

Mr. FULBRIGHT. Mr. President, it has been brought to my attention that some people are worried that perhaps the Foreign Relations Committee would not hold immediate hearings upon the reconvening of the Senate—that is immediate in the sense that the Senate is organized and ready to undertake to do business in the new session.

I can assure anyone who has that doubt that if this does not go through, I will guarantee that there will be hearings with the administration witnesses, whoever wishes to be heard and is appropriate to come before the committee, and of course other witnesses.

There should be no doubt about that. As I view it, this is a most important policy matter.

Mr. GRAVEL. Mr. President, that is very good. I think that will clear up the views of some of our colleagues with respect to this issue.

The bill involves a matter that we have to address ourselves to and make decisions about. However, we should not make decisions here without the full benefit of public dialog and by no stretch of the imagination do I believe that the dialog within the Appropriations Committee, within the Foreign Relations Committee, and some amount of debate on the floor is sufficient dialog on this particular issue.

The administration, and very effectively so, has been able to defuse the volatile discussion on the war that has taken place in the last year and a half. It has been able to do this by means of a rhetoric, and a successful rhetoric, in this point of time. It is a rhetoric which has led the people of this Nation to believe that we are totally extricating ourselves from South Vietnam when the facts of the matter are that we are not totally extricating ourselves.

What we are doing is readjusting to a situation that exists and that existed earlier, a situation under a prior administration where we had a gigantic capacity of overkill and a great deal of force that was not used. The present administration has fallen heir to that overkill.

The present administration is winding it down, bringing the matter into a new perspective, and establishing on a new level our ability to wage war.

This is what I have termed earlier to be "the mix." How many American troops does it take? How many South Vietnamese troops does it take? How many mercenaries from other countries does it take to be able to effect the sustained effort that will produce a result that will sustain the present government in power in South Vietnam and that will minimize, to the best of our ability, the number of deaths we experience and, for that matter, that the American public will tolerate?

What this amendment would do would be to say that they can keep that up because we have no control. It has been attempted in the past year to change it in South Vietnam. But they cannot do it in Cambodia.

We look at Cambodia as a new and expanding extension of our involvement. So therefore let us not get involved. First, the decision has been made on the basis of what the President ordered last spring in going into Cambodia. I think if it had not been for the response of the general public, if it had not been for that negative response, our troops would still be in Cambodia.

I think that what happened was that pressure was brought to bear to curb the excess of that policy. That pressure was effective. I would hope that through bringing this to the floor we might be able to bring about similar pressures from the American public, realizing that with this money goes not only the policy of one individual who happens to be the President of the United States, but that with this money also goes a commitment not only of the U.S. Senate but also of the Nation that we are willing to put money into Cambodia and that that money will beget more money, and that money will beget mercenaries, and

that if at some future point it is necessary, we will have to send our troops in in order to save the situation.

Mr. President, at this time I would like to yield the floor to my colleague, the Senator from Idaho, without losing my right to the floor.

Mr. GRIFFIN. Mr. President, reserving the right to object, and I shall not object, if I could direct an inquiry to the author of the pending amendment. It is obvious that he and the chairmen of the committees and others want adequate time to present their views on this matter. They rightfully consider this to be a very important question before the Senate.

There was talk about making sure that the record was available tomorrow, and so on. I would imagine that we might be able to come to some adjournment this evening if we had some idea when we could vote on the amendment tomorrow. Is there a possibility that we could set a time at which we might vote on tomorrow on the amendment of the distinguished Senator from Alaska?

Mr. GRAVEL. Mr. President, I do not think at this time that I could give an indication of when I and my colleagues might be willing to agree to vote. In my mind it is certainly the most fundamental decision that the Senate will make this year.

We spent weeks debating the Cooper-Church proposal. I think that time was well spent. Some people do not, but I do. I think it is not a great deal to ask in this crucial time in the legislative session, when things are prone to slip through, that we devote more time to this matter.

I realize that other matters are backing up. I do not mean to be disrespectful to those other issues or to the Senators who are interested in those other matters.

Mr. GRIFFIN. Mr. President, I would be perfectly willing to devote more than a little time to the matter. I think that adequate time ought to be devoted to the amendment.

I wonder if we might agree to vote tomorrow at 3 o'clock in the afternoon, for example. The Senate will come in at 9 o'clock in the morning.

Mr. GRAVEL. Mr. President, obviously the definition of the Senator from Michigan concerning the term "adequate" is some time between now and 3 o'clock tomorrow afternoon. I do not know what my definition of adequate is, because things have come out that I was not aware of. I would hope that we might have other things divulged also. I would hope that we would have a better attendance. I would be happy to put the amendment aside if some other Senators wish to take up other matters.

Mr. GRIFFIN. Mr. President, I think the distinguished majority leader—to his credit—believes that we should go ahead and finish the bill. I shall cooperate with him.

On yesterday we voted for an appropriation bill which included this item. Many Senators who speak against the proposal now voted for that appropriation on yesterday. It is within their prerogative and privilege to do so.

Mr. GRAVEL. Mr. President, that is enlightening to me. We voted for $155 million on yesterday. Why do we have this bill under consideration now?

Mr. GRIFFIN. Mr. President, as the Senator knows——

Mr. GRAVEL. No, I do not know.

Mr. GRIFFIN. Mr. President, as the Senator knows, it was understood yesterday that we were going to take up the authorization bill today. That was understood all the way around.

Mr. GRAVEL. We have just put the $155 million into the Federal budget.

Mr. GRIFFIN. No, that was an appropriation bill that was passed yesterday.

Mr. GRAVEL. Mr. President, that is a good example of what I mean. I am a U.S. Senator. I am offering an amendment. Yet, a decision has already been made on the money. What does it mean? I do not understand the point being made by the Senator. Have we already made a decision concerning the amendment I am discussing? That is the futility of the matter. If there has been a decision that we can appropriate money with which to kill people in South Vietnam, then I am prepared to discuss it longer.

Mr. GRIFFIN. Mr. President, I do not agree with the Senator's point of view. In terms of discussing the amendment a little longer, I think that the Senator is perfectly within his rights. How much longer does the distinguished author of the amendment think would be appropriate?

Mr. GRAVEL. I think I might have a better chance to figure that out in the morning.

Mr. GRIFFIN. Would it be possible to vote tomorrow on the amendment?

Mr. GRAVEL. I am not prepared to say very seriously.

Mr. GRIFFIN. I thank the Senator.

Mr. GRAVEL. Mr. President, I yield to the Senator from Idaho, without losing my right to the floor.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. CHURCH. Mr. President, in view of the reported action of the conference committee on the military appropriations bill for this fiscal year and the confusion that has ensued, I would like to offer a few comments in the hope that they might add some element of clarification.

I should also like to take a few moments of the Senate's time both to help explain and support the action taken by the Committee on Foreign Relations in reporting favorably H.R. 19911, a bill to amend the Foreign Assistance Act of 1961, and for other purposes. The bill is best described as the supplemental foreign aid authorization bill for fiscal year 1971. Although almost half the funds are authorized for countries other than Cambodia, it is the specter of deeper involvement in Southeast Asia which troubles us all and which prompts these brief remarks.

By a 2-to-1 majority the Committee on Foreign Relations decided—with not only written reservations, but with mental ones—to approve the administration's urgent request for additional aid to the beleaguered Government of Cambodia. I could not follow the committee chairman's lead in opposing a request made under the very difficult circumstances which currently prevail. I nevertheless shared many of his misgivings about the fundamental drawbacks in the procedure as well as in the timing of the approach to Congress. The majority on the committee has sought to compensate for these drawbacks by writing explicit restrictions on the use of the money authorized by the bill.

As one of the authors of these limitations, I have particular reason to be gratified that they have been accepted by the committee. I am also anxious to try to place the issue in perspective for the Senate as a whole. For yesterday's action was certainly not taken in isolation from the work of the committee majority over the period since the beginning of this session of Congress. On the contrary, it is one more important step along a broad path we are taking to reassert and define the legitimate role of the Senate in helping formulate and oversee foreign policy. I do not claim any singular role for myself in this process, even though I have been an active participant.

It was the distinguished Senator from Arkansas who, with encouragement from several of the most prominent Members of this body, took the lead in reintroducing in February of 1969 a sense-of-the-Senate resolution which became known as the National Commitments Resolution after its overwhelming approval by a vote of 70 to 16.

Subsequent to that first important and successful initiative, the greatly respected senior Senator from Kentucky and I joined in presenting an amendment to the Defense appropriations bill, H.R. 15090, to prohibit the introduction of U.S. ground combat troops in Laos and Thailand. Indeed, it was precisely a year ago this December 15 that the Senate approved our amendment.

In a sequel to that action—with the endorsement of our distinguished majority leader (Mr. MANSFIELD) and the dean of Senate Republicans (Mr. AIKEN) I joined with the senior Senator from Kentucky in proposing a similar limitation relating to Cambodia to attempt to remedy the oversight of omitting Cambodia in the original amendment and to ward off worse consequences after the April "incursion" of that country.

We did so in connection with the foreign military sales bill which was introduced at the beginning of the year.

All in this Chamber have good reason to remember the long, complicated, and regrettably bitter struggle which was involved in hammering out during the summer a modified Cooper-Church amendment which finally secured the broadest possible support in this body. To everyone's loss, the administration and the House conferees refused to accept the Senate's judgment. But now—to everyone's gain—in effect they may be doing just that in the enactment of this bill.

In that same line of descent, we should place the Senate's action last Friday in accepting without objection Senate Resolution 469, a resolution I sponsored, confirming beyond any possible doubt

that the Executive agreement with Spain signed in August did not represent a national commitment by this country to defend Spain. Even more remarkable was the recent initiative by the Senate Appropriations Committee made in response to a request Senator COOPER and I presented, in writing into the Defense appropriations bill a prohibition against the use of American ground combat troops in Cambodia.

Mr. President, that brings me to the action taken by the conferees in connection with this particular limitation. As passed by the Senate, the bill contained a provision which read as follows:

In line with the expressed intention of the President of the United States, none of the funds appropriated by this Act shall be used to finance the introduction of American ground combat troops into Laos, Thailand, or Cambodia.

I am now told that the committee, meeting with conferees from the House, has added the following language to that limitation. The language reads:

Nothing contained in this section should be construed as prohibiting the President of the United States from taking action in said areas designed to promote the safe and orderly withdrawal or disengagement of U.S. Forces from Southeast Asia or to aid in the release of Americans held as prisoners of war.

Mr. President, I regret that the conferees have added this additional language. It confuses and compromises the restrictive language contained in the Senate version of the bill. In fact, the action of the conference only underscores the importance of moving forward on the pending bill. I hope the Senate will do so. I hope we will then insist in conference that the language of limitation contained in this bill be retained. If that happens, the confusion produced by the action of the conference on the defense appropriations bill will have been dispelled, because this bill will constitute the last statement of Congress on the issue of spending public money in Cambodia, and under well-established court precedents, it is the last action of Congress which is binding. The language contained in the supplemental bill, therefore, will be the controlling language. Furthermore, the limitation contained in this bill is not restricted, as is the case with the defense appropriation bill, to funds available through the bill alone.

The language in this bill extends to all public money made available through all the acts of the Congress. It extends to all of the money that the President may spend, whatever the source of that money might be.

The language of limitation written into the pending bill reaches the entire scope of Federal spending. It would constitute an effective barrier against the introduction of either American combat troops or other technical military personnel into Cambodia.

Therefore, Mr. President, I believe that if the Senate adopts the bill in its present form, if the language of limitation concerning the use of money in Cambodia is preserved in conference with the House, and if the bill containing such restrictions is signed into law by the President, the restrictions in this bill would control, incontrovertibly. That ought to dispel the confusion that has arisen by virtue of the action taken in conference on the military appropriation bill.

Looking back over the actions of the Senate in the course of the past year, it looks to me as if we have set ourselves well on the road toward reestablishing our proper constitutional role in the field of foreign policy. Moreover, we are beginning to win over a larger measure of executive cooperation. As congressional reporter John Finney noted in the New York Times Week in Review of December 13:

This time Congress was being consulted by the executive branch on what each side frankly acknowledged was an important policy decision.

Mr. President, perhaps I am unduly sanguine, but it does appear to me that our committee action in authorizing some additional assistance to the Cambodian Government has been effectively hedged with safeguards against deeper U.S. involvement of the kind that occurred in Vietnam.

Let me say also that I believe all of us share a feeling of compassion for the Cambodian people, who have been drawn so abruptly and violently into the general conflagration in Southeast Asia.

Much as I agree with the committee chairman in decrying the widening of the Indochina war into Cambodia, I nevertheless believe that we cannot avoid accepting a certain responsibility for what is happening in that country.

I submit that the amendments adopted by the Foreign Relations Committee to the pending legislation carefully and succinctly establish guidelines and restrictions for a program of limited assistance to Cambodia. It is, in my opinion, a substantial downpayment on the sum required to enable the Cambodians to help themselves over the short term without the participation of American forces or advisers in that country. And we have absolute assurances from the President, as well as his chief Cabinet members, that no such participation will occur over the longer term.

If the President, in the light of subsequent changes in circumstances, were to decide otherwise, then I submit the language in this bill would oblige him to come back to Congress and secure its consent before American personnel could be sent into Cambodia.

In conclusion, Mr. President, let me emphasize that I could not let the occasion pass without acknowledging the debt which I believe we all owe to the distinguished chairman of the Committee on Foreign Relations. The limitations which we have placed on the legislation really owe their origin to the chairman's wise initiative of 2 years ago. He set us on the path which, I believe we have traveled successfully together during this session of Congress.

In substantiation of this conclusion, Mr. President, I ask unanimous consent to insert the article by John Finney, of the New York Times, to which I previously referred, into the RECORD.

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

CAMBODIAN AID: THE SPECTER IN THE CHAMBER IS "ANOTHER VIETNAM"

WASHINGTON.—In a confused way, Congress last week debated what may prove to be a portentous decision on whether the United States should undertake a commitment to support the Cambodian Government with military and economic aid.

The shadow of the Vietnam experience hung over the debate. In 1964—the year of the Tonkin Gulf incidents that led to the American military involvement in Vietnam—the Johnson Administration asked Congress for $255-million in military assistance for South Vietnam. By coincidence, the Nixon Administration has now asked Congress for exactly the same amount for another Indochina state.

It was a coincidence not lost on some members of Congress, for the question being raised—more in the Senate than in the House—was whether with the Cambodian request the United States was starting down the same "slippery slope" that led to the Vietnam involvement.

EMERGENCY POWERS

In some ways the decision had already been made by the Nixon Administration, which over the last seven months, through use of emergency transfer powers, has given $100-million in military aid funds to Cambodia without the specific approval of Congress. But now with its foreign aid funds running out, the Administration had come to Congress seeking an additional $155 million for Cambodia as part of a $1-billion supplementary foreign aid package as well as restoration of the $100-million already spent.

Day after day last week, Secretary of State William P. Rogers and Defense Secretary Melvin R. Laird went from one Congressional committee to another explaining that the emergency foreign aid request was essential to carry out the Nixon Doctrine of helping Asians to defend themselves and emphasizing that the Cambodian aid was vital if Vietnamization and thus the withdrawal of American troops from South Vietnam was to proceed.

In days gone by, before the Vietnam war, such Administration justifications would have been readily accepted in Congress. They still were in the House, with its hawkish, pro-Administration outlook on foreign policy.

Indicative of the House's passive attitude was the way it passed a bill authorizing the foreign aid program. Fewer than 75 members were on the floor to hear debate on a bill that a small band of doves from the Foreign Affairs Committee vainly protested contained "the seeds of commitments paralleling closely the commitments made to South Vietnam during the latter part of the 1950's and the early 1960's.

As was to be expected, the reaction in a far more assertive Senate was much more critical, especially in the Senate Foreign Relations Committee.

For the first time in nearly 18 months, Mr. Rogers appeared at a public hearing before the Senate committee, and he received the kind of lecture, although in somewhat more amiable tone, that used to be given to his predecessor, Dean Rusk. In his measured oratorical style, Senator Frank Church, Democrat of Idaho, leaned over the dais to warn Mr. Rogers that what he was asking for was but "the first big down payment on a multi-billion dollar program for bankrolling the Cambodian Government for the indefinite future."

However, it was Senator J. William Fulbright, with his Arkansas drawl, who got in the verbal barbs. He recalled that it was Mr. Rogers who, in a closed-door appearance before the committee three days before the April incursion into Cambodia, had warned against any large-scale military aid program for Cambodia on the ground that it could lead to "a repetition of what happened in South Vietnam." And now, the Senator pro-

tested, the Administration was going right down that road and asking Congress to ratify a "commitment to the survival" of the Cambodian Government.

"UNSOPHISTICATED" AID

Not so, protested Mr. Rogers. The military aid will be "unsophisticated," so American military advisers will not be required. The purpose, he emphasized, was not to commit the United States to the survival of the Cambodian Government but to assist Vietnamization by helping Cambodia fight North Vietnamese troops that otherwise would be fighting in South Vietnam. Those may be your intentions but intentions have a way of being overtaken by events, Senator Fulbright rejoined. Assume, for example, the Senator said, that the Lon Nol Government in Cambodia was about to fall. Are you reconciled to that? he asked.

"Assuming the worst that might happen, the President has no intention of reintroducing ground troops into Cambodia," the Secretary replied.

With such assurances, Mr. Rogers obviously began to disarm the committee to the point where it appeared that a majority was prepared to approve the Administration request. And President Nixon probably took care of public opinion at his nationally televised news conference Thursday night when he said he could foresee no circumstances whatsoever in which he would use American ground troops in Cambodia. The President never directly answered an ensuing question on how he would prevent the aid program from escalating into a guarantee of the survival of the Cambodian Government. But he said the aid was the "best investment" in foreign assistance that could be made, since "the dollars we send to Cambodia save American lives and enable us to bring Americans home."

By the end of the week the Senate doves found themselves slightly plucked. They could still squabble over whether the Nixon Administration was leading the nation down the same "slippery slope" in Cambodia as the Johnson Administration did in Vietnam. But at least they had to concede there was an important difference—namely, that this time Congress was being consulted by the executive branch on what each side frankly acknowledged was an important policy decision.

To that extent at least, the Senate—if not yet the House—had re-established a Congressional voice in the formulation of foreign policy. The assertive mood even extended to the conservative Senate Appropriations Committee, which, to the surprise and delight of the doves, wrote a prohibition into the Defense Appropriations Bill against the introduction of American ground combat troops into Cambodia. With little debate, the Senate thus proceeded to adopt the principle of the once controversial Cooper-Church amendment that the President should not commit the nation to war in Cambodia without the consent of Congress.

Mr. CHURCH. I thank the Senator for yielding.

Mr. GRAVEL. Mr. President, may I address a question, through the Chair, to the distinguished Senator from Michigan—and that is on the point of the budget? Could the Senator restate for me what actually happened yesterday in the amount of funds provided, so that I might have an understanding of that, because I probably voted on that yesterday.

Mr. GRIFFIN. Mr. President, it is my understanding that yesterday we passed a supplemental appropriation bill which included a number of items, one of which included funds for aid to Cambodia that we are arguing about today.

Mr. GRAVEL. And not one word was stated on the floor of the Senate yesterday relative to that particular appropriation?

Mr. GRIFFIN. There was some discussion, if I recall. I was not on the floor all the time, myself, but I am quite sure the Record will indicate that the distinguished Senator from Arkansas (Mr. FULBRIGHT) and other Senators discussed the fact that this was a controversial matter. That is my understanding.

Mr. GRAVEL. And no more was signaled than that?

Mr. GRIFFIN. Not as far as the Senator from Michigan was aware. It was mentioned and discussed that the authorization bill was coming out of the Foreign Relations Committee and would be on the floor today, and the distinguished majority leader acknowledged that it was a little unusual, a cart-before-the-horse situation, but to be sure that there were no problems or technicalities, it was understood generally that the authorization would be taken up today, and every Senator would have a chance to vote on it. But I can understand the reason why the Senators from Idaho and Alaska should have adequate time to present their views.

Mr. GRAVEL. I thank my colleague very much for his observation and his enlightenment, because I want to confess that I was not aware of it. I was concerned with the importance of the bill yesterday, and with its passage. There were some items in which I was interested, one particularly being an airport for Alaska. I find this item a trillion times more important to man than the item I was concerned with yesterday. I just wondered how many of my colleagues, along with myself, who had a vital concern and who were just waiting for this matter, were in the same situation? I had made up my mind over the weekend that I would get involved in a colloquy on the subject. Obviously the time for discussion should have been yesterday.

I do not thing that excuses us, and I certainly think the Senator will agree that what we are doing today is just as germane, since we are dealing with the policy question, and not with the dollars and cents question, which was before us yesterday.

Mr. GRIFFIN. I certainly want to concede that.

Mr. GRAVEL. I thank the Senator. I appreciate that this is an important policy decision which is being made. That is why I am surprised, in a sort of guilty fashion, that the other slipped by. If I had been out of town, this would have happened. Many of us react in a human way because we are human beings. Because we become Senators does not make us any brighter, any stronger, or any different from what we were before we became Senators. We are all very much human beings.

In fact, I am struck by the fact that that is the same thing that happens when a person becomes President. He does not become any brighter or any stronger; he is still the same human being that he was the day before he was sworn into the Office of President.

So when that person makes a decision, and that decision is to move us into Cambodia, where we have never been before, then we have a choice. We can say that that is the decision of one person, and we can agree or disagree, or we can feel that we have been entrapped by that decision.

I would hope that is not the case. I would hope that whether or not a decision was made by the present Chief Executive, by a prior Chief Executive, or by Congress 10 years ago, 2 years ago, or this year, we would always retain our options as intelligent, maturing human beings to say, "That was a good action, I agree with it," or, "That was a bad action, I disagree with it."

That is all we can do right here, with this little old amendment, which does not disrupt the existing funding processes of the Federal Government; it only goes very surgically to one particular point of our foreign policy, and that is whether or not the United States of America should be involved and committed in Cambodia.

I say it should not. I think it was a fundamental mistake to expand the war into Cambodia last April. The reasons why it was expanded are evident to all: The government was about to fall, and so we moved in to shore up that government. And we did do that. But because of the press of public opinion, we withdrew. Public opinion has subsided because we are no longer there.

Mr. GRIFFIN. Will the distinguished Senator yield for a comment?

Mr. GRAVEL. Yes; I am happy to yield without losing my right to the floor.

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

Mr. GRIFFIN. The Senator from Alaska has said that his amendment goes to only one little part of our foreign policy, and, in fact, only our foreign policy with respect to Cambodia. I would not expect the Senator from Alaska to agree with me, but I would like to say that it is much more important than that.

A part of our policy now is to withdraw our troops from South Vietnam as Vietnamization proceeds, and while I am sure that that would not be the purpose of the Senator from Alaska in offering this amendment, I would point out that if it were adopted, his amendment could very seriously jeopardize the withdrawal.

Mr. GRAVEL. May I ask my colleague how that would take place?

Mr. GRIFFIN. The Cambodian forces, of course, are now keeping a number of North Vietnamese occupied in Cambodia. I think it is to the interest of our country, in withdrawal of our troops from South Vietnam, that those North Vietnamese forces do not become a threat to our withdrawing troops from South Vietnam.

Mr. GRAVEL. Then what the Senator is saying is that if we do not find some device for tying down the Communists in Cambodia, they will thereby be able to increase the difficulty we have in handling them in South Vietnam? I mean if we do not find a way to tie them down in Cambodia, they will be able to disengage themselves; obviously, we say, they will take Cambodia, and then

they can come back into South Vietnam and really raise havoc with our troops there; that is the reason why we are spending money in Cambodia; is that not correct?

Mr. GRIFFIN. The same forces that now happen to be in Cambodia are part of the forces that are a threat in South Vietnam.

Mr. GRAVEL. I concede that, and I think that is a very accurate statement.

Mr. GRIFFIN. Does the Senator from Alaska intend to impede our withdrawal of U.S. troops from South Vietnam?

Mr. GRAVEL. I could develop a plan that would not impede, but would really hasten the whole process, and really do it more efficiently than the administration is doing. But that is not my point. The point to which I wish to address myself is the point the Senator has raised, and that is that the reason we are doing things in Cambodia is that we want to draw off the troops.

Well, if we cannot do that, and if we fail at it, they will be able to raise the crescendo of activity in Vietnam. Then what will happen? That means this administration will not only be able to withdraw troops, but will have to add troops in order to make our position effective. Based on that logic I am advancing, our desire is not to withdraw—and we are using this word "withdraw" within quotation marks—from Vietnam, but what we are doing in Vietnam is scaling our effort down, so that we can have a mix which will sustain ourselves and our goals over as long a period as is necessary. We have used the word "withdrawal" as part of this rhetoric, contradicting the American psychology and the American public understanding, just as we have used the word "Vietnamization," and just as we have used the word "bug" to kid ourselves, and just as we are using the word "Dunkirk" rather than "Algeria," which is a more apt comparison, and getting ourselves all tangled up in our rhetoric.

Mr. GRIFFIN. May I respond?

Mr. GRAVEL. Please.

Mr. GRIFFIN. The fact is that the number of American troops in South Vietnam today is at a much lower figure than it was, and it promises to be still lower in the future. Maybe the Senator from Alaska does not agree with the Senator from Michigan, but I want to continue that policy, and the amendment of the Senator from Alaska would make that difficult, if not impossible.

Mr. GRAVEL. A policy of involvement?

Mr. GRIFFIN. A policy of continued withdrawal of U.S. troops from South Vietnam.

Mr. GRAVEL. But here we are, stuck with the rhetoric. This is the same statement I got from the State Department. We have got to spend more money in order to have less effort. It does not add up. We must stay married to the word "withdrawal" because we happen to have been placed administratively in a position of overkill, where we can take some troops out.

Mr. GRIFFIN. May I respond further? Vietnamization, which is a part of the so-called Nixon doctrine, does involve spending money instead of spending American lives, withdrawing our forces and helping our allies defend their freedom. Maybe the Senator is not in favor of that, but I am, and I would like to get to a vote on it.

Mr. GRAVEL. I am in favor of freedom just as much as the Senator is.

Mr. GRIFFIN. No, no; Vietnamization and the Nixon doctrine.

Mr. GRAVEL. If I knew what Vietnamization was; but I have my view of Vietnamization, and I have just defined it. I have been defining it all day. That is that it is scaling our troops down to a level of sufficiency to continue our involvement while maintaining the existing government. If that government comes under threat, we will increase our involvement, and then, of course, everyone will say, "My God, what a terrible hoax Vietnamization was. Why did we have to be so ignorant, and not see that it could happen?"

The question is very simple. I put it to the Senator this way: If in February we have a Tet offensive, what will this administration do, continue the Vietnamization or push back some American troops? That is a very simple question. What would be be the Senator's answer to that?

Mr. GRIFFIN. I do not say that I would even try to answer what would be the decision.

Mr. GRAVEL. It is a very real prospect. It is not way out. In other words, I am not fabricating something that is not within the realm of immediate possibility.

What would happen if we put up $110 million for the Lon Nol government, and 3 months from now they are on the verge of toppling over? What do we do? Appropriate another $100 million? Do we do as the Senator from Kansas suggested—hire some mercenaries, throw some fodder in there, and then, when that does not work, say, "Well, we have to take recourse to the best soldiers in the world; we have to send some American soldiers in there to do the job"?

This is the position we are placing ourselves in. It is a route of no return, once you step forward into it.

All this amendment I am trying to put forward would do is try to stop the thrust. It would not stop the war; it would not change things appreciably immediately, but it would stop the forward thrust of what is happening, which is that we are moving in. We moved in with our troops, and the American people would not buy that, so the administration withdrew. We got into the use of rhetoric more effectively, and they went from that into putting up money. The money will not cut it, and we will go into mercenaries. I submit that if mercenaries will not cut it, what will happen next, obviously, is that it will have to be a greater American troop involvement.

Mr. GRIFFIN. The junior Senator from Michigan disagrees, and we obviously have a difference of opinion. Now let us get to a vote. When can we vote?

Mr. GRAVEL. I think the revelation that was just made about my lack of knowledge as to what we did yesterday certainly should give some indication as to the various views that Senators can have. I do not think it is too much to ask, when we are talking about a major policy decision that, in my mind, has been slipped through at the 11th hour—and this is not an unknown legislative practice. I used it when I was speaker of the house in Alaska, and it is very effective.

I think we have to stop short and say, "Whoa! Something wrong is going to happen here." I think something wrong is going to happen. Obviously, some other people think it is all right to make this policy decision on 24 hours' debate, perhaps less than that. But I think the processes of education for Senators and for the public take time. Obviously, Senators will be reading, and they have asked me what precisely this amendment would do. They have not been here. They have come in and got a little glimpse of it and slipped out. I think it takes time.

The Senator, who is much more knowledgeable than I in the processes of this body, wants to pin me down on time, and I do not know how long it takes to learn something. It took me some time. It took me some time to come to this conclusion, to want to put forth this much effort. I think no small part of the decisionmaking process was involved in reading the dispatches from the Calley trial.

Does that answer my colleague's question?

Mr. GRIFFIN. Oh, yes.

Mr. GRAVEL. Let me reiterate, again and again and again, that this amendment does something that is very simple and very easy to comprehend. It does not deny the administration any money. It does deny our involvement in appropriating this money for use in Cambodia.

If, as a part of policy, the administration feels that it must prop up this government, which we all know is not an elective government, which is not even a representative government, which we have no legal tie to defend, which we have no moral or real or any other type of responsibility to defend—all we are saying is that we, the Senate, do not buy this policy of expanding the war or helping Cambodia.

Unfortunately, this raises a very vexing problem politically for many of my colleagues. I wish it were otherwise, because I think 6 months from now we could possibly be subjected to the criticism that, if and when during that period of time the Lon Nol government failed, it was because of the Senate not giving the money to Lon Nol that he failed.

We could properly be criticized if it rested just there. But it does not. It should be pushed a step further. I think that people who would make the argument to rest it there would be appealing to the banal and ignorant interests that ride abroad in this country, because the next step it obviously should be pushed to is, what will be the impact if Cambodia did, for whatever reason, go Communist? I do not know that it will. All I know is that if I could get something by just asking, that is great.

We may well find a situation in which the Lon Nol government, without American aid, might develop the moral fiber, might develop the strength, right from the soil of its population, to ward off communism. And how beautiful it would be to see, if they could do it by them-

selves. It is unfortunate that they have not been able to do it with our help. Nor have the South Vietnamese been able to do it with our help.

Mr. PELL. Mr. President, I should like to commend the distinguished Senator from Alaska (Mr. GRAVEL) on his amendment and say that I look forward to voting for it when and if it comes to a vote.

The philosophy has been well expounded as being the nose of the camel under the tent. If the nose of the camel is going to be in the form of a dollar sign on the end of the camel's nose, it is still the nose of the camel. For this reason, I intend to support the Senator from Alaska.

ORDER OF BUSINESS

Mr. GRAVEL. Mr. President, I ask unanimous consent to yield to the Senator from Rhode Island, without losing my right to the floor.

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

LIBRARY SERVICES AND CONSTRUCTION AMENDMENTS OF 1970

Mr. PELL. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 3318.

The PRESIDING OFFICER (Mr. ALLEN) laid before the Senate the amendment of the House of Representatives to the bill S. 3318 to amend the Library Services and Construction Act, and for other purposes, which was to strike out all after the enacting clause, and insert:

That this Act may be cited as the "Library Services and Construction Amendments of 1970".

PURPOSE; AMENDMENT TO THE LIBRARY SERVICES AND CONSTRUCTION ACT

SEC. 2. (a) It is the purpose of this Act to improve the administration, implementation, and purposes of the programs authorized by the Library Services and Construction Act, by lessening the administrative burden upon the States through a reduction in the number of State plans which must be submitted and approved annually under such Act and to afford the States greater discretion in the allocation of funds under such Act to meet specific State needs and, by providing for special programs to meet the needs of disadvantaged persons, in both urban and rural areas, for library services and for strengthening the capacity of State library administrative agencies for meeting the needs of all the people of the States.

(b) The Library Services and Construction Act (20 U.S.C. 351 et seq.), is amended by striking out all that follows the first section and inserting in lieu thereof the following:

"DECLARATION OF POLICY

"SEC. 2. (a) It is the purpose of this Act to assist the States in the extension and improvement of public library services in areas of the States which are without such services or in which such services are inadequate, and with public library construction, and in the improvement of such other State library services as library services for physically handicapped, institutionalized, and disadvantaged persons, in strengthening State library administrative agencies, and in promoting interlibrary cooperation among all types of libraries.

"(b) Nothing in this Act shall be construed to interfere with State and local initiative and responsibility in the conduct of library services. The administration of libraries, the selection of personnel and library books and materials, and, insofar as consistent with the purposes of this Act, the determination of the best uses of the funds provided under this Act shall be reserved to the States and their local subdivisions.

"DEFINITIONS

"SEC. 3. The following definitions shall apply to this Act:

"(1) 'Commissioner' means the Commissioner of Education.

"(2) 'Construction' includes construction of new buildings and acquisition, expansion, remodeling, and alteration of existing buildings, and initial equipment of any such buildings, or any combination of such activities (including architects' fees and the cost of acquisition of land). For the purposes of this paragraph, the term 'equipment' includes machinery, utilities, and built-in equipment and any necessary enclosures or structures to house them; and such term includes all other items necessary for the functioning of a particular facility as a facility for the provision of library services.

"(3) 'Library service' means the performance of all activities of a library relating to the collection and organization of library materials and to making the materials and information of a library available to a clientele.

"(4) 'Library services for the physically handicapped' means the providing of library services, through public or other nonprofit libraries, agencies, or organizations, to physically handicapped persons (including the blind and other visually handicapped) certified by competent authority as unable to read or to use conventional printed materials as a result of physical limitations.

"(5) 'Public library' means a library that serves free of charge all residents of a community, district, or region, and receives its financial support in whole or in part from public funds.

"(6) 'Public library services' means library services furnished by a public library free of charge.

"(7) 'State' means a State, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, or the Trust Territory of the Pacific Islands.

"(8) State Advisory Council on Libraries' means an advisory council for the purposes of clause (3) of section 6(a) of this Act which shall—

"(A) be broadly representative of the public, schoool, academic, special, and institutional libraries, and libraries serving the handicapped, in the State and of persons using such libraries, including disadvantaged persons within the State;

"(B) advise, the State library administrative agency on the development of, and policy matters arising in the administration of, the State plan; and

"(C) assist the State library administrative agency in the evaluation of activities assisted under this Act; "(9) 'State institutional library services' means the providing of books and other library materials, and of library services, to (A) inmates, patients, or residents of penal institutions, reformatories, residential training schools, orphanages, or general or special institutions or hospitals operated or substantially supported by the State, or (B) students in residential schools for the physically handicapped (including mentally retarded, hard of hearing, deaf, speech impaired, visually handicapped, seriously emotionally disturbed, crippled, or other health impaired persons who by reason thereof require special education) operated or substantially supported by the State.

"(10) 'State library administrative agency' means the official agency of a State charged by law of that State with the extension and development of public library services throughout the State, which has adequate authority under law of the State to administer State plans in accordance with the provisions of this Act.

"(11) 'Basic State plan' means the document which gives assurances that the officially designated State library administrative agency has the fiscal and legal authority and capability to administer all aspects of this Act; provides assurances for establishing the State's policies, priorities, criteria, and procedures necessary to the implementation of all programs under provisions of this Act; and submits copies for approval as required by regulations promulgated by the Commissioner.

"(12) 'Long-range program' means the comprehensive five-year program which identifies a State's library needs and sets forth the activities to be taken toward meeting the identified needs supported with the assistance of Federal funds made available under this Act. Such long-range programs shall be developed by the State library administrative agency and shall specify the State's policies, criteria, priorities, and procedures consistent with the Act as required by the regulations promulgated by the Commissioner and shall be updated as library progress requires.

"(13) 'Annual program' means the projects which are developed and submitted to describe the specific activities to be carried out annually toward achieving fulfillment of the long-range program. These annual programs shall be submitted in such detail as required by regulations promulgated by the Commissioner.

"AUTHORIZATIONS OF APPROPRIATIONS

"SEC. 4. (a) For the purpose of carrying out the provisions of this Act the following sums are authorized to be appropriated:

"(1) For the purpose of making grants to States for library services as provided in title I, there are authorized to be appropriated $112,000,000 for the fiscal year ending June 30, 1972, $117,600,000 for the fiscal year ending June 30, 1973, $123,500,000 for the fiscal year ending June 30, 1974, $129,675,000 for the fiscal year ending June 30, 1975, and $137,150,000 for the fiscal year ending June 30, 1976.

"(2) For the purpose of making grants to States for public library construction, as provided in title II, there are authorized to be appropriated $80,000,000 for the fiscal year ending June 30, 1972, $84,000,000 for the fiscal year ending June 30, 1973, $88,000,000 for the fiscal year ending June 30, 1974, $92,500,000 for the fiscal year ending June 30, 1975, and $97,000,000 for the fiscal year ending June 30, 1976.

"(3) For the purpose of making grants to States to enable them to carry out interlibrary cooperation programs authorized by title III, there are hereby authorized to be appropriated $15,000,000 for the fiscal year ending June 30, 1972, $15,750,000 for the fiscal year ending June 30, 1973, $16,500,000 for the fiscal year ending June 30, 1974, $17,300,000 for the fiscal year ending June 30, 1975, and $18,200,000 for the fiscal year ending June 30, 1976.

"(b) Notwithstanding any other provision of law, unless enacted in express limitation of the provisions of this subsection, any sums appropriated pursuant to subsection (a) shall (1), in the case of sums appropriated pursuant to paragraphs (1) and (3) thereof, be available for obligation and expenditure for the period of time specified in the Act making such appropriation, and (2), in the case of sums appropriated pursuant to paragraph (2) thereof, subject to regulations of the Commissioner promulgated in carrying out the provisions of section 5(b), be available for obligation and expenditure for the year specified in the Appropriation Act and for the next succeeding year.

"ALLOTMENTS TO STATES

"SEC. 5. (a) (1) From the sums appropriated pursuant to paragraph (1), (2), or (3) of section 4(a) for any fiscal year, the Commissioner shall allot the minimum allotment, as determined under paragraph (3) of this subsection, to each State. Any sums remaining after minimum allotments have been made shall be allotted in the manner set forth in paragraph (2) of this subsection.

"(2) From the remainder of any sums appropriated pursuant to paragraph (1), (2), or (3) of section 4(a) for any fiscal year, the Commissioner shall allot to each State such part of such remainder as the population of the State bears to the population of all the States.

"(3) For the purposes of this subsection, the 'minimum allotment' shall be—

"(A) with respect to appropriations for the purposes of title I, $200,000 for each State, except that it shall be $40,000 in the case of Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands;

"(B) with respect to appropriations for the purposes of title II, $100,000 for each State, except that it shall be $20,000 in the case of Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands; and

"(C) with respect to appropriations for the purposes of title III, $40,000 of each State, except that it shall be $10,000 in the case of Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

If the sums appropriated pursuant to paragraph (1), (2), or (3) of section 4(a) for any fiscal year are insufficient to fully satisfy the aggregate of the minimum allotments for that purpose, each of such minimum allotments shall be reduced ratably.

"(4) The population of each State and of all the States shall be determined by the Commissioner on the basis of the most recent satisfactory data available to him.

"(5) There is hereby authorized for the purpose of evaluation (directly or by grants or contracts) of programs authorized by this Act, such sums as Congress may deem necessary for any fiscal year.

"(b) The amount of any State's allotment under subsection (a) for any fiscal year from any appropriation made pursuant to paragraph (1), (2), or (3) of section 4(a) which the Commissioner deems will not be required for the period and the purpose for which such allotment is available for carrying out the State's annual program shall be available for reallotment from time to time on such dates during such year as the Commissioner shall fix. Such amount shall be available for reallotment to other States in proportion to the original allotments for such year to such States under subsection (a) but with such proportionate amount for any of such other State being reduced to the extent that it exceeds the amount which the Commissioner estimates the State needs and will be able to use for such period of time for which the original allotments were made and the total of such reductions shall be similarly reallotted among the States not suffering such a reduction. Any amount reallotted to a State under this subsection for any fiscal year shall be deemed to be a part of its allotment for such year pursuant to subsection (a).

"STATE PLANS AND PROGRAMS

"SEC. 6. (a) Any State desiring to receive its allotment for any purpose under this Act for any fiscal year shall (1) have in effect for such fiscal year a basic State plan as defined in section 3(11) and meeting the requirements set forth in subsection (b), (2) submit an annual program as defined in section 3(13) for the purposes for which allotments are desired, meeting the appropriate requirements set forth in titles I, II, and III, and shall submit (no later than July 1, 1972) a long-range program as defined in section 3(12) for carrying out the purposes of this Act as specified in subsection (d), and (3) establish a State Advisory Council on Libraries which meets the requirements of section 3(8).

"(b) A basic State plan under this Act shall—

"(1) provide for the administration, or supervision of the administration, of the programs authorized by this Act by the State library administrative agency;

"(2) provide that any funds paid to the State in accordance with a long-range program and an annual program shall be expended solely for the purposes for which funds have been authorized and appropriated and that such fiscal control and fund accounting procedures have been adopted as may be necessary to assure proper disbursement of, and account for, Federal funds paid to the State (including any such funds paid by the State to any other agency) under this Act;

"(3) provide satisfactory assurance that the State agency administering the plan (A) will make such reports, in such form and containing such information, as the Commissioner may reasonably require to carry out his functions under this Act and to determine the extent to which funds provided under this Act have been effective in carrying out its purposes, including reports of evaluations made under the State plans, and (B) will keep such records and afford such access thereto as the Commissioner may find necessary to assure the correctness and verification of such reports; and

"(4) set forth the criteria to be used in determining the adequacy of public library services in geographical areas and for groups of persons in the State, including criteria designed to assure that priority will be given to programs or projects which serve urban and rural areas with high concentrations of low-income families.

"(c) (1) The Commissioner shall not approve any basic State plan pursuant to this Act for any fiscal year unless—

"(A) the plan fulfills the conditions specified in section 3(11) and subsection (b) of this section and the appropriate titles of this Act;

"(B) he has made specific findings as to the compliance of such plan with requirements of this Act and he is satisfied that adequate procedures are subscribed to therein insure that any assurances and provisions of such plan will be carried out.

"(2) The State plan shall be made public as finally approved.

"(3) The Commissioner shall not finally disapprove any basic State plan submitted pursuant to subsection (a) (1), or any modification thereof, without first affording the State reasonable notice and opportunity for hearing.

"(d) The long-range program of any State for carrying out the purposes of this Act shall be developed in consultation with the Commissioner and shall—

"(1) set forth a program under which the funds received by the State under the programs authorized by this Act will be used to carry out a long-range program of library services and construction covering a period of not less than three nor more than five years;

"(2) be annually reviewed and revised in accordance with changing needs of assistance under this Act and the results of the evaluation and surveys of the State library administrative agency;

"(3) set forth policies and procedures (A) for the periodic evaluation of the effectiveness of programs and projects supported under this Act, and (B) for appropriate dissemination of the results of such evaluations and other information pertaining to such programs or projects; and

"(4) set forth effective policies and procedures for the coordination of programs and projects supported under this Act with library programs and projects operated by institutions of higher education or local elementary or secondary schools and with other public or private library services programs. Such program shall be developed with advice of the State advisory council and in consultation with the Commissioner and shall be made public as it is finally adopted.

"(e) Whenever the Commissioner, after reasonable notice and opportunity for hearing to the State agency administering a program submitted under this Act, finds—

"(1) that the program has been so changed that it no longer complies with the provisions of this Act, or

"(2) that in the administration of the program there is a failure to comply substantially with any such provisions or with any assurance or other provision contained in the basic State plan,

then, until he is satisfied that there is no longer any such failure to comply, after appropriate notice to such State agency, he shall make no further payments to the State under this Act or shall limit payments to programs or projects under, or parts of, the programs not affected by the failure, or shall require that payments by such State agency under this Act shall be limited to local or other public library agencies not affected by the failure.

"(f) (1) If any State is dissatisfied with the Commissioner's final action with respect to the approval of a plan submitted under this Act or with his final action under subsection (e) such State may, within sixty days after notice of such action, file with the United States court of appeals for the circuit in which such State is located a petition for review of that action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Commissioner. The Commissioner thereupon shall file in the court the record of the proceedings on which he based his action as provided in section 2112 of title 28, United States Code.

"(2) The findings of fact by the Commissioner, if supported by substantial evidence, shall be conclusive; but the court, for good cause shown, may remand the case to the Commissioner to take further evidence, and the Commissioner may thereupon take new or modified findings of fact and may modify his previous action, and shall certify to the court the record of further proceedings.

"(3) The court shall have jurisdiction to affirm the action of the Commissioner or to set it aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

"PAYMENTS TO STATES

"SEC. 7. (a) From the allotments available therefor under section 5 from appropriations pursuant to paragraph (1), (2), or (3) of section 4(a), the Commissioner shall pay to each State which has a basic State plan approved under section 6(a)(1), an annual program and a long-range program as defined in sections 3 (12) and (13) an amount equal to the Federal share of the total sums expended by the State and its political subdivisions in carrying out such plan, except that no payments shall be made from appropriations pursuant to such paragraph (1) for the purposes of title I to any State (other than the Trust Territory of the Pacific Islands) for any fiscal year unless the Commissioner determines that—

"(1) there will be available for expenditure under the programs from State and local sources during the fiscal year for which the allotment is made—

"(A) sums sufficient to enable the State to receive for the purpose of carrying out the programs payments in an amount not less than the minimum allotment for that State for the purpose, and

"(B) not less than the total amount actually expended, in the areas covered by the programs for such year, for the purposes of such programs from such sources in the second preceding fiscal year; and

"(2) there will be available for expenditure for the purposes of the programs from State sources during the fiscal year for which the allotment is made not less than the total amount actually expended for such purposes from such sources in the second proceeding fiscal year.

"(b) (1) For the purpose of this section, the 'Federal share' for any State shall be, except as is provided otherwise in title III, 100 per centum less the State percentage, and the State percentage shall be that percentage which bears the same ratio to 50 per centum as the per capita income of such State bears to the per capita income of all the States (excluding Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands), except that (A) the Federal share shall in no case be more than 66 per centum, or less than 33 per centum, and (B) the Federal share for Puerto Rico, Guam, American Samoa, and the Virgin Islands shall be 66 per centum, and (C) the Federal share for the Trust Territory of the Pacific Islands shall be 100 per centum.

"(2) The 'Federal share' for each State shall be promulgated by the Commissioner within sixty days after the beginning of the fiscal year ending June 30, 1971, and of every second fiscal year thereafter, on the basis of the average per capita incomes of each of the States and of all the States (excluding Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands), for the three most recent consecutive years for which satisfactory data are available to him from the Department of Commerce. Such promulgation shall be conclusive for each of the two fiscal years beginning after the promulgation.

"TITLE I—LIBRARY SERVICES

"GRANTS FOR STATES FOR LIBRARY SERVICES

"SEC. 101. The Commissioner shall carry out a program of making grants from sums appropriated pursuant to section 4(a)(1) to States which have had approved basic State plans under section 6 and have submitted annual programs under section 103 for the extension of public library services to areas without such services and the improvement of such services in areas in which such services are inadequate, for making library services more accessible to persons who, by reason of distance, residence, or physical handicap, or other disadvantage, are unable to receive the benefits of public library services regularly made available to the public, for adapting public library services to meet particular needs of persons within the States, and for improving and strenghening library administrative agencies.

"USES OF FEDERAL FUNDS

"SEC. 102. (a) Funds appropriated pursuant to paragraph (1) of section 4(a) shall be available for grants to States from allotments under section 5(a) for the purpose of paying the Federal share of the cost of carrying out State plans submitted and approved under section 6 and section 103. Except as is provided in subsection (b), grants to States under this title may be used solely—

"(1) for planning for, and taking other steps leading to the development of, programs and projects designed to extend and improve library services, as provided in clause (2); and

"(2) for (A) extending public library services to geographical areas and groups of persons without such services and improving such services in such areas and for such groups as may have inadequate public library services; and (B) establishing, expanding, and operating programs and projects to provide (i) State institutional library services, (ii) library services to the physically handicapped, and (iii) library services for the disadvantaged in urban and rural areas; and (C) strengthening metropolitan public libraries which serve as national or regional resource centers.

"(b) Subject to such limitations and criteria as the Commissioner shall establish by regulation, grants to States under this title may be used (1) to pay the cost of administering the State plans submitted and approved under this Act (including obtaining the services of consultants), state-wide planning for and evaluation of library services, dissemination of information concerning library services, and the activities of such advisory groups and panels as may be necessary to assist the State library administrative agency in carrying out its functions under this title, and (2) for strengthening the capacity of State library administrative agencies for meeting the needs of the people of the States.

"STATE ANNUAL PROGRAM FOR LIBRARY SERVICES

"SEC. 103. Any State desiring to receive a grant from its allotment for the purposes of this title for any fiscal year shall, in addition to having submitted, and having had approved, a basic State plan under section 6, submit for that fiscal year an annual program for library services. Such program shall be submitted at such time, in such form, and contain such information as the Commissioner may require by regulation, and shall—

"(1) set forth a program for the year submitted under which funds paid to the State from appropriations pursuant to paragraph (1) of section 4(a) for that year will be used, consistent with its long-range program, solely for the purposes set forth in section 102;

"(2) set forth the criteria used in allocating such funds among such purposes, which criteria shall insure that the State will expend from Federal, State, and local sources an amount not less than the amount expended by the State from such sources for State institutional library services, and library services to the physically handicapped during the fiscal year ending June 30, 1971;

"(3) include such information, policies, and procedures as will assure that the activities to be carried out during that year are consistent with the long-range program; and

"(4) include an extension of the long-range program, taking into consideration the results of evaluations.

"TITLE II—PUBLIC LIBRARY CONSTRUCTION

"GRANTS TO STATES FOR PUBLIC LIBRARY CONSTRUCTION

"SEC. 201. The Commissioner shall carry out a program of making grants to States which have had approved a basic State plan under section 6 and have submitted a long-range program and submit annually appropriately updated programs under section 203 for the construction of public libraries.

"USES OF FEDERAL FUNDS

"SEC. 202. Funds appropriated pursuant to paragraph (2) of section 4(a) shall be available for grants to States from allotments under section 5(a) for the purpose of paying the Federal share of the cost of construction projects carried under State plans. Such grants shall be used solely for the construction of public libraries under approved State plans.

"STATE ANNUAL PROGRAM FOR THE CONSTRUCTION OF PUBLIC LIBRARIES

"SEC. 203. Any State desiring to receive a grant from its allotment for the purpose of this title for any fiscal year shall, in addition to having submitted, and having had approved, a basic State plan under section 6, submit such projects as the State may approve and are consistent with its long-range program.

"Such projects shall be submitted at such time and contain such information as the Commissioner may require by regulation and shall—

"(1) for the year submitted under which funds are paid to the State from appropriations pursuant to paragraph (2) of section 4(a) for that year, be used, consistent with the State's long-range program, for the construction of public libraries in areas of the State which are without the library facilities necessary to provide adequate library services;

"(2) follow the criteria, policies, and procedures for the approval of applications for the construction of public library facilities under the long-range program;

"(3) follow policies and procedures which will insure that every local or other public agency whose application for funds under the plan with respect to a project for construction of public library facilities is denied will be given an opportunity for a hearing before the State library administrative agency;

"(4) include an extension of the long-range program taking into consideration the results of evaluations.

"TITLE III—INTERLIBRARY COOPERATON

"GRANTS TO STATES FOR INTERLIBRARY COOPERATION PROGRAMS

"SEC. 301. The Commissioner shall carry out a program of making grants to States which have an approved basic State plan under section 6 and have submitted a long-range program and an annual program under section 303 for interlibrary cooperation programs.

"USES OF FEDERAL FUNDS

"SEC. 302. (a) Funds appropriated pursuant to paragraph (3) of section 4(a) shall be available for grants to States from allotments under paragraphs (1) and (3) of section 5(a) for the purpose of carrying out the Federal share of the cost of carrying out State plans submitted and approved under section 303. Such grants shall be used (1) for planning for, and taking other steps leading to the development of, cooperative library networks; and (2) for establishing, expanding, and operating local, regional, and interstate cooperative networks of libraries, which provide for the systematic and effective coordination of the resources of school, public, academic, and special libraries and information centers for improved supplementary services for the special clientele served by each type of library or center.

"(b) For the purposes of this title, the Federal share shall be 100 per centum of the cost of carrying out the State plan.

"STATE ANNUAL PROGRAM FOR INTERLIBRARY COOPERATION

"SEC. 303. Any State desiring to receive a grant from its allotment for the purposes of this title for any fiscal year shall, in addition to having submitted, and having had approved, a basic State plan under section 6, submit for that fiscal year an annual program for interlibrary cooperation. Such program shall be submitted at such time, in such form, and contain such information as the Commissioner may require by regulation and shall—

"(1) set forth a program for the year submitted under which funds paid to the State from appropriations pursuant to paragraph (3) of section 4(a) will be used, consistent with its long-range program for the purposes set forth in section 302,

"(2) include an extension of the long-range program taking into consideration the results of evaluations."

(c) (1) The amendment made by subsec-

tion (b) shall be effective after June 30, 1971.

(2) In the case of funds appropriated to carry out programs under the Library Services and Construction Act for the fiscal year ending June 30, 1971, each State is authorized, in accordance with regulations of the Commissioner of Education, to use a portion of its allotment for the development of such plans as may be required by such Act, as amended by subsection (b).

AMENDMENTS TO THE ADULT EDUCATION ACT

SEC. 3. (a) Effective on and after July 1, 1969, section 305(a) of the Adult Education Act is amended—

(1) by striking out in the first sentence "any fiscal year" and inserting in lieu thereof "the fiscal year ending June 30, 1972, and for any succeeding fiscal year"; and

(2) by inserting at the end thereof the following new sentence: "From the sums available for purposes of section 304(b) for the fiscal year ending June 30, 1970, and the succeeding fiscal year, the Commissioner shall make allotments in accordance with section 305(a) of the Adult Education Act of 1966 as in effect on June 30, 1969."

(b) Section 312(b) of the Adult Education Act is amended by inserting at the end thereof the following new sentence: "For the fiscal year ending June 30, 1970, and the succeeding fiscal year, nothing in this subsection shall be construed to prohibit the use of any amounts appropriated pursuant to this Act to pay such costs, subject to such limitations as the Commissioner may prescribe."

Mr. PELL. Mr. President, I recommend that the Senate concur in the House Amendment to S. 3318. I do this with a great deal of reluctance, because some of the provisions in the House amendment are unclear. However, the pressure of adjournment is such that I do not want to risk killing the bill by requiring a conference. Therefore, I have had consultations with the Chairman of the House Committee on Education and Labor with respect to some of the more confusing aspects of the House amendment.

The point with which I have the most concern is the required contents of the various State plans, and the manner in which they will be approved. Chairman PERKINS agreed that the intent of the House is that each State will submit to the Commissioner a single document each year which will contain a basic State plan, a long-range program plan, and an annual program plan for each of the library programs in which it desires to participate, and that if each of those plans conforms with the requirements of the law, the Commissioner will approve the basic State plan for that State. This intent is borne out by paragraph 1 of section 6(c), which provides that the Commissioner shall not approve any basic State plan for any fiscal year unless he has made specific findings as to the compliance of the plan with the requirements of the act, and unless he is satisfied that adequate procedures will be included to insure that the requirements of the act will be carried out.

It is understood that the basic State plan will include all the procedures, criteria, and policies necessary to guarantee that each of the plans are in conformity with the law.

Mr. President, I move that the Senate concur in the House amendment.

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

The motion was agreed to.

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 amendments of the Senate to the bill (H.R. 18515) making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1971, and for other purposes; that the House receded from its disagreement to the amendments of the Senate numbered 25 and 62 to the bill and concurred therein, and that the House receded from its disagreement to the amendments of the Senate numbered 1, 8, 59, and 66 to the bill, and concurred therein, severally with an amendment, in which it requested the concurrence of the Senate.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 6114) for the relief of Elmer M. Grade; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. CELLER, Mr. DONOHUE, and Mr. MCCULLOCH were appointed managers on the part of the House at the conference.

ORDER OF BUSINESS

Mr. GRAVEL. Mr. President, I ask unanimous consent to yield to the Senator from Michigan (Mr. GRIFFIN) without losing my right to the floor.

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

A PROPOSAL FOR UNILATERAL POW RELEASE

Mr. GRIFFIN. Mr. President, it was a month ago today that I conferred in Paris with North Vietnam's Delegate General to France, Mai Van Bo.

Among other proposals, I strongly urged that, before Christmas, his government should release the sick and wounded Americans who are held captive in North Vietnam. The Delegate General, with whom I talked for more than an hour, said he would pass my proposals on to the Hanoi Government.

It is more in sadness than surprise that I must now report, 10 days before Christmas, that there has been no response from the North Vietnamese concerning any of the proposals.

My efforts have been only part of a broad, determined crusade in this country, official and unofficial, to persuade the Communists to improve their treatment of prisoners in Southeast Asia, to provide a full accounting of missing men, and to bring about the release of all prisoners by both sides.

Mr. President, I believe the time has come for our side to take a giant step toward resolution of this distressing prisoner of war problem. I propose, on my own initiative and responsibility as a Senator, concerned like most Americans for the fate of prisoners in the Southeast Asia war, that: Our side release unilaterally at least 1,500 able-bodied North Vietnamese Army prisoners of war in addition to all who may be sick and wounded.

Of course, I do not advocate forced repatriation. We should ask an impartial international body, like the International Red Cross, to interview the North Vietnamese and determine which men wish to return.

It would seem to make sense that prisoners held the longest should be released first. And I suggest that the prisoners be released well before Tet, the Vietnamese New Year, which comes at the end of January.

Such a dramatic, humanitarian initiative would create, worldwide, an expectation of response in kind by the Communist side.

In recent weeks, events have focused increasing attention on this anguishing prisoner problem. As part of his October 7 peace initiative, President Nixon proposed the immediate and unconditional release by both sides of all prisoners of war.

On November 21, freedom-loving people were heartened by the daring, though unsuccessful, rescue mission directed at the Son Tay prisoner of war camp in North Vietnam.

Last week the United Nations General Assembly adopted, by a large majority, a resolution calling for compliance by all parties with the Geneva Convention on prisoners of war. In particular, the resolution focused upon article 109 of the convention which requires immediate repatriation of all seriously sick or wounded prisoners, and which also recommends repatriation or internment in a neutral country of other prisoners of war who have been held in captivity for a long period of time.

Last Thursday in Paris, the United States and South Vietnam offered Hanoi the opportunity to exchange some 8,200 North Vietnamese held in South Vietnam for a far fewer number of United States, South Vietnamese, and other free world personnel. That offer was rebuffed.

At the Paris peace talks, our representatives have continually pressed for the release by both sides of the seriously sick and wounded prisoners, as clearly required by the convention.

But North Vietnam has cruelly rejected this and other proposals, revealing an almost incredible indifference to the fate of its own soldiers.

Notwithstanding North Vietnam's intransigence, the Government of South Vietnam, to its great credit, has proceeded with the unilateral repatriation of sick and wounded North Vietnamese prisoners who have indicated a desire to return to the North.

The most recent unilateral release was in July 1970, when the South Vietnamese Government returned 62 such sick and wounded prisoners and, in the process, voluntarily gave up three boats because North Vietnam refused to permit the International Red Cross or any other for-

eign personnel to accompany the prisoners on their brief trip to shore.

Mr. President, the need to relieve the plight of prisoners of war becomes more urgent with each passing day. There were unofficial reports last month that a number of Americans have died in captivity in North Vietnam. Even without corroboration of such reports, it is painfully obvious, considering the conditions under which our men have been held for many years by the enemy, that some of them must be reaching the limits of human ability to survive.

Mr. President, despite the uncompromising attitude thus far exhibited by the other side, I believe we must not be deterred from continuing and increasing our efforts to make progress on this issue. We should build on the momentum that has been achieved so far.

It is in that spirit that I propose today the unilateral release of 1,500 North Vietnamese prisoners in addition to all who may be sick and wounded.

Such a unilateral release by our side would be hailed and recognized throughout the world as a bold, humanitarian move. To be sure, such a step would involve some risk and sacrifice for the South Vietnamese.

It may be true that this proposal carries the risk that some North Vietnamese released might again rejoin the Communist forces. However, it should be noted that South Vietnam and the United States have already indicated a willingness to accept such a risk. Previous proposals for the exchange of prisoners would provide the same opportunity for returned North Vietnamese to take up arms again.

After weighing the risks and difficulties, I believe this imaginative proposal is worth very careful consideration by our administration and the Saigon government.

Such a bold, decisive step on our part should create a climate of worldwide expectation and demand that all prisoners of war be released.

As the President has said:

> . . . war and imprisonment should be over for all these prisoners. They and their families have already suffered too much.

An announcement by our side of the release of these North Vietnamese soldiers would dramatize our conviction, expressed by the President, that prisoners in this war have suffered too much.

Surely such a move would intensify the moral pressure to resolve this urgent humanitarian issue without further delay and without waiting for resolution of other political and military issues.

Mr. President, I hope that after careful consideration the decision in Washington and Saigon will be to move ahead with this unilateral step.

Then, more clearly than ever before, the next move will be up to the other side.

The United States, for its part, will have acted in its finest tradition, with "decent respect to the opinions of mankind."

Mr. GRAVEL. Mr. President, I yield now to the Senator from Rhode Island (Mr. PELL), without losing my right to the floor.

Mr. PELL. Mr. President, I would like to congratulate the Senator from Michigan on his statement and the initiative he has shown on this whole question of prisoners of war together with the very real efforts he has made in this direction and the knowledge he has acquired.

I would hope that a suggestion of this sort, which is a unilateral action by this country, would help cut through some of the underbrush surrounding this whole problem. It is a very fine and commendable idea.

Mr. GRIFFIN. Mr. President, I want to thank the distinguished Senator from Rhode Island who, himself, has made great contributions, many of them unhailed and unnoticed, in this area. He has devoted a great deal of his time in an effort to make some progress on this matter. Also, in the United Nations, he has provided effective leadership, and I want to commend him for it.

Mr. PELL. I thank the distinguished Senator from Michigan for his kind comments.

Mr. GRAVEL. I yield to the Senator from West Virginia.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the yielding to me by the Senator from Alaska (Mr. GRAVEL) will not count as a second speech against him when he resumes his discussion later.

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

Mr. BYRD of West Virginia. I thank the Senator from Alaska for yielding to me.

Mr. President, I want to compliment the distinguished assistant minority leader (Mr. GRIFFIN) on the excellent proposal he has presented today. It deserves the full consideration of the administration.

Such an act would accomplish several goals. First, it would force the question of humane treatment for prisoners more into the open, and make it a matter of world conscience. Second, it would publicize the ready compliance of the Geneva Convention by the allies, thus placing additional burdens on Hanoi. Third, it would show the continued resolve of the United States in seeking a solution to the prisoner-of-war problem; and, finally, it would be a humanitarian action which might alleviate part of the abasement all prisoners of war are forced to receive and suffer.

Many American POW's, for instance, have been missing or languishing in captivity for more than 5 years. Tortured both physically and mentally, deprived of adequate medical care, and weakened by malnutrition, our fellow countrymen are forced to exist under conditions too horrifying for many of us even to comprehend.

Mr. President, the treatment of our POW's by the enemy is intolerable and must be resoundingly condemned. Hanoi's actions are in gross violation of the 1949 Geneva Convention relative to the treatment of prisoners of war which North Vietnam acceded to in 1957.

It is evident that the North Vietnamese Government relies heavily on world support to gain its political objectives in Southeast Asia. Communist governments traditionally desire a good facade on their sanguinary activities. Thus, the United States should take such actions as are needed to focus world attention on Hanoi's uncivilized inhumanity, and to counter any international political and economic support which might be remaining for the enemy.

To do this, I suggest that the United States commence to implement, unilaterally if necessary, the provisions of section I, part IV, of the 1949 Geneva Convention. This section imposes an absolute obligation on the detaining power to release prisoners of war who are seriously sick or wounded and who wish to return home as soon as they are fit to travel. Other sick and wounded prisoners, whose health would be benefited thereby, should be accommodated in neutral countries. The parties to the conflict are required, throughout the duration of the hostilities, to endeavor to make arrangements for such accommodation.

In addition, article 109 of the Geneva Convention provides that the parties may "conclude agreements with a view to the direct repatriation or internment in a neutral country of able-bodied prisoners of war who have undergone a long period of captivity."

I suggest that the United States begin at once to negotiate agreements with interested neutral countries such as Sweden, Pakistan, or Switzerland, so that all prisoners of the war in Southeast Asia may be interned in a neutral country.

Further, I suggest that these prison camps be run in accordance with the practice established by the 1949 Geneva Convention and administered by a neutral international organization such as the United Nations or the International Committee of the Red Cross. The camps should be open to the press and interested nations for inspection, and, at the earliest time, the United States and South Vietnam should begin to transfer their prisoners.

On December 9, the United Nations General Assembly—by adopting a resolution urging full compliance of the Geneva Convention and article 109—directly rebuked North Vietnam for its illegal and barbaric treatment of POW's. The United Nations position speaks of a moral justice that supercedes political neutrality, and is to be commended.

Mr. President, I hope that we will again emphasize the great concern the people of the United States have for the welfare of American prisoners of war.

I ask unanimous consent that section I of part IV of the 1949 Geneva Convention and the text of the resolution adopted in the United Nations on war prisoners be printed in the RECORD.

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

THE GENEVA CONVENTION RELATIVE TO THE TREATMENT OF PRISONERS OF WAR OF AUGUST 12, 1949

PART IV. TERMINATION OF CAPTIVITY

Section I. Direct Repatriation and Accommodation in Neutral Countries

Article 109

Subject to the provisions of the third paragraph of this Article, Parties to the conflict are bound to send back to their own country, regardless of number or rank, seriously wounded and seriously sick prisoners of war, after having cared for them until they are fit

to travel, in accordance with the first paragraph of the following Article.

Throughout the duration of hostilities, Parties to the conflict shall endeavour, with the cooperation of the neutral Powers concerned, to make arrangements for the accommodation in neutral countries of the sick and wounded prisoners of war referred to in the second paragraph of the following Article. They may, in addition, conclude agreements with a view to the direct repatriation or internment in a neutral country of able-bodied prisoners of war who have undergone a long period of captivity.

No sick or injured prisoner of war who is eligible for repatriation under first paragraph of this Article, may be repatriated against his will during hostilities.

Article 110

The following shall be repatriated direct:

(1) Incurably wounded and sick whose mental or physical fitness seems to have been gravely diminished.

(2) Wounded and sick who according to medical opinion, are not likely to recover within one year, whose condition requires treatment and whose mental or physical fitness seems to have been gravely diminished.

(3) Wounded and sick who have recovered, but whose mental or physical fitness seems to have been gravely and permanently diminished.

The following may be accommodated in a neutral country:

(1) Wounded and sick whose recovery may be expected within one year of the date of the wound or the beginning of the illness, if treatment in a neutral country might increase the prospects of a more certain and speedy recovery.

(2) Prisoners of war whose mental or physical health, according to medical opinion, is seriously threatened by continued captivity, but whose accommodation in a neutral country might remove such a threat.

The conditions which prisoners of war accommodated in a neutral country must fulfill in order to permit their repatriation shall be fixed, as shall likewise their status, by agreement between the Powers concerned. In general, prisoners of war who have been accommodated in a neutral country, and who belong to the following categories, should be repatriated:

(1) Those whose state of health has deteriorated so as to fulfill the conditions laid down for direct repatriation;

(2) Those whose mental or physical powers remain, even after treatment, considerably impaired.

If no special agreements are concluded between the Parties to the conflict concerned, to determine the cases of disablement or sickness entailing direct repatriation or accommodation in a neutral country, such cases shall be settled in accordance with the principles laid down in the Model Agreement concerning direct repatriation and accommodation in neutral countries of wounded and sick prisoners of war and in the Regulations concerning Mixed Medical Commissions annexed to the present Convention.

Article 111

The Detaining Power, the Power on which the prisoners of war depend, and a neutral Power agreed upon by these two Powers, shall endeavour to conclude agreements which will enable prisoners of war to be interned in the territory of the said neutral Power until the close of hostilities.

Article 112

Upon the outbreak of hostilities, Mixed Medical Commissions shall be appointed to examine sick and wounded prisoners of war, and to make all appropriate decisions regarding them. The appointment, duties and functioning of these Commissions shall be in conformity with the provisions of the Regulations annexed to the present Convention.

However, prisoners of war who, in the opinion of the medical authorities of the Detaining Power, are manifestly seriously injured or seriously sick, may be repatriated without having to be examined by a Mixed Medical Commission.

Article 113

Besides those who are designated by the medical authorities of the Detaining Power, wounded or sick prisoners of war belonging to the categories listed below shall be entitled to present themselves for examination by the Mixed Medical Commissions provided for in foregoing Article:

(1) Wounded and sick proposed by a physician or surgeon who is of the same nationality, or a national of a Party to the conflict allied with the Power on which the said prisoners depends, and who exercises his functions in the camp.

(2) Wounded and sick proposed by their prisoners' representative.

(3) Wounded and sick proposed by the Power on which they depend, or by an organization duly recognized by the said Power and giving assistance to the prisoners.

Prisoners of war who do not belong to one of the three foregoing categories may nevertheless present themselves for examination by Mixed Medical Commissions, but shall be examined only after those belonging to the said categories.

The physician or surgeon of the same nationality as the prisoners who present themselves for examination by the Mixed Medical Commission, likewise the prisoners' representative of the said prisoners, shall have permission to be present at the examination.

Article 114

Prisoners of war who meet with accidents shall, unless the injury is self-inflicted have the benefit of the provisions of this Convention as regards repatriation or accommodation in a neutral country.

Article 115

No prisoner of war on whom a disciplinary punishment has been imposed and who is eligible for repatriation or for accommodation in a neutral country, may be kept back on the plea that he has not undergone his punishment.

Prisoners of war detained in connection with a judicial prosecution or conviction and who are designated for repatriation or accommodation in a neutral country, may benefit by such measures before the end of the proceedings or the completion of the punishment, if the Detaining Power consents.

Parties to the conflict shall communicate to each other the names of those who will be detained until the end of the proceedings or the completion of the punishment.

Article 116

The cost of repatriating prisoners of war or of transporting them to a neutral country shall be borne, from the frontiers of the Detaining Power, by the Power on which the said prisoners depend.

Article 117

No repatriated person may be employed on active military service.

[From the New York Times, Dec. 2, 1970]

TEXT OF RESOLUTION ADOPTED IN U.N. ON WAR PRISONERS

UNITED NATIONS, N.Y., December 1.—Following is the text of the United States-sponsored resolution on prisoners of war adopted today by the Social Committee of the General Assembly:

Believing therefore that the treatment accorded to victims of war and armed aggression is a concern of the United Nations.

Noting Resolution adopted by the international conference of the Red Cross at Istanbul calling upon all parties to the 1949 Geneva Convention relative to the treatment of prisoners of war to insure that all persons entitled to prisoner-of-war status are treated humanely and given the fullest measure of protection prescribed by the conventions, and that all parties involved in an armed conflict, no matter how characterized, provide free access to prisoners of war and to all places of their detention by a protecting power or by the International Committee of the Red Cross.

Considering that direct repatriation of seriously wounded and seriously sick prisoners of war and repatriation or internment in a neutral country of prisoners of war who have undergone a long period of captivity constitute important aspects of human rights as advanced and preserved under the Geneva Convention and the United Nations Charter.

The General Assembly,

Recalling that the preamble of the United Nations Charter affirms faith in the dignity and worth of the human person,

Recalling that the United Nations has as one of its purposes achievement of international co-operation in solving international problems of humanitarian character and promotion of respect for human rights,

Reiterating the obligation of states members for the urgent termination of all armed aggression as envisaged in Articles 1 and 2 of the charter and in other relevant documents of the United Nations,

Noting the obligation of states members under the Charter of the United Nations to promote universal respect for, and observance of, human rights,

Recalling resolutions requesting the Secretary General, in consultation with the International Committee of the Red Cross, to continue to study, inter alia, (1) steps which could be taken to secure the better applications of existing humanitarian international conventions and rules in armed conflicts; and (2) the need for additional humanitarian international protection of civilians, prisoners and combatants in all armed conflicts,

1. Calls upon all parties to any armed conflict to comply with terms and provisions of the 1949 Geneva Convention relative to the treatment of prisoners of war so as to insure humane treatment of all persons entitled to the protection of the convention and, inter alia, to permit regular inspection in accordance with the convention of all places of detention of prisoners of war by a protecting power or humanitarian organization, such as the International Committee of the Red Cross;

2. Endorses the continuing efforts of the International Committee of the Red Cross to secure effective application of the convention;

3. Requests the Secretary General to exert all efforts to obtain humane treatment for prisoners of war especially for the victims of armed aggression and colonial suppression;

4. Urges compliance with Article 109 of the convention, which requires repatriation of seriously wounded and seriously sick prisoners of war and which provides for agreements with a view to direct repatriation or internment in a neutral country of able-bodied prisoners of war who have undergone a long period of captivity;

5. Urges that combatants in all armed conflicts not covered by Article 4 of the Geneva Convention of Aug. 12, 1949, relative to the treatment of prisoners of war, be accorded the same humane treatment defined by the principles of international law applied to prisoners of war;

6. Urges strict compliance with the provisions of the existing international instruments concerning human rights in armed

conflicts and urges those who have not yet done so to ratify or accede to the relevant instruments in order to facilitate in all aspects the protection of the victims of armed conflicts.

Mr. BYRD of West Virginia. Mr. President, I again compliment the able Senator from Michigan. I express my appreciation to the distinguished Senator from Alaska for yielding.

Mr. GRAVEL. Mr. President, I yield to the Senator from Michigan to respond to the Senator from West Virginia.

Mr. GRIFFIN. Mr. President, very briefly I want to thank the Senator from West Virginia for his remarks and for his contribution to this discussion. It is by no means the first indication of his interest in this subject. He has been an eloquent advocate of action and progress in this area for a long time.

Mr. President, of course, my statement was available to the administration a number of hours ago. The President has had copies of it. Earlier today, the Secretary of Defense at a press conference was asked this question:

Mr. Secretary, Senator Griffin has proposed release of a certain number of prisoners in South Vietnam, also the wounded and injured. Is this proposal under consideration and has any decision been made or can we expect one?

Defense Secretary Laird's response was:

I support the proposal of Senator Griffin. I believe that it has considerable merit. And certainly I will do what I can to encourage this proposal.

Mr. President, I ask unanimous consent that the complete text of the transcript of the news conference of Secretary Laird be printed in the RECORD.

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

NEWS CONFERENCE BY SECRETARY OF DEFENSE MELVIN R. LAIRD AT PENTAGON, DECEMBER 15, 1970

Secretary LAIRD. Ladies and gentlemen, when I left for the Defense Planning Committee meeting in Brussels and for the NATO Council meeting I indicated that I would come down and report to you on those meetings.

I have a few brief comments to make and I will give you a two-page statement which I used in briefing the staff meeting at the Pentagon, which I thought might be of interest to you.

I believe that the NATO meeting in Brussels this month was perhaps the most important of the NATO meetings in many years. I have had an opportunity to be involved with the Alliance as a Member of Congress and now, for the past two years, as Secretary of Defense.

I particularly want to express my appreciation to Minister den Toom and Minister Schmidt for the work that they did in establishing the new NATO Improvement Program; also, the work that was done by the Secretary General who came up and encouraged the NATO Allies to make a new movement towards greater sharing of the military and financial burdens of the Alliance during the next five-year program.

I think that the actions that were taken express a new spirit as far as NATO is concerned. This is recognized in the heightened interest of the European allies, in the realities which we face here in the United States. The realities of the 1970's which press upon us are the manpower reality, the fiscal reality, the strategic reality and political reality.

The decision which they made to go forward with this first step towards increased sharing of the burden as far as the Europeans are concerned, I think, was indeed most heartening. This is the first action in this direction to improve forces and to more adequately share the burden of the Alliance in the last 10 or 12 years.

I think that this movement in this direction is significant. It should be recognized as such and I know the Secretary of State shares with me, as well as the entire Administration, the importance of the movement which was initiated by the Europeans themselves. We have for a long time stressed in this Administration the importance of consultation and discussions. And I think that this type of consultation and discussion process which has been carried on during the last two years has been helpful to the Alliance and does make it possible for us to maintain not only the strategic nuclear deterrent, which is so important as far as the Alliance is concerned, the tactical nuclear deterrent, which is important, but places an increased stress on the importance during the 1970's of the conventional deterrent as far as the Alliance is concerned.

I also wanted to announce today that the Chairman of the Joint Chiefs of Staff and I will be going to Southeast Asia early in January. We will leave here on the 5th of January for meetings in Paris with our negotiators, Ambassadors Bruce and Habib, and Lieutenant General Ewell. From Paris, we will go to Thailand and then into South Vietnam.

The purpose of this visit is to assess the progress of the Vietnamization program; to assess the military situation in Southeast Asia; to assess the military assistance programs; and also to confer with General Abrams on what lies ahead as far as further troop reductions and an on-the-ground assessment of the military situation in Southeast Asia.

The third announcement that I would like to make is that Wednesday, tomorrow (NOTE: Changed to Thursday, Dec. 17) at 11 o'clock, Roger Kelley, Assistant Secretary of Defense for Manpower, will be here to brief you on a new memorandum which I have signed, which places into effect a new equal opportunities program for the Department of Defense.

This equal opportunity program has several new aspects to it, and if you can take the time to spend 35 to 45 minutes with Roger Kelley tomorrow here in this room, he will give a detailed briefing on the new equal opportunities program which will govern the civilian and military manpower problems as far as the Department of Defense and also contract personnel problems.

Fourth, during the past year, we have been going forward on our review of the method in which to dispose of our biological weapons. As you know, one of the first requests that I made of the National Security Council and the new Administration was to review completely our biological research programs and our chemical warfare programs. As a Member of the Congress, I had felt for a long time that such a review was needed and necessary, and such a review had not been made at the highest levels of our Government since the late 1950s.

A new program has been established, and we have been going forward with the initiatives that are necessary to place this new program into operation. We will be announcing the plans by which the destruction of biological agents and toxin weapons which have been produced prior to the time that I became Secretary of Defense. This destruction program will go forward and has now been coordinated in the various agencies of the Government, and we will have a briefing on the destruction program within the next week. I don't intend to get into the details of the program as it has been finalized as far as the destruction of the biological and toxin weapons, but that program will go forward and has been fully coordinated and it is ready to move now. As you know, we will only retain a minimum defensive research program in the biological area.

The fifth item, before we get into questions, that I would like to comment on is to express my gratification over the action which was taken by the House Appropriations Committee, the House Foreign Affairs Committee, the Senate Foreign Relations Committee and the Senate Appropriations Committee approving the military assistance and aid requests which were placed before this recess session of the Congress. We anticipate with the action which we hope will be taken in the Senate today that we will have had complete success on this request which the Secretary of State and I have presented to these Committees. And we are delighted at the overwhelming support which our testimony received and the enthusiastic response by the Congress; yesterday's unanimous vote of the appropriation measure was indeed a rather historic first as far as military assistance or aid programs. We do want to express our appreciation for the response which this request of the President received in the Senate and in the House of Representatives.

Gentlemen, I would be glad to answer any questions.

Question. Mr. Secretary, while you are on this trip around the world, will there be a sort of standstill on troop withdrawals pending your assessment?

Secretary LAIRD. We have gone forward with the fifth increment of the troop reduction. As I told you here in this room when the fifth increment was announced, that we would meet or beat the 344,000, we have done that. We have beaten the target as we have done on every announcement that we have made on reductions. Today we have withdrawn over 200,000 men from Vietnam and this has been because of the progress of our Vietnamization program.

The sixth increment will move forward. A planning conference will be held on the fourth of January in Hawaii and the plans for the reduction to 284,000 by May 1 will be formulated; the transportation, the support plans for that sixth increment will be finalized at the troop withdrawal conference on January 4.

We will be, of course, below the 340,000 prior to the time the planning conference takes place. Our troop ceiling today, as of December 31, is 344,000. But we will be below 340,000 at the time that that planning conference takes place. Their responsibility will be to finalize the plans to get down to the May 1 troop ceiling.

I can assure you that we will meet or beat the troop ceiling of May 1. We have never engaged in monthly figures. And I don't intend to set monthly troop ceilings, so that's the way we will leave that.

Question. Do you see anything developing militarily in Vietnam—either North Vietnam or related areas—that threatens this particular planning for the troop reductions by May 1?

Secretary LAIRD. There is nothing developing militarily that would cause us not to meet or beat the May 1 troop announcement.

Question. Mr. Secretary, could you give us an estimate of the military situation, the order of battle in South Vietnam and what the rate of infiltration have been over the last six months, currently?

Secretary LAIRD. The rates of infiltration for this year will be somewhat below the rates of infiltration for last year. The rate of infiltration in November this year was higher than the rate of infiltration for November of last year. The rate of infiltration this month is running slightly below December of a year ago. I do not get into specific figures in this area, but that is the general level as far as infiltration is concerned.

Major activities which are being carried on

by the North Vietnamese as far as military actions are confined to a large extent to Laos and Cambodia at the present time.

Question. Could you say something about Son Tay, with regard to the CIA? Mr. Helms has said one thing; you have said another thing.

Secretary LAIRD. I don't believe that your question is based on any fact. If you will ask me a question about my association with the CIA, I would be glad to answer it. But as far as your quoting Mr. Helms, I don't believe there is any quote that could be attributed to him.

Question. Without using a quote from him, could you give us a quick look at the timetable as to when you first consulted them, what their response was at that time and then again just before the raid, was there consultation, was there approval and so on just before the raid?

Secretary LAIRD. First, in regard to the last part of your question, the responsibility for the approval and recommendations to the President of the United States is my responsibility. I made the recommendation to the President of the United States and also recommended the planning timetable as far as the Son Tay search and rescue mission is concerned. I think it should be understood that in making this recommendation, I drew upon all elements of our intelligence community and on every other asset that was available to me as Secretary of Defense.

As far as the first discussions with the Central Intelligence Agency, I believe that they run back into some time in May. As far as the continuing recognition of their capabilities, their advice, their input, it was a continuing thing that ran right through until the day that the search and rescue mission was carried out.

I well remember sitting in my office with the Director of the Central Intelligence Agency as we waited for the helicopters to take off at Son Tay; as we waited for them to cross the border; as we waited for our first reports as to whether or not POW's had been rescued at Son Tay. I can well remember listening to the clock tick as we waited for those messages.

I do not pass the responsibility for the decision in improving the planning or in recommending to the President the execution to anyone. It is my responsibility under the National Security Act of 1958 to make such recommendations to the Commander-in-Chief. I can assure you that there was continuing consultation and the assets of all agencies of our Government were drawn upon all along the way as far as the search and rescue mission is concerned at Son Tay.

Question. Mr. Secretary, Senator Griffin has proposed release of a certain number of prisoners in South Vietnam, also the wounded and injured. Is this proposal under consideration and has any decision been made or can we expect one?

Secretary LAIRD. I support the proposal of Senator Griffin. I believe that it has considerable merit. And I certainly will do what I can to encourage his proposal.

Question. Mr. Secretary, to go back to NATO a minute, you were enthusiastic about what the Allies are proposing to do. How much of the $1.5 billion annual balance of payments loss that NATO is costing us will this make up in your estimate?

Secretary LAIRD. As far as the total cost of the United States forces and United States troops, as well as ground troops, air and naval forces, our cost will increase, not decrease, as far as NATO is concerned. This is true because of the increase in personnel costs that have come about because of pay increases and because of the increased costs as far as procurement of the supplies that are needed and necessary to maintain our forces in Europe.

This does not have the same related effect, however, on the balance of payments, but the balance of payments problem will remain about the same. These increases will be reflected not in the balance of payments, but they will be reflected as far as our budget is concerned because of increased costs.

We will maintain, however, our military capabilities in NATO and we expect to submit that kind of a budget to the Congress this January. I think the budget submission is the first week in February.

Question. Are you convinced that Vietnamization is going to work out leaving large numbers of American troops in Vietnam indefinitely?

Secretary LAIRD. Yes, I am.

Question. To get back to Son Tay, you said you were in consultation with the CIA throughout this thing. Did at any time the CIA advise you that there was a possibility that prisoners might not be there?

Secretary LAIRD. The situation was always such that we could not judge whether prisoners were in the cells with any degree of certainty. This was a matter that was always a risk. It was a risk associated with the entire mission, but in answer to the direct question which you pose, the answer would of course be "no."

Question. We have heard a lot of talk and there has been some speculation by the columnists regarding a return to the Cold War, particularly related to Europe and to the Middle East. I would like to know if the activities of the Soviet Union in the Middle East have hardened our own attitude toward the Soviet Union? And whether the Middle East activities of the Soviet Union have caused any concern among our NATO Allies regarding Soviet intentions?

Secretary LAIRD. The answer is they have caused some concern. There have been certain actions taken by the Soviet Union, not only as far as the Middle East is concerned, but as far as Berlin, as far as the Mediterranean, as far as the Caribbean, that I do believe are somewhat related to the negotiations which are currently going on in all of these areas.

Question. The President in his last news conference issued some warnings to the North Vietnamese about what the United States would do if they attacked our troops withdrawing from Vietnam. Can you give us some idea of the military steps that are being taken to back up those words?

Secretary LAIRD. It's always been evident, I think, that the understandings as we envisioned those understandings were violated by the North Vietnamese, certain actions would be taken by us.

I would like to just repeat, and if I could read this—I have made a number of statements on this subject which I think have pointed up my hopes for successful negotiations in Paris and for adherence with the understandings that were reached when the bombing was stopped. But since you asked, let me give you this added thought. It would be my view that "if the good faith which was attached to Hanoi's effort to get substantive talks, disintegrates or disappears, and if it is ascertained that they are not proceeding in good faith in their negotiations and that efforts are being made to violate the good faith understandings with movements of one kind or another, then that decision could be made."

And that decision that could be made refers to the question being asked, could bombing be resumed to the North?

This statement was made on October 31, 1968, under a practice that was carried on here in the Department of Defense under the previous Administration, which quotes Defense Department officials. These are the same Defense Department officials that are standing right here now, except I don't go for the backgrounders. I think you understand that I have not carried on that practice.

I will hand you a copy of this statement as you leave, so that you can see that since October 31, 1968, there has been no misunderstanding in this building and there should be no misunderstanding on the part of any reporter that listened to that backgrounder on October 31 of 1968. And I wish that you would read that statement carefully, gentlemen, in response to the question on bombing of the North.

Question. Has your office issued any kind of restrictions as to what personnel that look part in the Son Tay mission can talk to the press about the mission?

Secretary LAIRD. I think that any of you that were with me when we went to Fort Bragg had a very free afternoon in the discussion regarding the Son Tay search and rescue mission. If there was any inhibition on the part of any of the people that took part in the raid, I would like to know about it.

I do not believe that continued discussion, however—I am glad to answer your questions, but I am willing to go forward with this kind of an operation in the future, if time and circumstances and the opportunity presents itself. That's all I care to say about it. I do not believe any further discussions on how we prepare for such an operation in the future would serve a useful purpose.

Question. In discussing NATO, you've only used the military capabilities or force capabilities?

Secretary LAIRD. I have always felt that that's the important thing by which you judge a deterrent, the capabilities of the deterrent. I have in my statements to the Congress always followed that line. We are increasing our capabilities as far as NATO is concerned, from 1967 to 1968, even in 1966; we are moving the people in and out of the NATO force structure in a rather rapid fashion. As a Member of Congress, I was critical of the combat effectiveness of our forces in Europe and felt that their capabilities were not as they should be. I can report to you today that our military capabilities in Europe are improving.

Question. What I was going to ask, sir, was in connection with the latest burden-sharing arrangement, can we safely assume that by maintaining or increasing military capabilities, as you put it, this will require that the same number, substantially the same number of troops within, say two or three thousand, American troops will be kept in Europe?

Secretary LAIRD. I think it's important not to get tied to a given figure. We have a troop ceiling in Europe; the number of billets, spaces, are in the neighborhood of 315,000 to 320,000, in that general area, the military spaces as far as NATO forces.

We do not operate at the troop ceiling. Every billet or every space is not filled. From time to time, there are lower figures. The approximate figure averages out at very close to 300,000. I don't want to get into this business of actual count of spaces filled and authorized spaces, because you're always going to have a variance there. Some people that don't cover this building and aren't familiar with the difference between spaces assigned and troop ceilings and actual counts sometimes get the two confused. And I don't think we want to lead to that kind of a problem.

Question. On that point, what is the mission of the American troops in NATO? Is it to hold the line for a temporary period? Is it to win the war over there and are you irrevocably committed for several years on keeping the level around 300,000 in the face of the Mansfield proposals and others?

Secretary LAIRD. The situation is such that we are following a strategy of developing and maintaining a conventional deterrent, as far as NATO is concerned. It is important, I believe, that as we move to the direction of sufficient or parity in the tactical nuclear field and in the strategic nuclear field that

the importance of the conventional deterrent increases. We will maintain this conventional deterrent and improve it The only thing that could change our position is, of course, the unwillingness of our Allies to improve and maintain their forces or a movement towards an agreement on mutual and balanced force reductions.

Question. May I ask one more question about the bombing? As you know, the President said the other night that if the North Vietnamese develop a capacity and proceed to use that capacity to increase the level of fighting, then he would alter the bombing. Are they developing a capacity or have they made any attempt to use such a capacity to increase the level of fighting?

Secretary LAIRD. They have not increased the level of fighting, as far as Vietnam is concerned. There is some misunderstanding on the part of some people I know in the Congress from the questions that were asked the other day. I had a feeling that people think the war in Southeast Asia and in Vietnam has been escalated. Just the opposite is true. We've withdrawn 200,000 men from the area, American men. We have cut the number of sorties this year as compared with last year. If you take November of 1970 and compare it with November of 1969, our sortie rate is substantially reduced, very substantially reduced.

So, the level of effort and the military activity as far as Southeast Asia is concerned is at a lower level this year than it was last year. We are truly deescalating the war and disengaging as far as Americans are concerned.

Question. Regarding your appearances before the Foreign Relations Committee, you have been advised according to news reports to smile more and not to smile at all. Have you determined which is proper?

Secretary LAIRD. I saw that news report. I think that that news report referred to earlier testimony when I was testifying on the strategic weapon balance between the Soviet Union and the United States.

I will try to carry on the best I can and smile when I should and not smile when I shouldn't, but I have to make that judgment. I don't think anybody else can make it for me. (Laughter)

Question. If the Vietnamization program continues toward successful conclusion and in the absence of a political settlement in Paris, what kind of options do you see left for getting the release of the prisoners in North Vietnam?

Secretary LAIRD. This will have a very important effect upon our Vietnamization program, because we are going to maintain a United States presence until a satisfactory solution can be worked out for the prisoners of war.

I am hopeful that negotiations will be the route that we can follow and that we will be successful with negotiations because this is the way to have a complete and total withdrawal of American forces coupled with a satsifactory solution to the prisoner of war problem.

We will continue to make a maximum effort in this area. I spent this morning with Ambassador Habib before I came here to this press conference. I will be meeting with Ambassador Bruce, and Ambassador Habib and General Ewell in Paris on the fifth of January. This, I think, shows the importance that we in the Department of Defense attach to the negotiations.

Question. At the time of the bombing strikes in the North, we were told that no ordnance was used north of the 19th parallel. And as the Son Tay story developed, it turns out that this does not seem to be the case.

Secretary LAIRD. I don't know who told you that. I know that I was quoted as saying that on the diversionary flight there was no bombing mission involved. I stood here when General Manor said that the amount of ordnance was a minimum amount of ordnance in connection with the Son Tay raid.

So that the record can be very clear in this area, the Navy diversionary flight which was not a bombing mission, the mission of the Navy diversionary flight along the coast of North Vietnam was not a bombing mission. It was not a mission in connection with the dropping of ordnance. It was assigned the sole responsibility to drop flares as a diversionary effort. These pilots have the authority of self-defense when radars lock in on these diversionary flights of Naval aircraft in connection with the Son Tay search and rescue mission; these pilots when they were locked on by ground radar and when SAM missiles were being fired and in preparation for such firings did expend three SHRIKE missiles.

This was not a bombing mission, but these pilots have in the authority which I have approved, the right of self-defense and they did fire three SHRIKE missiles after being locked on by North Vietnamese SAM radar.

Just so there can be no misunderstanding, I told the Senate Armed Services Committee in the first briefing that there were 12 to 14 SHRIKE missiles fired. I have since corrected that record and the total number of SHRIKES fired, even by the planes that were actually in the operation and not part of the diversionary, 3 plus 8, a total of 11 SHRIKE missiles.

Question. You have quoted here the October 31, 1968, backgrounder here at the Pentagon in connection with the halt in the bombing in which it was stated, if I heard you correctly, that the question of good faith at Paris was the crucial factor and that the other side did not exhibit good faith.

Secretary LAIRD. If substantive talks did not result. I will give you a copy of it, just to refresh your memory. I am sure you were here.

Question. My question really is this: By quoting that are you suggesting that this is now the policy of this Administration, that if good faith does not appear in the Paris negotiations——

Secretary LAIRD. No, my point is that calling this to your attention, and I know that most of you in this room don't need to have it called to your attention, is that there has been no basic change in policy.

Question. If you say, Mr. Secretary, that there will be a U.S. military presence in South Vietnam until there is a satisfactory resolution of the prisoner issue and that must be by negotiation, are you saying that there will be no total withdrawal of American forces except by a negotiated settlement with North Vietnam?

Secretary LAIRD. No, I am not saying that at all. I am saying that until the prisoners are released, there will be no total and complete withdrawal of American presence in Vietnam; that the way to have total and complete withdrawal of Americans in Vietnam, the fastest, most rapid way is, of course, the negotiation route. In October, the President of the United States laid this before the negotiators in Paris as one of the five basic points for peace in Southeast Asia.

Question. Then the only absolute point that must be negotiated is prisoners.

Secretary LAIRD. There can be a release, and I would hope that the North Vietnamese would release their prisoners and I can assure you that we stand ready to encourage the South Vietnamese to release all of the North Vietnamese prisoners.

This was the proposal that was placed before the Paris negotiators just last week. It did not receive a favorable response. But I can assure you that we have not stopped in this area and we will continue to push forward.

Question. Back to NATO for a second, with the reduction of general purpose forces in the United States progressing, do you think that the present level of United States forces in Europe can be maintained beyond 1972–1973 or must there be a certain ratio between the number of divisions stationed on the United States mainland and abroad?

Secretary LAIRD. As far as stationing forces in mainland United States and pre-positioning equipment in Europe, this is not the best type of military investment, as far as the Department of Defense. As a matter of fact, it is more expensive for us to follow that procedure than the procedure that we will recommend in the 1972 budget.

Question. Mr. Secretary, do you feel that Hanoi got the better part of the bargain in the 1968 bombing halt understanding?

Secretary LAIRD. I have not gotten into a discussion of whether the decision in 1965 was the proper decision to put Americans on the ground in Vietnam. I have not looked backwards as to whether the understandings of 1968 were to the best interest of the United States or not. I do not believe it does us any good in this year, 1970, to look backwards to the decision of '68 or the decision of 1965.

I have tried to carry on the operations of this Department and have been a voice in the Administration which has tried to remove Americans from Vietnam and do what we can to live by the understanding as we understand it that was arrived at in 1968 as far as the bombing halt is concerned. We have made it evident to the other side the actions that we will take from time to time, if it is thought that those understandings have been violated.

Mr. GRAVEL. Mr. President, I would like to compliment my colleague for what he has done in this regard. I have read the proposal. I think it is a very good proposal.

I talked earlier today about the new thrust that the administration has given to the whole POW question. I think this is part of it. I do not want to denegrate it because I think it is sincere. I think it has merit. But I would like to draw a comparison. I think it is a very sobering comparison.

We can emote. We can feel sorry over our prisoners. We should feel more sorry over our maimed and our dead. And we should properly have some emotion. But I think that in wisdom we should realize that the enemy has prisoners of ours and that we have prisoners of theirs. We should realize that had a similar request been made in the Second World War, at a time when the Japanese were also brutalizing Americans, and had we requested the release of American prisoners, that request would not have been acceptable at that time. It is acceptable today because of the nature of the war we are fighting.

From the enemy's point of view, it is not acceptable at all. If one is fighting a fellow who is 10 feet tall and the fellow is beating the tar out of him, the only way he has to inflict some pain on him is to grab hold of the fellow's ankle and bite that ankle.

The fellow then says, "Please stop biting my ankle because it hurts."

The fellow whacks him across the face a couple of more times and then looks down at him and says, "Please stop biting my ankle." That is exactly what our plea to North Vietnam is.

We say, "It hurts to have our men as prisoners there. Will you please release them because it is the humane thing to do." And it is. They could then come back and say, "How humane are you when your napalm our children? How humane

were you at My Lai? How humane were you when you dropped bombs all over our country?"

We beat him in the face and head and pulverize his head. He then bites our ankle. We say, "Please don't do that. It hurts."

We take the focus of this Nation, and focus attention on the ankle and not on the fact that we are pulverizing their total subsistence as human beings.

I cry out and emote. This is very fine. We say that we will release 10,000 of the prisoners we hold if we get back our prisoners.

I support the Senator on the proposal. Maybe it will be of assistance. However, I do not think that it will be.

I think that North Vietnam is at war with us. They recognize that we may choose to have a gentleman's war and say, "At 5 o'clock of each day, we will exchange our prisoners for your prisoners."

We should remember that they have had in excess of 700,000 deaths; 700,000 Vietnamese have been killed. We have had 40,000 Americans killed. We want to swap man for man. God, we could swap 10 to 1 and we will still be ahead on that deal.

Again we come back to the proposition that they are biting our ankles. We say, "Look at our ankle. You are biting it. It hurts."

Mr. KENNEDY. Mr. President, will the Senator yield for a privileged matter?

Mr. GRAVEL. Mr. President, I yield briefly to the Senator from Massachusetts without losing my right to the floor.

DESIGNATION OF "NATIONAL EMPLOY THE OLDER WORKER WEEK"

Mr. KENNEDY. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on Senate Joint Resolution 74.

The PRESIDING OFFICER (Mr. ALLEN) laid before the Senate the amendments of the House of Representatives to the joint resolution (S.J. Res. 74) to provide for the designation of the first full calendar week in May of each year as "National Employ the Older Worker Week" which were, on page 2, line 5, strike out "each year" and insert "1971".

Strike out the preamble.

And amend the title so as to read: "Joint resolution to provide for the designation of the first full calendar week in May 1971, as 'National Employ the Older Worker Week'."

Mr. KENNEDY. Mr. President, I move that the Senate concur in the amendments of the House.

The motion was agreed to.

AUTHORIZATION FOR PRESIDENT TO PROCLAIM A "CLEAN WATERS FOR AMERICA WEEK"

Mr. KENNEDY. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on Senate Joint Resolution 172.

The PRESIDING OFFICER (Mr. ALLEN) laid before the Senate the amendments of the House of Representatives to the joint resolution (S.J. Res. 172) to authorize the President to issue annually a proclamation designating the first full calendar week in May of each year as "Clean Waters for America Week" which were, on page 1, line 7, strike out "annually".

On page 1, line 8, strike out "each year," and insert "1971".

And amend the title so as to read: "Joint resolution to authorize the President to issue a proclamation designating the first full calendar week in May of 1971 as 'Clean Waters for America Week'."

Mr. KENNEDY. Mr. President, I move that the Senate concur in the amendments of the House.

The motion was agreed to.

DESIGNATION OF THIRD SUNDAY IN JUNE OF EACH YEAR AS "FATHER'S DAY"

Mr. KENNEDY. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on Senate Joint Resolution 187.

The PRESIDING OFFICER (Mr. ALLEN) laid before the Senate the amendments of the House of Representatives to the joint resolution (S.J. Res. 187) to authorize the President to designate the third Sunday in June of each year as Father's Day, which were, on page 1, line 3, strike out "each year" and insert "1971".

And amend the title so as to read: "Joint resolution to authorize the President to designate the third Sunday in June, 1971, as 'Father's Day'."

Mr. KENNEDY. Mr. President, I move that the Senate concur in the amendments of the House.

The motion was agreed to.

DESIGNATION OF "NATIONAL MULTIPLE SCLEROSIS SOCIETY ANNUAL HOPE CHEST APPEAL WEEKS"

Mr. KENNEDY. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on Senate Joint Resolution 226.

The PRESIDING OFFICER (Mr. MONTOYA) laid before the Senate the amendment of the House of Representatives to the joint resolution (S.J. Res. 226) to authorize the President to proclaim the period from May 9, 1971, Mother's Day, through June 20, 1971, Father's Day, as the "National Multiple Sclerosis Society Annual Hope Chest Appeal Weeks", which was to strike out the preamble.

Mr. KENNEDY. Mr. President, I move that the Senate concur in the amendment to the preamble.

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

The motion was agreed to.

ESTABLISHMENT OF A JOINT COMMITTEE ON THE ENVIRONMENT

Mr. KENNEDY. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on House Joint Resolution 1117.

The PRESIDING OFFICER. laid before the Senate a message from the House of Representatives announcing its disagreement to the amendment of the Senate to the joint resolution (H.J. Res. 1117) to establish a Joint Committee on the Environment, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. KENNEDY. I move that the Senate insist upon its amendment and agree to the request of the House for a conference on the disagreeing votes of the two Houses thereon, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. MAGNUSON, Mr. MUSKIE, Mr. RANDOLPH, Mr. HART, Mr. JACKSON, Mr. BIBLE, Mr. BOGGS, and Mr. ALLOTT conferees on the part of the Senate.

ORDER OF BUSINESS

Mr. GRAVEL. Mr. President, I yield to the Senator from New York without losing my right to the floor.

The PRESIDING OFFICER. The Senator from New York is recognized.

THE OCCUPATIONAL HEALTH AND SAFETY ACT OF 1970

Mr. JAVITS. Mr. President, last night the conference committee on the Occupational Health and Safety Act of 1970 completed its work at a very late hour. It was a very difficult conference. This bill represents one of the most significant pieces of labor legislation to be considered by Congress in many years.

The result of the conference committee's diligent work—and I am the ranking member of that committee and the subcommittee in handling the matter—during the past week is a most equitable bill, designed to assure as far as possible health and safety in the workplace, yet at the same time to guarantee fair treatment for both the employees and the employers of this country.

I am pleased to announce that I have received a letter from Secretary of Labor Hodgson expressing the administration's full agreement with the conference report, and I am hopeful that this expression of support will do much to insure enactment of the bill into law this year. I ask unanimous consent that Secretary Hodgson's letter be printed in the RECORD.

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

U.S. DEPARTMENT OF LABOR,
Washington, December 15, 1970.

Hon. JACOB K. JAVITS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR JAVITS: I wish to convey to you and the members of Congress the Administration's support for the Occupational Health and Safety legislation reported by the Conference Committee last evening.

In my judgment this bill reflects the major positions taken by this Administration during the entire legislative process and represents a significant achievement in the

field of health and safety for America's working men and women.

Specifically I am enthusiastic about the significant steps taken by the Congress to provide for fair procedures by means of the establishment of the Occupational Safety and Health Review Commission as an independent adjudicatory body and by the bill's exclusive court procedure for the restraining of conditions constituting an imminent danger to health and safety. In addition, I intend to utilize the expertise made available under the legislation through the use of advisory boards in the establishment of health and safety standards. The important addition of a new Assistant Secretary for Health and Safety in this Department is a contribution which this Administration intends to exploit to its fullest by the appointment of an outstanding executive to fill that post.

The efforts of both Houses of Congress and the constructive compromise struck by their conferees have resulted in meaningful legislation which I am proud to support.

Sincerely,

J. D. HODGSON,
Secretary of Labor.

Mr. JAVITS. Mr. President, this is a matter of considerable importance to both bodies which will be considering the conference report.

SPECIAL FOREIGN ASSISTANCE ACT OF 1971

The Senate resumed the consideration of the bill (H.R. 19911) to amend the Foreign Assistance Act of 1961.

Mr. GRAVEL. Mr. President, I readdress myself to one fundamental point and that is the argument that the reason we have to get involved in Cambodia is so that we can protect the Vietnamization policy; and we are led to believe the Vietnamization policy is a policy to totally extricate ourselves from South Vietnam.

I maintain that is not what the Vietnamization policy is. I maintain that the Vietnamization policy is a policy to develop a mix, a level of American troops in Vietnam with a sufficient strength to act in concert with the Government of South Vietnam, and that that concerted effort will be sufficient to thwart any advancement of communism into South Vietnam from North Vietnam. That is the Vietnamization policy as I define it and as it accurately is, because on numerous occasions when I pose the question to colleagues on the opposite side of the question as to the possibility of what will happen when the Lon Nol government falls, they do not address themselves to that question. But it is a possibility. When they are asked what would happen in another Tet offensive that would disrupt our troops, similarly the opposition will not think of that eventuality, and yet it is a real and imminent eventuality and it is something that our policymakers should be thinking about.

So no one, other than by circuitous rhetoric, has disputed my definition of Vietnamization that has been undertaken by this administration. That is a fundamental question because if the people of this country realize that Vietnamization is not the extrication of American troops, but merely repositioning of troops at a different level, their views would be different and more volatile than they have been in the last few months in respect of Vietnam.

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

Mr. GRAVEL. I yield to the Senator from Arkansas.

The PRESIDING OFFICER. Does the Senator from Alaska yield or does he yield the floor?

Mr. GRAVEL. I yield the floor.

Mr. FULBRIGHT. Mr. President, I have just been handed the minority views of the House Committee on Foreign Affairs. I had not seen them before. They are extremely interesting. Some of them are so similar to views that I and other Members have expressed today that I am gratified and surprised at how similar they are. Mr. President, this is so important I think before I read these views we should have a quorum.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. FULBRIGHT. Mr. President, I ask unanimous consent that the minority views contained in the report of H.R. 19911, dated December 7, 1970, beginning at page 17, be printed as part of my remarks.

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

MINORITY VIEWS OF HON. DONALD M. FRASER, HON. JONATHAN B. BINGHAM, HON. BENJAMIN S. ROSENTHAL, HON. JOHN C. CULVER, AND HON. EDWARD R. ROYBAL

INADEQUATE CONSIDERATION

Because of its important, long-range significance and implications, H.R. 19911 is a major bill. The timing and handling of this legislation, however, has made a proper examination of this authorization of funds impossible. In addition, the facts which have been advanced are inadequate to support the executive branch request at this time. Until mid-October the executive branch did not know—as we did not—that there definitely would be a postelection session. Yet, by mid-November it was arguing the absolute necessity of congressional approval in the waning days of 1970 for a supplemental foreign aid authorization amounting to more than one-half of a billion dollars.

As a result of pressures for speed, the House Foreign Affairs Committee was limited to five hearing sessions, four of them with executive witnesses from the Departments of State and Defense. Just one session was set aside for private witnesses and only three of them had the opportunity to testify. A request by some members of the committee to invite other outside expert witnesses to testify on the bill was turned down, even though additional testimony might have taken only a day or two longer.

Why this sudden urgency? Although the question was asked many times of administration witnesses, it was never answered satisfactorily. As the chairman of the committee himself remarked during the hearings—a good case was not made for the emergency nature of this legislative package.

Much of the discussion about the need for haste centered around the executive branch contention that unless congressional action is taken now money for ammunition to be used by Cambodian troops will run out in mid-January. Yet a Presidential determination of October 23, 1970, made available $40 million to insure adequate weapons and ammunition stocks during the dry season in Cambodia. Since the dry season there extends from about December to next May, it is difficult to accept the proposition that the Cambodians will be running short of bullets early next year.

Moreover, Secretary of Defense Laird admitted to the committee that even if the Congress fails to act during the postelection session, or even for some months in the new Congress, supplies to Cambodia will continue to flow. Authority for continued shipments could come through Presidential determinations provided under sections 610 and 614 of the Foreign Assistance Act, as has been done in the past; or under section 506 of that same legislation. Section 506—which thus far has not been invoked for Cambodia—provides that, following a Presidential determination, defense articles for foreign military aid may be ordered from existing Department of Defense stocks, up to a ceiling of $300 million, subject to subsequent reimbursement. It is clear, therefore, that U.S. supported combat efforts in Cambodia and Vietnam would not be harmed by a failure to act on this bill.

The fundamental question is how long is the Congress going to be asked to give approval to executive actions which commit U.S. forces and resources, particularly in Southeast Asia, on an ex post facto and urgent basis with little or no time to analyze the political and military implications which might follow from that action.

We believe this bill contains the seeds of commitments paralleling closely the commitments made to South Vietnam during the latter part of the 1950's and the early 1960's. Those Vietnam commitments have been redeemed, and are continuing to be redeemed, at a terrible cost of American lives and resources. With the lessons of recent history written so clearly, no conscientious representative of the American people can approve a similar new involvement without full and careful consideration, in the light of the Nation's real interests.

WATERSHED LEGISLATION ON CAMBODIAN INVOLVEMENT

The primary importance of this legislation is in the funds it would authorize for military and supporting assistance to Cambodia. Up to this time, Congress has been substantially ignored in policy matters regarding that war-torn nation. The Cambodian invasion of last May was strictly an executive action; approval of Congress was not sought nor were members consulted about the move. Furthermore, military aid provided to date to Cambodia—totaling $98.9 million—has been given through unilateral Presidential determinations. Up to now, the extent of U.S. involvement in Cambodia has been solely the responsibility of the executive branch.

Psychologically and practically, if the Congress approves this legislation in the form and amounts requested by the executive branch, it will be endorsing the substance and direction of current U.S. policy in Cambodia. It will thereby come to share in the responsibility for the results of past actions in which the Congress had no say. Such will be the interpretation not only of domestic and foreign observers, but also of the executive branch when it suits its purposes to make an interpretation.

Many legitimate questions may be asked about the Cambodian involvement. For the most part, the testimony of the Secretaries of State and Defense and their subordinates failed to answer those questions, or to address themselves to the basic issues involved. Some vital questions are:

(1) What is the nature of the U.S. commitment to Cambodia?

Is the United States now involved in an effort to keep the Lon Nol government in power? The authorization for Cambodia has been defended almost solely in terms of Vietnamization. And yet, no witness was willing to say that U.S. military aid to Cambodia would cease once vietnamization is completed.

(2) How much is our involvement there going to cost in the future?

One witness for the executive branch termed the $185 million in military aid and $70 million in supporting assistance for Cambodia in this bill a first installment in our program there and revealed that the administration expects to ask for even more money for Cambodia in fiscal year 1972.

(3) Will the United States ultimately be forced to send in advisers to assist the Cambodians and perhaps ultimately to send combat troops?

It is clear that the quantity of aid to Cambodia authorized by this bill will require a substantial increase in the number of American military personnel in Cambodia. Ostensibly these men would be involved only in logistics supply activities related to the delivery and use of American military equipment to be bought with funds authorized by this bill. It is but a short step, however, from such tasks to combat field advisory work. And, as the Vietnam experience shows us, the next step can be direct combat involvement of American fighting men. No witness, it should be pointed out, would predict that such a chain of events would not be repeated for Cambodia.

(4) What is happening inside Cambodia?

Executive branch witnesses were lavish in their praise for accomplishments of the Cambodians in fighting for their homeland against North Vietnamese invasion. Cambodian enthusiasm, determination, desires "to do the job themselves" have been cited frequently. Such assurances echo hollowly against the background of daily headlines which tell of North Vietnamese victories inside Cambodia. We have heard such overly sanguine reports before:

"During the last 6 months there has been steady and notable progress in military, political, social, and economic fields. Vietcong losses in personnel, weapons, and logistics support have increased sharply. Government forces are making forays into Vietcong strongholds which were never penetrated during the whole course of the Indochina war. Defections from the Vietcong have increased. Popular support is being gained by the Government. The rural population is rejecting communism. The people are fighting to protect themselves against the Communist guerrillas."

That statement was made by Adm. H. D. Felt, then commander in chief in the Pacific, on May 14, 1963, in testimony before the House Foreign Affairs Committee in support of a greatly expanded military aid bill for Vietnam. In those days, it may be recalled, we had no combat troops in Southeast Asia, no prisoners of war there, no tens of thousands of men killed or wounded in combat, no billions of dollars expended. The assurances which have been given us on Cambodia sound ominously like the kinds of things Congress was being told about Vietnam in the early 1960's.

(5) What are other nations in the region doing to assist Cambodia?

The Nixon doctrine, quite rightly, makes a point of defense cooperation in a regional or some other multilateral framework. Yet in Cambodia we are doing the job virtually by ourselves. Witnesses cited small amounts of aid being given by third countries but this assistance to Cambodia clearly does not entail any real sacrifice for the donor countries. Moreover, it may legitimately be questioned whether the United States has both engineered the aid and is indirectly paying for it—as recent hearings have revealed to be the case in Vietnam.

OTHER TROUBLE SPOTS IN H.R. 19911

Although our primary concern is with the Cambodian authorization, there are several other provisions of the bill which trouble us. They concern the authorizations for Indonesia and Korea:

(1) Indonesia

No satisfactory explanation has been offered for the drastic and emergency increase in the MAP program for Indonesia, nor for the decision to provide the Indonesians with arms in addition to purely civic action-type equipment. We believe this action signals a move away from the successful low-profile policy in that country and raises the real possibility of the United States becoming a sole source supplier of weapons to the military-run Government of Indonesia. Playing that supplier role in Indonesia from 1960–65, the Soviet Union pumped in more than $1 billion worth of military equipment. Today much of it lies rusting and unusable while Indonesian-Soviet relations are strained. In that story lies a lesson for the United States.

During the hearings the question was raised of why the United States is not providing military aid to Indonesia in a multilateral framework, as we are our economic aid to that country. Although such an idea would seem to be of the essence of the Nixon doctrine, the Secretary of State made it clear by his answer that a military aid consortium for Indonesia had never been seriously considered.

(2) Korea

While we are generally in support of the modernization of Korean Armed Forces which will allow the United States to withdraw substantial numbers of American troops, we do not believe the executive branch has explained its plans and intentions thoroughly enough to ask congressional approval at this time. This legislation contains $150 million in new grant aid to upgrade Korean forces, and permits the transfer to the Republic of Korea of defense articles of the U.S. Armed Forces deployed in that country. The value of this equipment has been set at from $117 to $122 million by the Secretary of Defense.

These funds are a first installment in a 5-year commitment by the United States to Korea, but the committee was not briefed on the amounts which will be requested in subsequent years, the force levels we project for the Koreans, the effect of modernization on the strategic and political situation on the Korean peninsula, and the relationship between Korean modernization and the drawdown of American forces.

CONCLUSION

As a result of the circumstances which have been described, we have concluded that H.R. 19911, the foreign aid supplemental bill, should not be approved in the undue haste enforced by the artificial deadline of congressional adjournment. The stakes are too high, the possible future costs too enormous, the responsibilities of Congress clearly too grave, to permit a decision made precipitously and without full information.

Mr. BYRD of West Virginia addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas has the floor.

Mr. FULBRIGHT. Mr. President, I yield to the Senator from West Virginia.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

ORDER FOR THE RECOGNITION OF SENATOR YOUNG OF OHIO ON THURSDAY NEXT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that on Thursday next, immediately following the remarks by the able Senator from Arkansas (Mr. MCCLELLAN) the Senator from Ohio (Mr. YOUNG) be recognized for not to exceed 15 minutes.

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

ADEQUATE NUTRITION FOR OLDER AMERICANS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to have printed in the RECORD a statement by the distinguished Senator from New Jersey (Mr. WILLIAMS) entitled "Congregate Meal Service Needed Now For Elderly."

There being no objection, the statement by Senator WILLIAMS of New Jersey was ordered to be printed in the RECORD, as follows:

CONGREGATE MEAL SERVICE NEEDED NOW FOR ELDERLY

Mr. WILLIAMS of New Jersey. Mr. President, adequate nutrition is a major concern for many of our Nation's 20 million older Americans.

Limited income and lack of information about nutrition only represent a portion of their problems.

Failing health, for example, may make it difficult or impossible for aged persons to select or prepare their own food.

Inadequate public transportation or inaccessible markets may seriously impair their ability to shop for food.

Equally important are underlying social and psychological factors. For instance an elderly widow—even though she may have devoted a substantial amount of her life to preparing nutritious meals for her family—may lack the incentive to cook for herself when she lives alone.

Clearly an effective meal delivery system is essential to meet the nutrition problems of the aged.

In recognition of this critical need, the 1970 Housing Act—passed by the Senate in September—extended public housing coverage to include central dining facilities for the elderly who cannot cook for themselves.

This measure, however, was not included in the recently passed House bill.

Today many older persons must leave their homes and move into nursing homes—not because they are ill but simply because they are unable to get around well enough to shop for food or cook for themselves.

Many potential applicants for public housing fail to qualify for this very reason.

My provision in the Senate bill, S. 4368, would make it much easier for these individuals to live in rental quarters, rather than a nursing home.

For these persons, this would provide a new alternative to unnecessarily institutionalization.

In addition, elderly persons would have an added opportunity to meet and talk with other tenants at public housing projects. This in itself could be of important therapeutic value for isolated individuals living alone.

It is estimated that about 70 percent of all older persons in public housing projects are single persons, mostly widows.

But his chance to meet people while eating balanced meals may be an effective way to combat loneliness for many neglected aged persons.

House and Senate conferees are to meet this week to work out the differences in both housing bills.

The need for the Senate measure was recognized in the report of the President's Task Force on Aging—"Toward a Brighter Future for the Elderly."

"The period of independence of older persons may be extended and the quality of their lives enhanced through provision of limited supportive services in apartments and villages designed especially for their use. Such services may include: congregate dining facilities . . ."

With this innovative approach in the Senate bill, more urgently needed housing for the elderly can be built—not merely to store them—but to restore them to a more active life in their community.

For these reasons, I urge the Conferees to include the Senate congregate housing proposal in the final 1970 housing bill.

PROTOCOL RELATING TO CONVENTION BETWEEN THE UNITED STATES OF AMERICA AND THE FRENCH REPUBLIC WITH RESPECT TO TAXES ON INCOME AND PROPERTY—REMOVAL OF INJUNCTION OF SECRECY

Mr. BYRD of West Virginia. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from Executive O, 91st Congress, second session, the protocol to the 1967 Double Taxation Convention with France, signed at Washington on October 12, 1970, transmitted to the Senate today by the President of the United States, and that the protocol, together with the President's message, be referred to the Committee on Foreign Relations and ordered to be printed, and that the President's message be printed in the RECORD.

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

The message from the President is as follows:

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the protocol, signed at Washington on October 12, 1970, to the convention between the United States of America and the French Republic with respect to taxes on income and property of July 28, 1967.

For the information of the Senate, I transmit also the report of the Secretary of State with respect to the protocol and a copy of the note from the Secretary of State to the French Ambassador signed on the same date as the protocol.

The protocol amends Article 9 of the 1967 convention by adding a paragraph (6) thereto and by amending paragraphs (3) and (5) to take into account the added paragraph. These amendments are dealt with in a single substantive article in the protocol.

In 1965 there was inaugurated under French law a credit (called the "avoir fiscal"), available to residents of France, whereby portfolio investors in French corporations were allowed a credit equal to one half the French corporate income tax paid with respect to profits out of which dividends are distributed. An effort was made, in negotiating the 1967 convention, to have a similar credit allowed to nonresident United States investors, but the French authorities were not prepared at that time to extend the credit to nonresidents of any other country. Negotiations with respect to this matter have been undertaken by France with certain other countries. The amendments to the 1967 convention, as set forth in the protocol transmitted herewith, would require France to extend to United States portfolio investors in French corporations a credit of the kind mentioned.

The investors who will be entitled to the "avoir fiscal" under the terms of the protocol amendments are (a) United States resident individuals, (b) United States corporations owning less than 10 percent of the shares of the paying French corporation, and (c) United States regulated investment companies of which 80 percent or more of the shares are owned by United States residents and citizens. Related corporations (where the recipient owns 10 percent or more of the shares of the paying corporation) will not be entitled to the credit with respect to dividends between them.

An eligible shareholder who receives a dividend from a French corporation is considered, for purposes of applying the above-mentioned credit, to have paid half the profits tax charged to the corporation. The French corporate tax is nominally 50 percent, but in applying the "avoir fiscal" the corporation is deemed to have paid a tax of 25 percent and to have withheld the other 25 percent on behalf of the government from the dividends distributed to the shareholder. The latter portion is included by the shareholder in his income and the amount thereof is then claimed by the shareholder against his personal tax liability, receiving a refund in appropriate cases.

It is provided that the protocol will enter into force one month after the date of exchange of instruments of ratification, that its provisions shall for the first time have effect for dividends declared on or after January 1, 1970, and that the protocol shall remain in force as long as the 1967 convention remains in force.

Diplomatic notes exchanged on the occasion of the signing of the protocol confirm the understanding of the two Governments that the credit to which the protocol relates will not apply to dividends between related corporations, where the recipient owns 10 percent or more of the shares of the paying French corporation. The note from the Secretary of State to the French Ambassador, a copy of which is enclosed for the information of the Senate, contains the text in English translation of the French Ambassador's note.

The protocol has the approval of the Department of State and the Department of the Treasury.

I recommend that the Senate give early and favorable consideration to the protocol.

RICHARD NIXON.

THE WHITE HOUSE, *December 15, 1970.*

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate——

Mr. DOLE. Mr. President——

Mr. BYRD of West Virginia. For what purpose does the Senator wish me to yield?

Mr. DOLE. To move to table the amendment of the Senator from Alaska.

Mr. BYRD of West Virginia. I could not yield for that purpose. I do not think I would be authorized to yield for that purpose.

Mr. FULBRIGHT. Mr. President, I had the floor. I yielded to the Senator from West Virginia with the understanding that he would move to recess the Senate. If that is the purpose of the Senator from Kansas, I shall hold the floor.

I suggest the absence of a quorum——

Mr. BYRD of West Virginia. Mr. President, will the Senator withold that request?

Mr. FULBRIGHT. I withhold it.

Mr. BYRD of West Virginia. It was my understanding that the Senator would want to make this a live quorum. It was for that reason that I was going to move that the Senate recess until tomorrow. The Senator very willingly withheld his suggestion of the absence of a quorum. It is my understanding that unless the Senate recesses for the day, the Senator will insist on a live quorum call, which he can do, of course.

Mr. FULBRIGHT. That is correct.

Mr. BYRD of West Virginia. Many Senators have gone home. I would hope the Senator would not force us to do that.

Mr. DOLE. Mr. President, will the Senator yield, not for the purpose of a motion to table, but for the purpose of my discussing briefly—which would take about 2 minutes—certain language in the supplemental appropriation bill relating to restrictions, without losing his right to the floor?

Mr. FULBRIGHT. Mr. President, I ask unanimous consent that I may yield to the Senator from Kansas for the purpose of discussion, but specifically not for the purpose of making any motion. For how long would the Senator wish to speak? Five minutes?

Mr. DOLE. Two or 3 minutes.

Mr. FULBRIGHT. I yield the Senator 2 minutes without losing my right to the floor.

The PRESIDING OFFICER. The Senator from Kansas.

SPECIAL FOREIGN ASSISTANCE ACT OF 1971

The Senate continued with the consideration of the bill (H.R. 19911) to amend the Foreign Assistance Act of 1961.

Mr. DOLE. Mr. President, language of the Foreign Relations Committee's amendment to H.R. 19911, the supplemental foreign aid authorization bill, contains a reference in section 6 to the use of funds for providing aid to the Government of Cambodia. This language differs in some significant respects from the language adopted by the Senate in the Foreign Military Sales Act. That language, better known as the Cooper-Church amendment, occupied the Senate's attention for nearly 7 weeks earlier

this session. At the time the Senate considered Cooper-Church, considerable emphasis was given to the relationship between the legislative and executive branches vis-a-vis the power to make war and exercise command over our Armed Forces.

By the end of the Cooper-Church debate, it appeared to this observer that a consensus was arrived at to the effect that the Congress could not by legislation limit, diminish, or otherwise infringe upon the President's constitutional powers as Commander in Chief and as Chief Executive of our foreign policy.

Since the language of the committee amendment to the supplemental foreign aid bill, at least inferentially, raises some of the same issues considered during the Cooper-Church debate, I would like to have printed in the RECORD several articles and statements concerning these points. I do this for the sake of clarifying the RECORD because I do not believe there is any intention to depart in this bill from the understandings and spirit of the Cooper-Church amendment.

I ask unanimous consent that section 7 of the Foreign Military Sales Act of 1970 (H.R. 15628); an article by Prof. Henry P. Monaghan entitled "Presidential War Making"; an editorial from the May 17, 1970, Washington Star, and an excerpt from a colloquy between myself and the Senator from Louisiana (Mr. ELLENDER) on the Senate floor December 8, 1970, be printed in the RECORD at this point.

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

SECTION 7 OF H.R. 15628

SEC. 7. The Foreign Military Sales Act is further amended by adding at the end thereof the following new section:

"SEC. 47. LIMITATIONS ON UNITED STATES INVOLVEMENT IN CAMBODIA.—In concert with the declared objectives of the President of the United States to avoid the involvement of the United States in Cambodia after July 1, 1970, and to expedite the withdrawal of American forces from Cambodia, it is hereby provided that unless specifically authorized by law hereafter enacted, no funds authorized or appropriated pursuant to this Act or any other law may be expended after July 1, 1970, for the purposes of—

"(1) retaining United States forces in Cambodia;

"(2) paying the compensation or allowances of, or otherwise supporting, directly or indirectly, any United States personnel in Cambodia who furnish military instruction to Cambodian forces or engage in any combat activity in support of Cambodian forces;

"(3) entering into or carrying out any contract or agreement to provide military instruction in Cambodia, or to provide persons to engage in any combat activity in support of Cambodian forces; or

"(4) conducting any combat activity in the air above Cambodia in direct support of Cambodian forces." Nothing contained in this section shall be deemed to impugn the constitutional power of the President as Commander-in-Chief, including the exercise of that constitutional power which may be necessary to protect the lives of United States Armed Forces wherever deployed. Nothing contained in this section shall be deemed to impugn the constitutional powers of the Congress including the power to declare war and to make rules for the Government and regulation of the Armed Forces of the United States.

[From the Boston University Law Review, Spring 1970]

PRESIDENTIAL WAR-MAKING

(By Henry P. Monaghan*)

The Vietnam "war" has convinced many persons that the president of the United States claims apparently unlimited power to commit this country to war. Not surprisingly, therefore, considerable interest has focused on the powers that inhere in the presidency. And many critics of the war—those who in other times and in other contexts might have been sympathetic to a spacious conception of presidential power—have concluded that the Vietnam conflict is not only a tragic error, but is the direct result of unconstitutional conduct by the president. I cannot accept this view; at bottom, it seems to me yet another example of the American propensity to substitute "for the question of the beneficial use of the powers of government . . . the question of their *existence*." [1] In view of what has already been written,[2] I shall confine myself to the considerations that impress me as controlling. Since my concern is with the constitutional relationship between the president and congress, I shall give no consideration to the consistency of the president's action with American treaty obligations or with international law generally.[3]

I

If one examines the text of the constitution, he is at once struck by the differences between the powers conferred upon congress by article I and those given to the president by article II. The great powers that one identifies with the national government are conferred upon congress: the powers to tax and to spend, to regulate commerce, to raise armies and navies, and to declare war.[4] By contrast, the textual powers conferred upon the president are both few and of uncertain dimension. Some are plainly of a trivial character.[5] The few more open-ended clauses upon which "strong" presidents have based their authority are as follows:

"Section 1. The executive Power shall be vested in a President of the United States of America. . . .

* * * * *

"Section 2. The President shall be Commander in Chief of the Army and Navy of the United States, and of the Militia of the several States, when called into the actual Service of the United States; . . .

"He shall have power, by and with the Advice and Consent of the Senate, to make Treaties, providing two thirds of the Senators present concur; and he shall nominate, and by and with the Advice and Consent of the Senate, shall appoint Ambassadors, other public Ministers and Consuls. . . .

* * * * *

"Section 3. [H]e shall take Care that the Laws be faithfully executed." [6]

But, textually, none of these powers need be read as a significantly independent, substantive power. For example, the grant of the "executive power" in section 1 can be understood simply as creating a unitary executive department that, in turn, will possess the powers subsequently enumerated in sections 2 and 3.[7] The power to receive ambassadors might mean no more than that, as the nation's symbolic head, the president has a ministerial, non-discretionary duty to receive foreign representatives. The president's power as commander in chief, so heavily relied upon by modern presidents, could be read only as constituting the president, in Hamilton's phrase, "the first general and admiral of the confederacy," [8] and not as an independent authority for making decisions that, in turn, require use of the armed forces to back them up.[9] Finally, the "take care" clause could be taken as simply declaratory of a presidential obligation to enforce existing congressional policy. Not surprisingly, therefore, the presidency was not originally viewed as a great office. The dominant mood was that of legislative prerogative.

But the measure of presidential power cannot be gleaned simply from the words of article II alone, nor from references by eighteenth century statesmen as to the appropriate distribution of legislative and executive power. For reasons that are beyond the scope of this paper to examine, there has been a vast accretion of power in the presidency, particularly in this century.[10] Moreover, there has been a sharp decline in congressional power. The amount of political power in any society is not a fixed, determinate sum; it can expand or contract as a society changes. Accordingly, congressional as well as presidential power could have significantly increased as American society and the entire world became more complicated and interdependent. It did not do so largely because of congress' increasing inability to deal with national and international problems.[11] "Presidential government" has, therefore, emerged as the dominant aspect of modern American political life; [12] it is to the presidency, not congress, that we look for realization of the aspirations of a "great society."

I doubt whether the emergence of presidential government is a process capable of significant reversal; an apparently universal characteristic of twentieth century government has been the growth of "executive" power and the relative decline of the legislative process. Whether this result is desirable is, of course, an issue of major contemporary importance.[13] Whether it "defeats" the framers' intention is, however, a profitless speculation.[14] We do not and cannot know, what, specifically, they would have thought about a world so different from their own. Nor would we really care.[15] The central fact is that the framers left us with a structure of government sufficiently fluid to accommodate a good deal of shifting power between congress and the president. The relative balance of power between the branches has varied over the course of our history. But the long era of "congressional government," [16] which extended from the civil war to the end of the nineteenth century, has now given way to an era of presidential dominance.

By and large the broad expansion of presidential power has occurred as a result of large, open-ended legislative grants from congress itself. At least with respect to internal matters, presidents have seldom been forced to rely upon any claim of "inherent" presidential powers.[17] However, appeals to this source have not been lacking. Pointing to the grant of the executive power, as well as the "commander-in-chief" and the "take care" clauses, "strong" presidents have always asserted the power to act in the absence of statute where there was an emergency. And despite the loose manner in which the case is sometimes read, the *Steel Seizure* case [18] fully supports their claim. There, the secretary of commerce, acting under the direction of the president, seized the steel mills during the height of the Korean conflict in order to prevent interruption of vital supports for the war effort. A lower court injunction against the seizure was affirmed in the supreme court by a six-to-three vote. To be sure, in his brief "opinion for the court" Mr. Justice Black rejected the proposition that the president could act without congressional authorization; [19] in so doing, he ignored innumerable instances to the contrary, as the dissenting opinion convincingly demonstrated.[20] More importantly Mr. Justice Black spoke only for himself and Mr. Justice Douglas. Four concurring and three dissenting justices—seven of the nine members of the court—either reserved judgment on the issue or expressly recognized that the president had inherent power to act in an emergency so long as he did not con-

Footnotes at end of article.

travene a specific congressional mandate. Analysis of the opinions shows that the real division within the court was over the far narrower issue of whether the president's act did in fact contravene existing federal statutes.[21]

It seems to me indefensible to assert that even on internal matters the president must invariably point to a statute to justify his conduct. Should an emergency arise, the president must and will act so as to protect the nation's interest as he conceives it.[22] To require the existence of a statute would leave an enormous gap in the nation's power to meet an emergency, a doctrine not likely to commend itself to men of affairs. And I would add that the existence of an emergency is largely a political not a judicial question. If the president abuses that power, the only recourse is subsequent congressional action and, ultimately, the displeasure of the electorate.

As it does with respect to internal matters, the constitutional text assigns broad powers to congress in the area of foreign affairs: congress is given power to regulate commerce with foreign nations; to define and punish offenses against the law of nations; to declare war; to advise and consent to treaties (the senate); to raise and support the army and navy; and finally, it has control over the purse strings.[23] The president is also expressly vested with some powers bearing on foreign relations, principally the power to make treaties (with the advice and consent of the senate) and the power to receive foreign envoys.[24] More importantly, from the beginning the Hamiltonian contention [25] that the president possessed broad "inherent" powers in representing the nation in our foreign relations gained considerable currency. Thus Marshall could refer to the president as "the sole organ of the nation in its external relations, and its sole representative with foreign nations." [26] By 1935 the supreme court, undoubtedly influenced by the long and steady growth of presidential activity, characterized the presidential prerogative to conduct foreign affairs as "delicate, plenary and exclusive." [27]

Not surprisingly, therefore, most writers recognize that the respective ambits of congressional and executive powers in controlling the direction of American policy cannot be resolved simply by an appeal to the constitutional text. That document "is remarkably inexact concerning the distribution of responsibilities . . . for the making of foreign policy";[28] it seems to permit the exercise of considerable power over this subject matter in both branches.[29] Writing in 1957, Professor Corwin accurately summarized the situation:

"[C]onsidering only for its affirmative grants for powers capable of affecting the issue, [the constitution] is an invitation to struggle for the privilege of directing American foreign policy. In such a struggle the President has, it is true, certain great advantages, which are pointed out by Jay in *The Federalist:* the *unity* of the office, its capacity for *secrecy* and *dispatch,* and its superior sources of *information;* to which should be added the fact that it is always on hand and ready for action, whereas the houses of Congress are in adjournment much of the time. But despite all this, actual *practice* under the Constitution has shown that, while the President is usually in a position to *propose,* the Senate and Congress are often in a technical position at least to *dispose.* The verdict of history, in short, is that the power to determine the substantive content of American foreign policy is a *divided* power, with the lion's share falling usually, though by no means always, to the President." [30]

Footnotes at end of article.

Accordingly, even if one were inclined to accept Mr. Justice Black's view that presidential action within the United States must be grounded in a statute, there is no basis for applying such a rigid concept of separation of powers past our shorelines.

The general view for which I have been contending is that analysis of the doctrine of separation of powers should focus more on a recognition that often what is being separated are institutions and not necessarily "powers." [31] To some degree these institutions have unique powers; one would not expect the president to promulgate an income tax code merely because in his judgment congress should have done so. But there are gray areas where joint power exists—where both branches have tremendous and overlapping power and where any "conflict" must be resolved on the political not the legal level.[32] This seems to me indisputably true in the area of foreign affairs. And the consequences of this view are of course evident: the existence of the congressional power over the subject of foreign affairs will not support a narrow definition of presidential power. Absent congressional action, the president has (to use a conclusory term) "inherent" constitutional power in the conduct of our foreign affairs. *It is, therefore, an error of considerable significance to adopt uncritically an "either-or" logic—to assume that the doctrine of separation of powers requires that power must be either in, and only in, congress or in the president.* Such a rigid, mechanical view has never accurately described the relationship between congress and the presidency even with respect to internal affairs; it is wholly insupportable in the area of foreign affairs. The fact is that power may inhere in both branches.

Necessity, of course, requires that the president have the major responsibility for day-to-day conduct of foreign affairs. Coupled with the institutional weakness of congress [33] this fact gives modern presidents tremendous leverage in any struggle with congress for control over the direction of American foreign policy. A determined president can confront congress with a *fait accompli;* nonetheless, congress is under no constitutional compulsion to back it up.[34] Thus, while it lacks the institutional capacity to play a sustained affirmative role in shaping American foreign policy, a sufficiently determined congress [35] can exercise considerable direction over at least specific aspects of that policy.

It is, I submit, with the foregoing general considerations in mind that one should commence any assessment of presidential power to commit the armed forces to hostilities without prior congressional authorization.

II

The occasions on which presidents have refused to take military action abroad because of a lack of prior congressional authorization are few in number and increasingly rare.[36] From the beginning of our constitutional history, presidents have both deployed the armed forces abroad and committed them to actual hostilities without explicit congressional authorization. In excess of one hundred and twenty instances of such action exist.[37] The precedents extend back to Washington and include that great "strict constructionist" Jefferson; they run through the nineteenth century;[38] and with the emergence of the United States as a global power in this century, they become sharper and more spectacular. The presidencies of the two Roosevelts provide classic examples.[39] Moreover, no recent president has refused to commit the armed forces to actual hostilities because of a lack of congressional approval, as the conduct of Truman in Korea, Johnson in the Dominican Republic, and Kennedy, Johnson and Nixon in Southeast Asia demonstrate.[40] Thus, argues the state department, "practice and precedent have confirmed the constitutional authority of the president to commit the armed forces to battle without a declaration of war." [41]

The strength of the "practice and precedent" has, however, not gone unchallenged. Most writers who seek constitutionally based restrictions on the president's war-making power argue that the precedents are not compelling.[42] Indeed, it has been suggested that there is only one prior illustration of presidential commitment of armed forces to war without congressional authorization, namely, Korea.[43] The other instances cited, it is argued, were simply presidential responses to reprisals, or "relatively minor and short-lived occurrences [that] do not establish precedent for the massive and long-lasting [Vietnam] war . . .": [44] "minor" and "short-lived" from whose point of view? Certainly not from the perspective of those against whom the armed forces were employed; and certainly not from the presidents' view, since they generally brought about the results intended. To dismiss American interventions in Latin America as "minor" amounts to recognition of presidential power to wage war against weak opponents for limited purposes.

The validity of each of the precedents relied upon by the state department need not be separately defended. Taken as a whole, they seem to me to add up to the following: with ever-increasing frequency, presidents have employed that amount of force that they deemed necessary to accomplish their foreign policy objectives. When little force was needed (*e.g.,* in our incursion in Latin America), little was used; when larger commitments were necessary, they too were forthcoming. Whatever the intention of the framers, the military machine has become simply an instrument for the achievement of foreign policy goals,[45] which, in turn, have become a central responsibility of the presidency. Congress has seldom objected on legal grounds,[46] and so the only limitation upon presidential power has been that imposed by political considerations. That is the teaching of our history.

To be sure, various legal theories have been advanced in defense of presidential power. In good lawyer-like fashion these theories have been framed in terms no broader than necessary to justify the particular presidential action at issue.[47] For example, in the late nineteenth century, American troop interventions in Latin America were rationalized in terms of "inherent" presidential power "neutrally" to protect the rights of American citizens abroad during foreign disorders—a fiction that did not survive the turn of the century.[48] Since presidential use of armed forces abroad has assumed considerably enlarged dimension in this century, it is hardly surprising that the supporting rationales have been constantly broadened and adjusted.[49] The rationales have, in a word, followed the practice.

Despite the foregoing history, most contemporary writers, deeply distressed by the Vietnam war, have insisted that presidential power over foreign affairs does not embrace the power to "make" war. And, they argue, committing the armed forces to hostilities on the scale that has occurred in Vietnam is "making" war. These writers argue that the decision to make war has such obviously far-reaching consequences that the framers wisely required that it must be made by a broadly representative body, namely, congress.[50] So stated, the argument has considerable appeal; nonetheless, I do not believe that it can provide an acceptable basis for developing constitutionally based restrictions upon use of military force as an instrument of presidential foreign policy.

All the commentators agree that the president has some "inherent" power to commit the armed forces to hostilities where necessary to repel "sudden attacks." And few, if any, would restrict that power to one of re-

pelling attacks on American soil—thereby ignoring attacks on Canada and (in a highly interdependent world) attacks on NATO countries. Generally speaking, the commentators recognize that a president can take action with respect to any "sudden attack" where American interests are at stake.[51]

In its most rudimentary form, the "sudden attack" theory suggests a line between defensive and aggressive action. The president may take only that action necessary to defend American interests; he cannot go further and engage in the "aggressive" use of military force.[52] So conceived, the sudden attack theory has little to recommend it. A line between defensive and aggressive action might have been workable in the era of Jefferson and Madison; the vast expense of two oceans and generally poor communications permitted some content to such a distinction. But that distinction can have little meaning for the president of a great global power in a highly complex and interdependent world. Modern presidents are faced with endless "emergencies" of varying duration and intensity, and the military apparatus has become an important instrument of their foreign policy. Given the evolution of the presidency, it is hardly surprising that in the twentieth century the presidential power to repel sudden attacks has "developed into an undefined power . . . to employ without Congressional authorization the armed forces in the protection of American rights and interest abroad whenever necessary."[53]

Rejecting a narrow version of the "sudden attack" theory, several writers seek to articulate constitutional limitations on presidential war-making in terms of the president's opportunity to consult with congress.[54] Where an "emergency" precludes an opportunity to consult with congress the president may commit the armed forces to hostilities to the extent he deems necessary. A narrow definition of "emergency" could make this theory substantially equivalent to the sudden attack theory; but emergency can be conceived more generously so as to include any situation in which the president could conclude that quick, decisive use of force is necessary.[55] The important point of the theory is that the president must seek congressional authorization at the first available opportunity.

There are, however, differences among these writers who hold to this "congressional approval" theory. Some commentators apparently assume that any "major" foreign deployment of the armed services under circumstances that might constitute an act of war under international law should have congressional approval.[56] Others assert that only the actual commitment of the armed forces to hostilities requires congressional approval.[57] In turn, some writers believe that any commitment of the armed forces to battle requires approval; [58] others apparently assume that only "massive," "major" or "prolonged" use of the military requires congressional action.[59] The former position is at least clear; as previously indicated, the latter position amounts to a concession that the president is authorized to wage "quick" wars against weak opponents for limited objectives.

To ask, if possible, that the president obtain authorization from congress before making any (major?) commitment of the armed forces to hostilities may represent desirable policy. That judgment depends largely on one's assessment of the respective institutional competence of congress and the president.[60] But the central issue is whether such authorization is constitutionally required. To my mind, there are several objections to asserting that the proposed rule is of constitutional magnitude: (1) it is too uncertain in what it demands; (2) history has legitimated the practice of presidential war-making; and (3) the proposed rule stems from an unrealistic model of separation of powers.

First. It is unclear precisely what the ambit of any supposed congressional prerogative is. Can the president continue to act if congress is too divided to act clearly either in support of or in opposition to the president's action? And what precisely is the president to ask of congress? One commentator would apparently require a declaration of war or of "limited war." [61] These are drastic steps, which could have serious and damaging consequences both in our foreign relations [62] and internally.[63] But if congress can authorize presidential action without such a declaration,[64] what is the textual basis of that power? And at what frequency or under what conditions must congressional approval be re-obtained?

Moreover, has congress approved presidential action in Vietnam, either in the sweeping Gulf of Tonkin resolution or by implication in its monetary authorization bills? [65] If not, what further kind of congressional action is needed? [66] In any event, can it fairly be denied that, at least until recently, congress has in fact overwhelmingly supported presidential policy in Vietnam? If such an informal consensus existed, is that sufficient "authorization"? In this regard it will not do to say that congress has not approved presidential policy in Vietnam because its "choice" has been restricted by a presidential *fait accompli*. In view of the president's operational responsibility for foreign affairs and its own lack of institutional competence to play a sustained affirmative role, congress necessarily must always act after the fact. Accordingly, congress' function is essentially to check and disapprove presidential policy.[67] In Vietnam, United States involvement has been by way of slow, steady escalation in commitment; any *fait accompli* has occurred only over a considerable period of time. Congress has had considerable time to reverse the direction of presidential policy; until the Cambodian incident, it has made no serious effort to do so.

Second. In varying degrees the commentators present us with visibly strained efforts to minimize the long and ever-accumulating practice of presidential "war-making," if one prefers that term. For better or worse that practice seems to me clearly established, as I have indicated. To my mind, this historical development of our institutions has settled the legitimacy of "inherent" presidential power to commit the armed forces to hostilities. A practice so deeply embedded in our governmental structure should be treated as decisive of the constitutional issue. History and practice are not here being appealed to in order to freeze forever the scope of a constitutional guarantee framed in terms of individual liberty; [68] rather, this issue deals with the distribution of political power between the legislative and executive branches. Matters of this character are, in the words of Chief Justice Marshall, best left "to the practice of government." [69]

Third. The writers who advocate constitutionally based restraints on presidential war-making expend little effort on developing any comprehensive, realistic theory of the contemporary meaning of separation of powers. Much of their discussion seems to me premised on an eighteenth century model of the relationship between the legislative and executive branches. Not surprisingly, therefore, they do not come to grips with the evolution of our governmental practice, particularly the essentially fluid nature of the division between legislative and executive power in the area of foreign affairs, and the fact that, over time, the military machine has simply become an instrument for achieving presidential foreign policy objectives. Moreover, the danger of any all-out conflict between the executive and legislative branches is measurably reduced by the fact that the political parties cut across both institutions. Accordingly, as head of his party, the president can generally find strong support for his prerogatives inside congress itself.[70] In sum, therefore, these commentators' conception of separation of powers does not and cannot describe existing political reality.

Like federalism,[71] the doctrine of separation of powers should, at least in the area of foreign affairs, be viewed as essentially a political, not a legal, contract. The precise balance of power between congress and the president will reflect the dominant political realities of the times. So understanding the doctrine of separation of powers, I am not persuaded that recognition of presidential power to commit the armed forces to hostilities in order to achieve foreign policy objectives is constitutionally inconsistent with the existence of congressional power to declare war, or with any of the other congressional grants over foreign affairs.[72] Such tensions as may exist between the two branches of government occur because of overlapping power, and they must be resolved on the political, not the legal, level.

To my mind, therefore, any attempt to circumscribe on constitutional grounds the president's power to use the armed forces abroad confuses political with constitutional issues.[73] This seems to me all the more apparent when it is recognized that any president can engage in a wide range of conduct (such as severance of diplomatic relations, expulsion of ambassadors, treaty denunciation, etc.) which might easily force this country into war. Those who seek constitutional checks on the president place their trust in false gods. As Professor Burns has observed, the checks inherent in separation of powers do "not operate in the making of war or even in the making of foreign policies that could precipitate war—for example, Franklin Roosevelt's instructions to the Navy Department in the months before Pearl Harbor. Yet these are almost irreversible decisions; if the President makes a colossal mistake, there is no institutional safeguard against its consequences. The President is actually checked by Congress only in making those decisions that could indeed be reversed if they turned out badly—for example, in social or economic policy. Thus the President might make a decision on taxes as irresponsible or daft as a decision for a showdown with a foreign power—but on the former matter there would always be a majority of the voters at the next election to repudiate his action. A presidential course set for war cannot be reversed. A nuclear holocaust would wipe out all the checks and balances—including the voters. In short, the whole concept of restraints in this area is topsy-turvy—a fact I sometimes reflect on dourly as I sit each fall teaching freshmen about the traditional checks and balances.

"Still, the power of the President to make a catastrophic blunder while fatigued or under great stress is not the price we pay for the Presidency. It is the price we pay for living in the kind of world that we do. The only protection possible is the one the White House already affords: a group of men closely related to the President who can restrain him if need be. If power and decision making in the White House are collective, prudence is collective too." [74]

Absent a fundamental re-structuring of our governmental institutions, it seems to me impossible to characterize the president's conduct in Vietnam as unconstitutional, however unwise it may be. The Vietnam war is an instrument of presidential foreign policy. Those opposed to that policy can call upon congress to repudiate it, and congress has

Footnotes at end of article.

ample power to do so. There may be disagreement over the precise action that congress could take. But it seems difficult to deny that congress has the power to refuse to appropriate funds for carrying on the conflict.[75] Whether in that event the president could "requisition" other funds to continue the war need not be considered. No president could survive politically if he is seen acting in lawless defiance of a congressional command to end the war, even if he could escape impeachment. Accordingly, so far as Vietnam is concerned, if congress repudiates the war it will come to an end.

I should perhaps conclude this summary discussion with a word about the role of the courts. Since the precise relationship between the executive and the legislative branches is a matter for the political process, I can of course see no role for the courts to play. A contention that the president of the United States must defend his decision to commit troops to combat before a federal district judge in Boston, Milwaukee or Seattle strikes me as wholly untenable.[76] I find it impossible to believe that the article III grant of "judicial power" to decide "cases or controversies" includes the power to resolve issues of this magnitude.[77]

FOOTNOTES

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[1] Corwin, The Constitution as Instrument and as Symbol, 30 Am. Pol. Sci. Rev. 1071, 1077 (1936) (emphasis in original).

[2] Particularly helpful discussions are found in Note, Congress, The President, and The Power to Commit Forces to Combat, 81 Harv. L. Rev. 1771 (1968) and an earlier symposium, Legality of United States Participation in the Viet Nam Conflict: A Symposium, 75 Yale L.J. 1084 (1966). See also M. Pusey, The Way We Go To War (1969) for a lucid, nontechnical discussion of the relevant historical materials and of the events surrounding our involvement in Vietnam.

Of a more polemical character are F. Wormuth, The Vietnam War: The President versus the Constitution (April 1968) (Occasional Paper: Center for the Study of Democratic Institutions); Malawer, The Vietnam War Under the Constitution: Legal Issues Involved in the United States Military Involvement in Vietnam, 31 U. Pitt. L. Rev. 205 (1969); and Velvel, The War in Viet Nam: Unconstitutional, Justiciable, and Jurisdictionally Attackable, 16 Kan. L. Rev. 449 (1968).

There has been considerable debate in the senate on the constitutionality of the presidential action. See in particular: (1) Hearings on S. Res. 151 Before the Senate Comm. on Foreign Relations, 90th Cong., 1st Sess. (1967); (2) Senate Comm. on Foreign Relations, National Commitments, S. Rep. No. 797, 90th Cong., 1st Sess. (1967); (3) Senate Comm. on Foreign Relations, National Commitments, S. Rep. No. 129, 91st Cong., 1st Sess. (1969). More recently, the president's action in Cambodia has triggered another round of intense debate, largely in the context of two sets of proposals: Hatfield-McGovern Amendment, S. Amend. 609, 91st Cong., 2d Sess. (1970); Church-Cooper Amendment, S. Amend. 620, 91st Cong., 2d Sess. (1970).

[3] For a general collection of articles on this aspect of the Vietnam conflict see The Vietnam War and International Law (R. Falk. ed. 1968) and see R. Hull & J. Novogrod, Law and Vietnam (1968), most of which is devoted to the nonconstitutional law aspects of Vietnam. While I do not purport to have made a careful analysis of this aspect of the Vietnam conflict, I must say that the efforts to show that United States action in Vietnam violates accepted norms of international law seem quite insubstantial. Accordingly, I have not included any separate consideration on the restraint that accepted rules of international law imposed upon presidential war-making. That, however, is an issue that merits careful consideration.

[4] See U.S. Const. art. I, § 8, cls. 1–18. See also U.S. Const. amend. XIV, § 5.

[5] For example, the president "may require the Opinion, in writing, of the principal Officer in each of the executive Departments, upon any Subject relating to the Duties of their respective Offices, and he shall have Power to grant Reprieves and Pardons for Offenses against the United States, except in Cases of Impeachment." U.S. Const. art. II, § 2.

[6] U.S. Const. art. II, §§ 1–3.

[7] See C. Black, Perspectives in Constitutional Law 58 (1963).

[8] The Federalist No. 69 (A. Hamilton). See also Fleming v. Page, 50 U.S. (9 How.) 603, 615 (1850).

[9] Note, supra note 2, at 1775.

[10] This development stems from such diverse factors as the rise of political parties, the advent of mass communications, and the complexity and highly interdependent character of modern life. For particularly helpful discussion of the growth of and the present dimensions of the presidency see J. Burns, Presidential Government (1965); R. Neustadt, Presidential Power: The Politics of Leadership (1960).

[11] Kurland, The Impotence of Reticence, 1968 Duke L.J. 619, 634–636.

[12] Id. at 627–628. Professor Kurland, it should be noted, deeply laments this result.

[13] Increasing concern has been expressed whether, institutionally, the presidency has inadequate information on which grave decisions must be based. G. Reedy, The Twilight of the Presidency 24–29 (1970). Like many writers who are deeply disturbed by the concentration of power in the president, Mr. Reedy shows a preference for a strong senate.

[14] For a brief discussion of the view of the framers see E. Corwin, The President: Office and Powers 1787–1957, at 10–19 (4th rev. ed. 1957). It should be recalled that this discussion took place against a backdrop of the United States and of the world that bears little semblance to our times. Even so, Hamilton vigorously advanced the conception of a strong president.

[15] Missouri v. Holland, 252 U.S. 416, 433 (1920) (Holmes, J.):

"When we are dealing with words that also are a constituent act, like the Constitution of the United States, we must realize that the framers have called into life a being the development of which could not have been foreseen completely by the most gifted of its begetters. It was enough for them to realize or to hope that they had created an organism; it has taken a century and has cost their successors much sweat and blood to prove that they created a nation. The case before us must be considered in the light of our whole experience and not merely in that of what was said a hundred years ago."

[16] J. Burns, supra note 10, at 70–71:

"In the deepest sense congressional government was not really government. It was rather brokerage—a place for the adjustment of competing economic interests. The main interest in Congress, Bryce noted, related to the raising and spending of money. And the more the Presidency was drawn into the congressional orbit, the less the Presidency could be a place for the expression and realization of great dreams, programs, and conflicts."

[17] C. Black, supra note 7, at 57:

"[W]ithout straining a single provision in the text, Congress might have made the President into a symbolic chef d'état. . . .

"[C]ongress, instead of reducing the Executive to a formal status, has by its own laws steadily added to his power; most of the legally warrantable powers of the Presidency today come from statutes."

[18] Youngstown Sheet & Tube Co. v. Sawyer, 343 U.S. 579 (1952).

[19] Id. at 587–88. See also J. Smith & C. Cotter, Powers of the President During Crisis (1960).

[20] Youngstown Sheet & Tube Co. v. Sawyer, 343 U.S. 579, 683–700 (1952).

[21] E.g., Kauper, The Steel Seizure Case: Congress, The President and The Supreme Court, 51 Mich. L. Rev. 141, 178 (1952). I do not mean to suggest that the division on this issue is unimportant. Congress had, after all, not *expressly* forbidden the president to seize the steel mills. See, e.g., C. Black, supra note 7, at 64.

[22] Mr. Justice Black's opinion has been widely criticized. Professor Black characterizes it as "unhistoric and unworkable." C. Black, supra note 7, at 63. "[T]he opinion," says Professor Corwin, "bears all the earmarks of hasty improvisation as well as of strong prepossessions, being unquestionably contradicted by a long record of presidential pioneering in territory eventually occupied by Congress." E. Corwin, supra note 14, at 155. See also Corwin, The Steal Seizure Case: A Judicial Brick Without Straw, 53 Colum. L. Rev. 53 (1953); Kauper, supra note 21; Lea, The Steal Case: Presidential Seizure of Private Industry, 47 Nw. U.L. Rev. 289 (1952)

It has, of course, sometimes been suggested that, given a grave enough situation, the president can act *in disregard of a legislative command*. Lincoln put the matter sharply: "Are all the laws *but* one to go unexecuted, and the Government itself to pieces lest that one be violated?" Message to Congress, July 4, 1861 (emphasis in original), quoted in E. Corwin, supra note 14, at 252. See generally E. Corwin, supra note 14, at 228–30, 250–52. Despite the evident appeal in Lincoln's position it is difficult to frame any theory of separation of powers that would permit the president to claim inherent power to disregard congressional commands because he deemed an emergency to exist. Of course, there are techniques by which this issue can be avoided. It seems likely, for example, that existing statutes could generally be construed in a manner so as not to present any conflict.

[23] U.S. Const. art. I, § 8, cls. 3, 10–14; U.S. Const. art II, § 2.

[24] U.S. Const. art. II, §§ 2–3.

[25] The respective prerogatives of congress and the president were vigorously debated by Hamilton and Madison. See E. Corwin, supra note 14, at 177–84. Hamilton pressed for a particularly broad construction of presidential power to conduct foreign affairs. See id.

[26] —Annals of Cong. 613 (1800).

[27] United States v. Curtis-Wright Export Corp., 299 U.S. 304, 320 (1936). Here, the court accepted the doctrine of "inherent" presidential power over foreign affairs, Id. at 319–20. See generally E. Corwin, supra note 14, at 170–226; G. Schubert, The Presidency in the Courts 101–36 (1957).

[28] L. Koenig, The Presidency and The Crisis 18 (1944).

[29] Professor Black argues, however, that the textual powers of the president to conduct foreign affairs are in fact minimal. Accordingly, he is of the opinion that the constitutional text presupposed congressional supremacy in the area of foreign affairs corresponding to a similar supremacy in internal affairs. C. Black, supra note 7, at 57–59. Professor Kurland is of the same view. Kurland, supra note 11, at 621–23. I tend to agree with this view. Historical necessity has, however, expanded the content of such terms as "executive power" and "commander in chief" and it has given sanction to the Hamiltonian view of "inherent" powers—i.e., to powers not in the constitutional text. See generally authorities cited in note 27 supra.

[30] E. Corwin, supra note 14, at 171 (emphasis in original) (footnote omitted).

[31] R. Neustadt, supra note 10, at 33: "The constitutional convention of 1787 is supposed to have created a government of 'separated powers.' It did nothing of the sort. Rather, it created a government of separated institu-

tions *sharing* powers." (emphasis in original). See also S. Huntington, Political Order in Changing Societies 109–12, 115–21 (1968).

[32] There are numerous areas where clashes between the president and congress are not easily resolvable apart from the play of the political process. For example, there are no clear rules governing the power of the executive to withhold information from congress. Younger, Congressional Investigations and Executive Secrecy: A Study in the Separation of Powers, 20 U. Pitt. L. Rev. 755 (1959). See also the questions arising from the presidents asserted power to "impound" funds voted by congress for expenditures.

[33] The "conclusion is unavoidable that the national legislature, as it now plays its exacting role on the political stage, is remarkably ill-suited to exercise a wise control over the nation's foreign policy." R. Dahl, Congress and Foreign Policy 3 (1950). However, Professor Finer has voiced grave concern about the capacity of one man to respond in a rational manner to constant world crises and has suggested institutional restraints on the presidency. H. Finer, The Presidency: Crisis and Regeneration 198 (1960).

[34] E. Corwin, supra note 14, at 184–93.

[35] "Senate" should in all probability be substituted for "congress." But see J. Clark, The Senate Establishment 15 (1963) ("the Senate has become archaic, outmoded, obsolete as a meaningful democratic institution"). It is, I think, exceedingly difficult to imagine any real role in foreign affairs for the house of representatives.

[36] In recent times President Wilson alone seems to have been troubled by lack of congressional authorization. See Comment, The President, The Congress, and The Power to Declare War, 16 Kan. L. Rev. 82, 85 (1967). Nonetheless, he ordered the bombing of Vera Cruz without congressional authority. Id. at 84. Moreover, with respect to World War I, he took action that, he conceded, was quite likely to draw us into war.

[37] For a valuable collection of instances of such presidential action extending through 1941 see J. Rogers, World Policing and The Constitution 92–123 (1945). See also F. Wormura, supra note 2, at 6–43; M. Pusey, supra note 2, at 41–114.

[38] Professor Commanger describes the post civil war instances as "so numerous as to be tedious." Commanger, Presidential Power: The Issue Analyzed, N.Y. Times, Jan. 14, 1951, § 6 (Magazine), at 23.

[39] For a detailed discussion of the conduct of Franklin Roosevelt see L. Koenig, supra note 28, 18–66.

[40] It should also be noted that President Eisenhower deployed 14,000 troops in Lebanon without statutory authority, and on the basis of his "inherent" constitutional power. See 104 Cong. Rec. 13, 903–04 (1958) (statement by President Eisenhower). Mention should also be made of President Kennedy's use of the navy in Cuba. See M. Pusey, supra note 2, at 9–10. Fortunately, in neither instance did actual hostilities occur. However, in each case the deployment of the armed forces may actually have constituted an act of war.

[41] U.S. Dep't of State, The Legality of United States Participation in the Defense of Viet Nam, 54 Dep't State Bull. 474, 488 (1966), reprinted in Legality of United States Participation in the Viet Nam Conflict: A Symposium, 75 Yale L.J. 1084 (1966).

[42] See, e.g., F. Wormuth, supra note 2. Not all the critics agree with this view. For example, Pusey writes that "[i]n recent years, however, the President has been exercising the power to make war with alarming consistency." M. Pusey, supra note 2, at 1.

[43] Malawer, supra note 2, at 224. See also Standard, United States Intervention in Vietnam Is Not Legal, 52 A.B.A.J. 627, 632 (1966). If a full-blown declaration of war is a necessary condition for presidential action, Korea cannot be distinguished by a reference to alleged United States obligations under the United Nations Charter, which is merely a treaty. Only congress, not the senate, can declare war.

[44] Malawer, supra note 2, at 213–14.

[45] Professor Wormuth argues that this radically distorts the intention of the framers. F. Wormuth, supra note 2, at 46. See also id. at 35. In the words of President Buchanan: " 'The executive government of this country in its intercourse with foreign nations is limited to the employment of diplomacy alone. When that fails it can proceed no further. It cannot legitimately resort to force without the direct authority of Congress, except in resisting and repelling hostile attacks.' " Id. at 17, quoting from 5 Messages and Papers of the Presidents, 1789–1908, at 516 (J. Richardson ed. 1908).

[46] L. Koenig, supra note 28, at 46: "Congress seldom has objected to the action of the President, as commander-in-chief, in sending abroad and maintaining the armed forces without its prior concurrence. The instances of objection are important, but the otherwise general consent has tacitly established the rule of practice. . . ."

[47] See Note, supra note 2, at 177685 for a discussion of the various theories advanced in support of presidential action.

[48] Id. at 1788–90.

[49] Id. at 1793.

[50] For an exposition of the view of the framers see M. Pusey, supra note 2, at 41–57.

[51] E.g., Velvel, supra note 2, at 453–55.

[52] Professor Malawer seems to assume this view. Malawer, supra note 2, at 223. See also Comment, The President, The Congress and The Power to Declare War, 16 Kan. L. Rev. 82, 94–95 (1967).

[53] Corwin, Who has the Power to Make War, N.Y. Times, July 31, 1949, § 6 (Magazine), at 14. See also R. Hull & J. Novogrod, supra note 3, at 171–72.

[54] E.g., Velvel, supra note 2, at 454–55, 499 n.216; Note, supra note 2, at 1794–98.

[55] Velvel, supra note 2, at 454–55, 499 n.216; Note, supra note 2, at 1794–98.

[56] Note, supra note 2, at 1798:

"[I]nstead of assuming that the President may deploy American forces as he sees fit and only in the exceptional case need he seek congressional approval, the presumption should be that congressional collaboration is the general rule wherever the use of the military is involved, with presidential initiative being reserved for the exceptional case."

[57] Professor Velvel apparently assumes that the president has unlimited constitutional power to deploy the armed forces abroad. Velvel, supra note 2, at 471–72.

[58] Note, supra note 2, at 1797.

[59] M. Pusey, note 2, at 174. Professor Velvel seems concerned only with massive involvements. E.g., Velvel, supra note 2, at 468.

[60] For various views on the degree of institutional competence held by these two branches see notes 33 & 35 supra and authorities cited therein.

[61] Velvel, supra note 2, at 461–62.

[62] Since the end of World War II there have been no formal declarations of war by a nation. See Indochina: The Constitutional Crisis, 116 Cong. Rec. 7117, 7121, n55 (daily ed. May 13, 1970). This memorandum was prepared by Yale Law School students and signed by Professor Bickel and others.

[63] A formal declaration of war would of course increase the reservoir of internal regulatory power possessed by the national government (if it can be increased over what is already possessed). For a list of legislation that becomes effective on the basis of a formal declaration of war see 116 Cong. Rec. 5122–23 (daily ed. June 3, 1970).

[64] See note, supra note 2, at 1798: "An excessively wooden concept of what constitutes congressional exercise of its power to declare war would have the effect, not of preserving congressional authority, but of transferring more and more decisions to the more flexible executive branch."

[65] Not surprisingly, those opposed to the war find these actions insufficient. E.g., Malawer, supra note 2, at 227–31; Velvel, supra note 2, at 465–66, 472–79. Indeed, Professor Wormuth finds the Gulf of Tonkin resolution "unconstitutional." F. Wormuth, supra note 2, at 43–53.

[66] Note, supra note 2, at 1798–803 carefully considers this problem.

[67] This seems to me to dispose of arguments of the following character:

"It has been argued that congressional inaction and failure to repeal the Tonkin Gulf Resolution give implicit authorization to the Indochinese War. The logical outcome of such an argument is that the President can do whatever he wishes and the Congress has the affirmative duty to try to stop him. This shifts the presumption of the Framers in favor of congressional control over war-making and gives the initial and continued upper hand to the executive."

Indochina: The Constitutional Crisis, supra note 62, at 7119 (footnote omitted). The "presumption" of which these writers talk, if it ever existed, has no modern basis. Significantly, these writers make no effort to relate the alleged presumption to the present allocation of responsibility between congress and the president in the conduct of foreign affairs.

[68] Compare Harper v. Virginia Bd. of Elections, 383 U.S. 663, 669–70 (1966).

[69] In McCulloch v. Maryland, 17 U.S. (4 Wheat.) 316 (1819), Chief Justice Marshall expressly recognized the importance of the historical practice of the political organs of the government in assessing the meaning of constitutional guarantees not involving guarantees of personal freedom. In sustaining congressional legislation creating a national bank, he wrote:

"It will not be denied, that a bold and daring usurpation might be resisted, after an acquiescence still longer and more complete than this. But it is conceived, that a doubtful question, one on which human reason may pause, and the human judgment be suspended, in the decision of which the great principles of liberty are not concerned, but the respective powers of those who are equally the representatives of the people, are to be adjusted; if not put at rest by the practice of the government, ought to receive a considerable impression from that practice. An exposition of the constitution, deliberately established by legislative acts, on the faith of which an immense property has been advanced, ought not to be lightly disregarded." Id. at 401.

[70] I do not think the views expressed by Professor Burns in his book Presidential Government (1965) are inconsistent with this statement.

[71] Recent decisions of the supreme court indicate to me that there are no federalism-derived constitutional limits on congressional legislative power. See, e.g., Katzenbach v. Morgan, 384 U.S. 641 (1966); Katzenbach v. McClung, 379 U.S. 294 (1964); and Heart of Atlanta Motel, Inc. v. United States, 379 U.S. 241 (1964), which demonstrate that the court will sustain an exercise of congressional power that is "rationally" related to any of the enumerated congressional grants. Professor Wechsler long ago reminded us that the actual structure of federalism is and should be governed by the dictates of political process, not by artificial legal doctrines. Wechsler, The Political Safeguards of Federalism: The Role of the States in the Composition and Selection of the National Government, 54 Column. L. Rev. 543 (1954).

[72] It is worth observing that "Congressional power 'to declare war' . . . does not, even semantically, exclude armed hostilities without such a formal declaration." 116 Cong. Rec.

8405 (daily ed. June 4, 1970) (letter of Professors Rostow, Winter and Bock to Senator Allot).

[73] The writers who seek constitutionally based restrictions are, of course, committed to the familiar—and psychologically comfortable—lawyer's task of "drawing lines." That mentality makes difficult the recognition of areas not governed (at least in form) by legal rules. Thus while one writer accurately frames "the real issues,"—how is the President's authority as Chief Executive and Commander in Chief to be reconciled with Congress' power to declare war?—his approach is an attempt to draw a line so as to create an exclusive congressional preserve, which the president may not trespass with permissiveness. Note, supra note 2, at 1771.

[74] J. Burns, supra note 10, at 298.

[75] See Indochina: The Constitutional Crisis, supra note 62, at 7119. Even Professor Rostow, et al., supra note 72, fall short of challenging this power.

[76] See C. Rossiter, The Supreme Court and the Commander in Chief 131 (1951): "As in the past, so in the future, President and Congress will fight our wars with little or no thought about a reckoning with the Supreme Court."

[77] See Mora v. McNamara, 389 U.S. 934 (1967). The sole limit of the courts' powers is, in my judgment, to announce that the matter must be resolved by the political branches of government. Contra, Schwartz & McCormack, The Justiciability of Legal Objections to the American Military Effort in Vietnam, 46 Tex. L. Rev. 1033, 1053 (1968); Velvel, supra note 2, at 479–503. Professor Velvel has had no success in convincing the courts. Velvel v. Nixon, 415 F. 2d 236 (10th Cir. 1969), cert. denied, 396 U.S. 1042 (1970).

I recognize, of course, that not all presidential action is beyond judicial scrutiny. For a list of instances in which the supreme court has invalidated presidential action on constitutional ground see G. Schubert, supra note 27, at 361–65 (1957).

THE WAR POWER: CONGRESS VERSUS THE PRESIDENT

[From the Washington (D.C.) Star, May 17, 1970]

The current furor in and outside the Senate over funding the Cambodian operations after June 30 is larded with irrational emotion and political opportunism. Yet the issue at stake—the war-making power of Congress as opposed to the authority of the President as Commander in Chief—is real, complex and of far-reaching importance.

Paragraph 11, Section 8, Article I of the Constitution clearly allocates to Congress the right "to declare war." The problem is that the five post-World War II presidents of both parties—Truman, Eisenhower, Kennedy, Johnson and Nixon—not to speak of earlier practitioners of the fine art of gunboat diplomacy, have neatly finessed the issue by committing or keeping American troops in combat situations abroad when they felt it was in the national interest, without seeking the assent of Congress or asking for a declaration of war.

The great majority of these adventures—the 1958 landing in Lebanon and the 1965 intervention in the Dominican Republic are two recent examples—happily did not become conflicts of major significance, at least in terms of casualties abroad or political impact at home. Two others, however—the Korean "police action" and the Indochinese conflict—mushroomed into undeclared wars which resulted in the deaths of more than 75,000 Americans. The Vietnamese war, with its related conflicts in Laos and Cambodia, has divided this uneasy nation as has no other similar issue since brother took up arms against brother in the American Civil War. It is a repetition of this sort of tragedy which some senators hope to prevent through congressional control of the purse strings.

The primary difficulty lies in the definition of what involves American participation in a war. If, as Senators Cooper and Church maintain in their amendment, furnishing advisers to a friendly country (Cambodia) amounts to direct involvement, then the United States was a belligerent in the Greek civil war of 1947–49. If loss of life defines involvement, then the United States was indeed at war (with whom?) in the Dominican Republic in 1965. And yet no reasonable man would hold to either of these theses.

By the same token, this hypothetical reasonable man (so much distinguished by his apparent absence from the United States these days), would have to admit that, despite the lack of ringing calls to arms from Capitol Hill, we were at war with North Korea and Communist China in the 1950s and we have been at war, at least since 1964, with North Vietnam. In neither case could diplomats burn their official papers before asking for their passports, as was the style in a more mannered age, since we have had diplomatic relations with none of the nations which we have been fighting.

Since American presidents have sent U.S. forces into action abroad more than 150 times without a declaration of war by Congress, the common sense of the matter, it seems to us, is that an undeclared war becomes reprehensible only when it is lost, or when it becomes politically impossible for the President to prosecute it. While such a theory obviously can be found neither in the Constitution nor in the canon of international law, it seems as demonstrable as the fall of Newton's apple. The Korean war, for instance, over a shorter period resulted in almost as many American deaths as the Indochinese fighting. Yet there was no significant popular or congressional outcry against that war. Boys who had no more desire to be shot at than today's draft dodgers in Canada went docilely if not joyfully to that war because it did not, could not, occur to them to do otherwise.

While the great majority of this generation have done the same, the situation and the ethic have altered. It is clear that, in the eyes of many Americans, the Indochinese war has become odious, partially because the government of South Vietnam is regarded by such people as unworthy (would that of Syngman Rhee have stood up to close scrutiny?) and partially because this war, like all others, involves an element of risk and inconvenience to the participants. Hence the war in a practical political sense no longer is possible, which is precisely why, we would suggest, the President is trying to end our direct involvement in it.

What some members of the Senate and House are trying to do now is to reassert an atrophied congressional prerogative, which understandably is dear to members of Congress, at the expense of the implied powers of the President as Commander in Chief, which equally understandably is a popular thesis with occupants of the White House. The Supreme Court has been commendably wary of trying to delineate the line between the Executive and Legislative powers.

The trouble is that the world has changed since the founding fathers wrote the Constitution. In illustration, the same paragraph which authorizes Congress to declare war grants it the right to issue "letters of marque and reprisal," which authorized private entrepreneurs to engage in naval warfare for their own profit. Very few letters of marque have been granted in recent years.

In effect, in an era of instant mass communications and push-button warfare, the senators are resting their constitutional case on a document forged to deal with contingencies in the age of sail. The founding fathers were wise men but they were not prophets. Only a lunatic in the 18th Century could have predicted the world in which we live today. The problem, then, is to interpret the Constitution to deal with the world as it is, not as it was or as we might wish it to be. It happens to be an extremely dangerous world.

We cannot believe it is the intention of Congress—or the wish of the people—to restrict the President's ability to protect the lives of American troops in Vietnam. The point is not whether they *should* be there; the point is that they *are* there, despite what we believe to be Mr. Nixon's sincere desire to bring them home as rapidly as possible. On this basis alone, the Cooper-Church amendment, which would outlaw any future operations by U.S. troops in Cambodia after June 30 and ban virtually all aid to that country, is wrong and ought to be defeated. We hope that no more American expeditions will be necessary, but we would support them if we felt they would save the lives of American soldiers who might otherwise die in Vietnam.

As to the larger question of future undeclared wars, we noted in these columns a few days ago that the alternative to an undeclared war often is not peace but a declared war. Given the temper of the times, President Johnson almost certainly could have obtained a declaration of war against North Vietnam at the time of the Tonkin Gulf incident.

It would be useful—most of all to presidents—to have constitutional provision for some exigency short of war. But such does not exist and there is little chance of creating one. Any president's practical need for popular political support for his policies, doubled with the infinite capacity of Congress to make life miserable for the Chief Executive, seems to us to provide an adequate curb on the presidential powers.

In the end, despite the Constitution, power belongs to him who is willing and able to exercise it. Presidents of both parties have sent troops into foreign countries primarily because Congress has been unwilling or unable to act. If congressional action were necessary before a solitary Marine could land, there would be much talk, few casualties and fewer freedoms, in this country and the world.

It seems to us that the Senate would do better to support the President in his efforts to extricate us quickly and honorably from a war which almost everyone agrees, probably including most of those who to their credit have had the courage to fight it, has lasted too long.

[From the CONGRESSIONAL RECORD, Dec. 8, 1970]

COLLOQUY BETWEEN SENATOR DOLE AND SENATOR ELLENDER

Mr. DOLE. Mr. President, I wish to ask a question of the distinguished chairman of the Appropriations Committee, the Senator from Louisiana (Mr. ELLENDER), with reference to section 843, as to his interpretation of the definition of the word "introduction."

Section 843 reads:

"In line with the expressed intention of the President of the United States, none of the funds appropriated by this Act shall be used to finance the introduction of American ground combat troops into Laos, Thailand, or Cambodia."

The Senator from Kansas is puzzled with reference to the definition of section 843 of the word "introduction."

Mr. ELLENDER. In recommending that section 843 be amended to include Cambodia, along with Laos and Thailand, it was the intent of the committee to apply to Cambodia those same restrictions and criteria that were applied to Laos and Thailand pursuant to this provision as it appeared in the Department of Defense Appropriation Act, 1970, and proposed in the President's budget for fiscal year 1971.

Mr. DOLE. Mr. President, I ask a question as one who supported the Church-Cooper resolution—I do not wish to become involved in extended debate concerning it, but would this language prohibit any President from taking appropriate measures to protect American forces even if that meant going into Cambodia?

Is that a correct interpretation, I again ask the Senator from Louisiana?

Mr. ELLENDER. As I said, what the committee did was to use the exact language the President proposed in his budget for Laos and Thailand which the House had recommended, and then we added Cambodia. Of course, the Congress cannot by statute limit in any way the powers given to President by the Constitution.

Mr. DOLE. That is the point the Senator from Kansas would make for the record, that the President is the Commander in Chief. By statute we can limit the expenditure of funds as a proper role of Congress, but we cannot derogate the rights and powers of the President, which he possesses by virtue of the Constitution, by enactment of any statute.

To complete the record as to what the President's intentions may be, he stated them forthrightly on June 30, in his report on Cambodia. He gave a number of guidelines for U.S. policy in Cambodia, and among these were the following which relate to U.S. personnel:

There will be no U.S. ground personnel in Cambodia except for the regular staff of our Embassy in Phnom Penh.

There will be no U.S. advisers with Cambodian units.

We will conduct—with the approval of the Cambodian Government—air interdiction missions against the enemy efforts to move supplies and personnel through Cambodia toward South Vietnam and to reestablish base areas relevant to the war in Vietnam. We do this to protect our forces in South Vietnam.

The President further commented publicly on this aspect of U.S. policy the following evening. He was asked whether he could give categorical assurances now that we will not send ground troops back into Cambodia no matter what. He answered:

"I indicated when this operation was begun two months ago . . . that once we had completed our task successfully of cleaning out the sanctuaries that then it would not be necessary and I would not consider it advisable to send American ground forces back into Cambodia.

"I can say now that we have no plans to send American ground forces into Cambodia. We have no plans to send any advisers into Cambodia. We have plans only to maintain the rather limited diplomatic establishment that we have in Phnom Penh and I see nothing that will change that at this time."

The interviewer then indicated that the Senate seemed to want the President to foreswear this in a final way and the President responded:

"I think that anybody hearing the answer that I have just given would certainly get the impression and would incidentally be justified in having the impression that the President of the United States has no intention to send ground forces back into Cambodia, and I do not believe that there will be any necessity to do so.

"When you say, can I be pinned down to say that under no circumstances would the United States ever do anything, I would not say that, but I will say that our plans do not countenance it, we do not plan on it, and under the circumstances, I believe that the success of the operation which we have undertaken, as well as what the South Vietnamese will be able to do, will make it unnecessary."

In reading these statements made by the President on July 1 of this year, one can easily see that the President indicated his present intention not to introduce American ground combat troops into Cambodia. This amendment, however, goes a step further, a step which the President refused to go, and purports to impose a judgment, regardless of the circumstances. The President has indicated that he will meet his responsibility as Commander in Chief of our Armed Forces and take the action he considers necessary to protect American forces.

It should be clear in the RECORD and I make the point that because of the importance of the President's responsibility, whoever he may be, that it is a continuing responsibility, obligation and duty—to protect American forces.

I would assume, based on the response from the Senator from Louisiana, that there is no effort to impinge upon the President's constitutional rights, powers, and duties.

Mr. ELLENDER. None whatever.

Mr. DOLE. Mr. President, that satisfies the Senator from Kansas. The Senator from Louisiana recalls that we had a very extensive debate on the Cooper-Church amendment and that section 843 is far different.

The Cooper-Church amendment was broader in some respects. It referred to the retention of ground forces in Cambodia. It covered the carrying out of contracts with any government that might supply forces in Cambodia and the conducting of air activity over Cambodia.

At the same time, the language of the Cooper-Church resolution made clear that it was not an effort by Congress in any way to impugn the constitutional rights and duties and obligations of the President. Therefore, I appreciate the response of the Senator from Louisiana.

I trust the record is clear that nothing contained in the defense appropriations bill or in the language of section 843 would tie the hands of any President if he found it necessary to act in the exercise of his powers under the Constitution to protect American forces.

DEFENSE BUDGET NEARS PEACETIME LEVEL WHILE WAR CONTINUES

Mr. DOLE. Mr. President, the fiscal year 1971 defense budget is close to the prewar, peace time levels—much closer than many people appear to realize. Military manpower, for example, is forecast at 2,908,000 for June 30, 1971. That is an 8-percent increase above the level of 2,685,000 at June 30, 1964. And it is less than 4 percent above the 2,808,000 we had on June 30, 1962—another peacetime year.

In constant dollars—factoring outpay and price increases—defense spending under this bill will be about $4 billion higher in wartime 1971 than it was in peacetime 1964. The added costs of the war are more than $10 billion, so there have had to be short cuts elsewhere.

Let us look at what has happened. Consider procurement. In peacetime fiscal year 1964, we provided budget authority of $15,645 million. This bill provides $15,970 million—an increase of $325 million, 2 percent above the prewar level. But there have been sharp price increases since fiscal year 1964. That $15,645 million we provided in fiscal year 1964 would be equivalent to $19.3 billion at today's prices. So, in dollars of constant buying power, this bill is 18 percent below the peacetime level—and this bill has to cover the cost of the war.

Consider R.D.T. & E. In peacetime fiscal year 1964, we provided budget authority of $6,984 million. This bill actually provides less—$6,960 million. And that 1964 amount would be equivalent to $8.7 billion today. Once again, we find that the budget has been cut in real terms, this time by 20 percent, below the peacetime level. And, once again, this bill has to cover the cost of the war.

The consequences of trying to fight a war within a peacetime budget level are plain. It has been necessary to make cuts elsewhere—and very deep cuts. From 1968 to 1970, the number of ships in the active fleet has been reduced by 189. And consider this: In the last decade, while the average age of our fleet has actually increased, the Soviets have built a formidable navy. Forty-seven percent of our ships are 20 years old or more, but less than 1 percent of the Soviet Navy's ships are that old. Their submarine force, on which they have concentrated, is six times as large as Hitler's was at the beginning of World War II.

As to aircraft, the Air Force is buying less aircraft in 1971 than in any year since 1935, and over half of the 1971 buy is designated for other nations of the free world. The Navy is buying less aircraft in 1971 than in any year since 1946.

Deployments have been cut. The number of military personnel in Europe is one-third less than prewar, and cutbacks will be necessary in Korea and elsewhere.

Setting aside special war costs in the 1971 budget for defense, we find that the baseline force provided is much lower than for any year since before the Korean war.

IMPROVED INTERNAL SECURITY IN SOUTH VIETNAM

The pace and intensity of the war in Vietnam has changed considerably since the advent of President Nixon's policy of Vietnamization. Not only has the U.S. troops strength in Vietnam declined substantially, but the entire complexion of the war has shifted from the frequent clash of main force units, to an intensified pacification campaign to bring security to the countryside. Increasingly, the forces of the Republic of Vietnam are assuming responsibility for military operations against the enemy main force units, driving them out of South Vietnam and their long protected sanctuaries across the border in Cambodia. As a result, overall security in South Vietnam is improved, enemy main forces have been denied the initiative, and territorial forces are providing increased security to the villages and hamlets. The President's policies have been successful thus far in winding down the war, reducing the level of violence and the number of casualties, turning more of the security responsibility over to the South Vietnamese, and providing increased security, prosperity, and self-government for the South Vietnamese people.

Two aspects of the Vietnamization program which reflect improved internal security in South Vietnam are the improvement and modernization of the Republic of Vietnam Armed Forces—RVNAF—and increased territorial security. Indicators of progress and success achieved in each of these aspects of Vietnamization have been encouraging during the past year and, as President Nixon

stated on April 20, 1970, progress in Vietnamization was the sole criterion on which he was able to base his decision to withdraw 150,000 more U.S. troops during the next year.

IMPROVEMENT AND MODERNIZATION OF RVNAF

The RVNAF I. & M. program covers every aspect of development of the regulator forces—ARVIN, VNN, VNMC, VNAF—and territorial forces—RF, PF—for the purpose of enabling the RVNAF to take over the maximum share of the war.

The strength of the RVNAF now stands at over 1,000,000 men, which represents over a 90-percent increase during the past 5 years and approximately 15 percent during the past year.

Equipment deliveries to the RVNAF include over 880,000 small arms and crew-served weapons, 1,100 artillery pieces, 38,000 radios, 51,000 wheeled vehicles, 3,000 tracked vehicles, 200 helicopters and other aircraft, and 550 naval craft. The delivery of equipment is proceeding generally on schedule or ahead of schedule.

Additional equipment is being turned over to the RVNAF by U.S. units redeploying from Vietnam. About 20 different types of ARVN units have been equipped in this manner. The large turnover of riverine combatant craft to the VNN has made it the ninth largest navy in the world. Unit turnovers to the VNAF have equipped one special air mission, one fighter/attack—A–37—one forward air control—(O–1)—one airlift—CH–47—and two assault attack—UH–1—squadrons.

Military training within the RVNAF is a continuing effort for each man and each unit. Training centers and service schools in-country have an annual student training load of over 600,000, up 27 percent from 1969 and up over 50 percent from 1968. Offshore training—that is, in the United States—for RVNAF personnel has increased from about 1,500 in fiscal year 1967, to 2,400 in fiscal year 1969, to 7,600 in fiscal year 1970. Newly activated units undergo a unit training cycle; refresher training is given to units withdrawn from operations for refitting; and unit operational training is conducted by units in place.

The gradual yet highly visible improvements in the RVNAF are reflected in the Cambodian operations which provide further evidence of the military's confidence and ability to perform as a credible fighting force.

The United States has turned over to RVNAF more than 50 facilities to include the 9th Infantry Division base at Dong Tam, the U.S. Navy base at My Tho, the 3d Marine Division base at Dong Ha, Nha Trang Air Base, and the 4th Infantry Division base at Camp Enarl. Additional facilities are programed for turnover in the near future.

By October 15, 1970, the actual U.S. troop strength in Vietnam had been reduced below the 384,000 directed by the President. The authorized U.S. troop strength had been reduced 29 percent and U.S. infantry-type battalions had been reduced 34 percent.

The number of U.S. combat deaths during the first 6 months of 1970 was 55 percent less than the same period in 1969. Similarly, the number wounded in action was 55 percent less. The weekly rate of U.S. combat deaths since July 1, 1970 is about 40 percent below the weekly rate for the first 6 months of 1970.

As a result of increased overall security, starting at the border areas, the number of ground contacts has decreased considerably, with the weekly average of days of contact reduced over 50 percent from 1969 levels.

INCREASED TERRITORIAL SECURITY

Today the territorial security forces number over 500,000. Giving protection to the Vietnamese people is the primary mission of these forces whose improved weapons, training, and leadership have produced a fighting force of significant capability.

Over 350,000 armed citizens are among the more than 3,500,000 members of the Peoples' Self-Defense Force, which is designed to provide additional security for the nation's more than 17 million citizens.

The National Police, which now number over 88,000, are better trained and better equipped to perform a public safety function, particularly protecting the people who live in the countryside.

Significant progress is evident through the GVN control of rural areas, with over 93 percent of the population now residing in relatively secure areas.

A special pacification and development campaign is now in full swing, the purpose of which is to accelerate, improve and consolidate GVN program gains countrywide.

Mr. SYMINGTON. Mr. President, I have listened with interest to the colloquy and the statements of the Senator from Kansas and the Senator from Louisiana. This increases my desire to have the Members of the Senate acquainted with the report of the staff members of the Foreign Relations Committee. That report is classified. I would urge that it be declassified so that the Senate will know what is going on in Cambodia.

I can fully sympathize with the feelings of the Senator from Kansas with respect to the rights and privileges and duties of the President of the United States when it comes to getting involved in a war. However, I have great interest in the rights and responsibilities of the Congress of the United States when it comes to fighting in other countries. Therefore, I hope that the facts incident to Cambodia, developed by the gentleman who went out on the ground, are made known to the Senate at the earliest opportunity.

Mr. ELLENDER. Mr. President, I ask for the yeas and nays.

Mr. DOLE. I thank the Senator from Arkansas, and I shall not make an additional motion.

ORDER FOR RECESS UNTIL 9 A.M. TOMORROW

Mr. FULBRIGHT. Mr. President, I yield to the Senator from West Virginia.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 9 o'clock tomorrow morning.

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

ORDER OF BUSINESS—RECESS UNTIL TOMORROW, DECEMBER 16, 1970, AT 9 A.M.

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order——

The PRESIDING OFFICER. Does the Senator from Arkansas yield for that purpose?

Mr. FULBRIGHT. I yield for that purpose.

Mr. BYRD of West Virginia. If there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in recess until 9 o'clock—Mr. President, I withhold that.

The PRESIDING OFFICER. Does the Senator withthold that motion?

Mr. BYRD of West Virginia. I withhold it, Mr. President.

Mr. FULBRIGHT. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. FULBRIGHT. I understood that there were previous orders by unanimous consent for speeches tomorrow morning.

Mr. BYRD of West Virginia. Mr. President, what are the special orders for recognition already entered for tomorrow morning?

The PRESIDING OFFICER. The Senator from Florida (Mr. HOLLAND) will be recognized at 9 o'clock for 30 minutes after the reading of the Journal is disposed of.

Mr. BYRD of West Virginia. I thank the Chair.

Mr. FULBRIGHT. After that I have the right to the floor, Mr. President, do I not? I ask unanimous consent that I have the right to the floor.

The PRESIDING OFFICER. There is no previous order to that effect. The Senator will have to ask for it at that time, unless there is a previous unanimous consent order.

Mr. FULBRIGHT. Mr. President, subsequent to the completion of the speeches that have been agreed to, I ask unanimous consent that I may have the right to the floor.

Mr. GRIFFIN. Objection, Mr. President.

The PRESIDING OFFICER. There is objection.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield to me for a motion to recess?

Mr. FULBRIGHT. I yield.

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 recess until 9 o'clock tomorrow morning.

The motion was agreed to; and (at 6 o'clock and 36 minutes p.m.) the Senate recessed until tomorrow, Wednesday, December 16, 1970, at 9 a.m.

NOMINATIONS

Executive nominations received by the Senate December 15, 1970:

DIPLOMATIC AND FOREIGN SERVICE

Leonard J. Saccio, of Connecticut, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Colombia.

U.S. DISTRICT COURTS

Robert J. Kelleher, of California, to be a U.S. district judge for the central district of California, vice a new position created by Public Law 91–272, approved June 2, 1970.

Albert J. Engel, of Michigan, to be a U.S. district judge for the western district of Michigan, vice W. Wallace Kent, being elevated.