though the evacuation was successful, his aircraft was hit by automatic weapons fire and Farnham was wounded a second time. He managed to fly his crippled aircraft back to the staging area, where he immediately transferred to a replacement aircraft and returned to the landing zone to continue support of the beleagured ground forces.

On each pass across the area Farnham's aircraft was subjected to a murderous volume of small arms fire and automatic weapons fire from a village adjacent to the landing zone. Farnham flew his aircraft on a succession of low-level attacks on the heavily entrenched enemy forces.

The North Vietnamese were deployed throughout the area in trenches, buildings and fortified positions and, despite the heavy enemy fire and without regard for his personal welfare, Farnham continued his attack. He made firing passes, flying directly into the mouth of a cross fire from machine gun emplacements set up facing the landing zone.

Throughout the day Farnham flew individual support for the ground forces, unescorted, making low-level firing passes along the perimeter of the landing zone in order to deliberately divert the enemy fire from the ground forces.

By this time the enemy had directed all his fire toward Farnham's aircraft and automatic weapons fire brought his aircraft down. Due to the enemy situation and the onset of darkness, it was impossible to evacuate Farnham.

Throughout the night Major Farnham organized and lead the ground forces on successive attacks against the enemy and on two occasions was forced to engage in hand-to-hand combat.

Despite what appeared to be insurmountable odds, his unit gained the momentum required to suppress the enemy.

DONALD FARNHAM HAS SIX PURPLE HEARTS

Major Donald W. Farnham, the most decorated soldier of the Vietnam War, has six Purple Hearts, for wounds received in action.

Thirteen years ago the then sixteen-year-old Wilmington boy enlisted in the U.S. Army before graduating from Wilmington High School. He enlisted to become a paratrooper, and the military life appealed to him. He soon attained non-commissioned rank, and became a sergeant, after which he enrolled in an Army Helicopter School.

Farnham was one of the first helicopter pilots to go to Vietnam, and he spent a total of 47 months in active service in that war-stricken country.

It was for him a very interesting experience. He evolved new methods of fighting with helicopters, and was shortly one of the outstanding helicopter pilots in the U.S. Army, always being foremost in combat with the enemy.

"I don't think anyone enjoys killing anybody else", he told the Miami Journal a few weeks ago. "But we are interested in saving our own people. Those who dislike the war the most are the people in the military, because they are the ones who have to fight it".

During the 47 months of combat flying Farnham picked up, in addition to the six Purple Hearts, three Distinguished Flying Crosses, the Bronze Star, the Air Medal with 43 Oakleaf Clusters and two "V" devices, the Joint Services Commendation Medal, two Army Commendation Medals, the Navy Commendation Medal, as well as the three Silver Stars.

Other decorations include the Vietnamese Cross for Gallantry with two palms and two silver star devices, the Presidential Unit Citation, Valorous Unit Citation, Meritorious Unit Citation, Navy Unit Commendation Medal, and the Vietnamese Honor Medal. There are others.

Skydiving was his favorite hobby, until he broke his back in 1967.

SENATE—*Monday, February 1, 1971*

(Legislative day of Tuesday, January 26, 1971)

The Senate met at 12 o'clock meridian on the expiration of the recess and was called to order by the President pro tempore (Mr. ELLENDER).

The Reverend Billy H. Cline, pastor, Merrimon Avenue Baptist Church, Asheville, N.C., offered the following prayer:

Our Father and our God, we give thanks for the assurance that Thy ways are steadfast and reliable. We pray that we may be conscious of Thy eternal presence and of our daily need of Thee. Forgive us that we are not always strong in the consciousness of Thy presence.

Bless this Senate that each Member may find strength for every time of need, and help each Member to be aware of the needs, cares, and anxieties of people everywhere. Reveal to them the solutions to the overwhelming problems of our Nation and the world.

Deliver us from animosity, hatred, and prejudice, and help us to establish lines of communication so that we can make our contribution toward the betterment of mankind and peace throughout the world.

Help us to respect ourselves and one another for Thou hast created us.

Through Jesus Christ our Lord we have prayed together. Amen.

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 President pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations, were referred to the Committee on Armed Services.

(For nominations received today, see the end of Senate proceedings.)

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Journal of the proceedings of Friday, January 29, 1971, be approved.

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

S. 484—INTRODUCTION OF A BILL DESIGNATING LINCOLN BACK COUNTRY IN MONTANA AS A NEW WILDERNESS AREA

Mr. MANSFIELD. Mr. President, my able colleague, Senator LEE METCALF, and I work together on many projects and problems of interest to the people of the State of Montana. One of the most popular proposals in recent years was our bill which would designate the Lincoln Back Country in Montana as a new wilderness area. The Lincoln Back Country in Montana is one of the finest examples of wilderness—an area of unsurpassed beauty. People of the State, conservationists, and friends from all over the country support this program to preserve the area in its natural condition. This legislation had virtually unanimous support and was passed by the Senate in 1969. Unfortunately, the House of Representatives did not consider the measure because of their insistence that they have a mineral survey completed prior to the enactment of the measure. We are now informed that the mineral survey will be available this spring.

Senator METCALF and I have sent to the desk identical legislation which would authorize the extension of the national wilderness program to the Lincoln Back Country. We are hopeful that the legislation will again receive unanimous support here in the Senate and that our colleagues in the House of Representatives will be able to favorably consider the measure during this first session of the 92d Congress.

Mr. President, I ask unanimous consent to have the text of this legislation printed in the RECORD.

The PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 484) to authorize and direct the Secretary of Agriculture to classify as wilderness the national forest lands known as the Lincoln Back Country, and parts of the Lewis and Clark and Lolo National Forests, in Montana, and for other purposes, introduced by Mr. MANSFIELD (for himself and Mr. METCALF), was received, read twice by its title, referred to the Committee on Interior and Insular Affairs, and ordered to be printed in the RECORD, as follows:

S. 484

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of Agriculture is hereby authorized and directed to classify as wilderness those national forest lands containing approximately 240,500 acres in the Helena National Forest in Montana, known as the Lincoln Back Country, and parts of the Lewis and

Clark and Lolo National Forests specifically described as bounded by a line on the southeast boundary of the Bob Marshall Wilderness Area at Deadman Hill running southeasterly to Bench Mark, then along the ridge of Wood Creek Hogback to the top of Crown Mountain and across Welcome Pass to the midpoint of Steamboat Mountain; thence running in a more southerly direction down the ridge between Milk and Pear Creeks, across the Dearborn River and up the Continental Divide to a point above Bighorn Lake; thence along the divide and down the ridge northwest of Falls Creek, across Landers Fork to the top of Lone Mountain; thence in a southwesterly direction to Heart Lake Trail, westward to the top of Red Mountain; thence southwesterly to Arrastra Peak; thence along Daly, Iron, and Echo Mountain Peaks, and across Windy Pass to Mineral Hill; thence across the North Fork of the Blackfoot River at the Big Slide to BM 8320, northwesterly across Canyon Creek (excluding the upper Conger Creek timber stand) to the top of Canyon Peak; thence more westerly to the top of Omar Mountain, and northward along the ridge to the southern boundary of the Bob Marshall Wilderness Area on a ridge west of Danaher Pass, and thence along the southern boundary of the Bob Marshall Wilderness Area to the point of beginning. The Secretary of Agriculture shall promptly after such classification transmit to the Congress a map and legal description of the wilderness area and such description shall have the same force and effect as if set forth in this Act. Upon its classification, such wilderness area shall be subject to the same provisions and rules as those designated as wilderness areas by the Wilderness Act of September 3, 1964 (78 Stat. 890).

FALSE ECONOMY

Mr. AIKEN. Mr. President, the administration in a paradoxical quest for what it calls "economy" in the new inflationary budget for fiscal 1972, has endorsed a supposed "saving" of $45 million by eliminating 800,000 kilowatts of power from the already power-starved Pacific Northwest.

In preparation for this saving, the Atomic Energy Commission shut down the last two of nine big reactors at the Hanford nuclear complex at Richland, Wash., last week.

This action robs the Pacific Northwest-Southwest electric intertie system of power that is critically needed.

The effect of this shutdown will mean greater power shortages from the State of Washington all the way to Arizona.

The giant aluminum companies are the first to be affected, but this is only the beginning.

A crippling effect will be felt in the entire Pacific coast area.

In my own region of New England, on the other side of the continent, electric generating plants are barely able to keep up with the demand for power, but our problems in the Northeast, so far, do not compare in severity with those facing the Northwest.

The area served by Hanford has the lowest power reserves in the Nation, even before the cutoff of 800,000 kilowatts was ordered.

This decision by the White House budget office is, on the face of it, utterly senseless.

While the administration seeks to save $45 million by cutting of 800,000 kilowatts of critically needed electric power, we hear disturbing reports of negotiations at the White House to bail out a nuclear operation that is a proven failure.

I refer to the Enrico Fermi plant which was backed by Detroit Edison and other utilities.

These companies, spurred by the bailout of Penn Central Railroad, now want their Fermi plant reactivated—with Federal subsidy, of course.

The minimum cost to renew this proven failure is said to be in excess of $100 million.

Mr. President, there is one logical explanation to the decision to close down Hanford.

This is the desire of competitive fuels and their friends to achieve a monopoly in the energy supply of the Nation.

ORDER OF BUSINESS

The PRESIDENT pro tempore. At this time the Senator from Pennsylvania (Mr. SCOTT) is recognized.

Mr. SCOTT. Mr. President, I yield back my time.

SEVENTY-THREE PERCENT OF THE AMERICAN PEOPLE SUPPORT McGOVERN-HATFIELD TROOP WITHWITHDRAWAL AMENDMENT

Mr. McGOVERN. Mr. President, a Gallup poll, the results of which appeared in yesterday's Washington Post, indicates that 73 percent of the American people favor the so-called McGovern-Hatfield proposal to end U.S. troop involvement in Vietnam by the end of this year. This represents a dramatic increase from the 55 percent of the American people who indicated support for the proposal last September.

In view of President Nixon's recent challenge to return "power to the people," I very earnestly hope that both the Senate and the President will listen to this admonition and will grant the people their wishes on this matter of withdrawing our forces from Indochina.

It should be noted that representatives of the National Liberation Front and Hanoi have said flatly that if we would set such a terminal date for the withdrawal of our forces, they would begin immediately discussions leading to the release of our prisoners. They have also said that they would give assurances as to the safe withdrawal of American forces. These are the two objectives that we ought to be most interested in securing. They can be secured by the McGovern-Hatfield amendment pledge to withdraw all American forces no later than December 31 of this year.

By contrast, even if the President's Vietnamization policy works, which is to reduce the number of American forces in Vietnam and to keep the war going under Vietnamese direction, this would still leave our men in prison in North Vietnam. It would also leave tens of thousands of American forces in great danger on the ground in South Vietnam. It would leave still other Americans in great danger flying combat missions over all of Indochina. Worst of all, it continues this immoral, senseless, barbaric war. It simply shifts the form of the war to a greater reliance on aerial bombardment and less reliance on U.S. ground forces.

I urgently hope that the Senate will listen to the voice of the American people and listen to the voice of reason in passing the McGovern-Hatfield troop withdrawal proposal.

I ask unanimous consent that the text of the article carrying the results of the Gallup poll be printed in the RECORD.

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

SEVENTY-THREE PERCENT SUPPORT PROPOSAL TO WITHDRAW ALL TROOPS THIS YEAR

(By George Gallup)

PRINCETON, N.J.—Public support for the Hatfield-McGovern proposal to end U.S. troop involvement in Vietnam by the end of this year has grown dramatically—from 55 per cent last September to 73 per cent in the latest survey, conducted in mid-January.

The proposal was introduced last year in a Senate bill, sponsored by (R-Ore.) Sen. Mark Hatfield and (D-S.D.) Sen. George McGovern.

Personal interviews were conducted on an 9–10 with a total of 1,502 adults in more than 300 scientifically selected localities across the nation. This question was asked:

A proposal has been made in Congress to require the U.S. Government to bring home all U.S. troops before the end of this year. Would you like to have your congressman vote for or against this proposal?

The following table compares the latest percentages saying their congressmen should vote in favor with those from September:

	January 1971 (percent)	September 1970 (percent)	Percent pt. ch.
National	73	55	+18
Men	67	46	+21
Women	78	64	+14
Republicans	64	48	+14
Democrats	78	61	+17
Independents	71	53	+18
College	60	47	+13
High school	75	57	+18
Grade school	80	61	+19

Note: 1971, American Institute of Public Opinion.

ORDER OF BUSINESS

Mr. McGOVERN. Mr. President, I ask unanimous consent that I may be recognized for an additional 3 minutes.

The PRESIDENT pro tempore. Is there objection?

Mr. BYRD of West Virginia. Mr. President, I would have to object. We have been objecting, heretofore, may I say to the able Senator from South Dakota. It is a new procedure that we are trying to enforce. I am getting a letter around today—I have been authorized to do so by the majority leader—to acquaint all Democratic Senators concerning it; therefore, I wonder whether the Senator from South Dakota would relinquish the floor now and later seek the floor again to be recognized for another 3 minutes.

Mr. McGOVERN. Will the parliamentary situation be such that I shall be able to do that then?

Mr. BYRD of West Virginia. Yes.

Mr. McGOVERN. I thank the Senator, and I shall do that.

Mr. BYRD of West Virginia. I thank the Senator.

The PRESIDENT pro tempore. Objection is heard.

ECONOMIC REPORT OF THE PRESIDENT—MESSAGE FROM THE PRESIDENT

The PRESIDENT pro tempore. The Chair lays before the Senate a message from the President on the economic state of the Union. The message will be printed in the RECORD and the report will be properly referred.

The report was referred to the Joint Economic Committee.

The message from the President is as follows:

To the Congress of the United States:

1970 was the year in which we paid for the excesses of 1966, 1967, and 1968, when Federal spending went $40 billion beyond full employment revenues. But we are nearing the end of these payments, and 1971 will be a better year, leading to a good year in 1972—and to a new steadiness of expansion in the years beyond.

We are facing the greatest economic test of the postwar era. It is a test of our ability to root out inflation without consigning our free economy to the stagnation of unemployment. We will pass that test. But it is a real test and we shall pass it only by doing all we are capable of doing.

The key to economic policy in 1971 is orderly expansion. While continuing to reduce the rate of inflation, total spending and total output should rise as rapidly as possible to lift the economy to full employment and full production. Fiscal policy must play its full and responsible role, and the economy's course in the year ahead will also reflect the extent to which the monetary and credit needs of economic expansion are met. With the stimulus and discipline from the budget that I have put forward, and with the Federal Reserve System providing fully for the monetary needs of the economy, we can look forward confidently to vigorous and orderly expansion during 1971.

At the same time we must be relentless in our efforts toward the greater stability of costs and prices that is the foundation for an enduring and full prosperity. Much has already been accomplished. Prices in the market place have been rising less rapidly, and some that usually change early have actually declined, responding to changing pressures in the market.

In some cases the response of costs and prices has been slow, as the result of insulation from market forces. Often these market problems have been created by the Government itself. Accordingly, the Government has a responsibility to prevent misuses and imbalances of market power which impede orderly operation of our free economic system. This Administration intends to carry out that responsibility fully and fairly.

To get the economy rising at the right rate, neither too rapidly nor too slowly, is never an easy task. Economic policy does not operate with the precision needed to keep the economy exactly on a narrow path. But fortunately absolute precision is not required. What is required is that we operate within a range where both unemployment and inflation are moving unmistakably downward toward our goal. The full resources of Government, with the understanding and cooperation of the citizens, can accomplish that.

THE DUAL TRANSITION OF 1970

Faced with one of the largest inflations in American history we have sought first to stop its rate from speeding up and then to get the rate down. This has been done. The annual rate of increase of the consumer price index, which was 6.0 percent from June 1969 to June 1970, dropped to 4.6 percent in the last half of 1970. Wholesale prices, which usually move before the prices consumers pay, have slowed down even more, from a 5.3 percent rate in the first half of 1969 to a 2.1 percent rate in the second half of 1970. Because productivity began to rise, after earlier sluggishness, labor costs per unit of output rose much less in 1970 than they did in 1969, and this contributed to slower price increases.

While the Nation was making the transition to a less inflationary economy it was also making the transition to a lower level of defense spending. Men released from the Armed Forces have been out of touch with the civilian labor market and need to readjust. Workers laid off from defense production are likely to be concentrated in particular areas, which are often not the areas where nondefense activity is expanding. Their curtailed purchasing power further tends to lower employment of others in their area. During 1970, the number of persons in military and civilian employment for defense was reduced by about 1 million. Most of these people have found work, and others will soon do so. But during the transition many were unemployed, and their number added to the total unemployment rate.

These two simultaneous transitions, from a wartime to a peacetime economy and from a higher to a lower rate of inflation, would inevitably be accompanied by some decline in output and rise in unemployment. The aim of our policy was to keep the decline in output and the rise in unemployment as small as possible.

Fiscal and monetary policy both became more expansive early in 1970, in order to get output rising again while the cost of living slowed its rise. This result was achieved. Total output declined only 1 percent from its high reached in the third quarter of 1969 to the first quarter of 1970; it leveled out in the second quarter and rose in the third. Fourth-quarter output was held down by the auto strike; without it, another increase would have been shown.

The timely shift of policy limited the decline of output; it also helped counter the increase in unemployment caused by the dual transition. The average unemployment rate for the year was 4.9 percent. At the end of the year, partly as a result of the auto strike, the unemployment rate was about 6 percent. About half of the unemployed had been without work for less than 6 weeks. Most of the unemployed who had lost their most recent job were receiving unemployment compensation.

THE ROAD TO ORDERLY EXPANSION

Our first task now must be to assure more rapid expansion and so to reduce the unemployment rate. We are now in a position to do that, while the progress against inflation continues. The restraint of 1969 and the slowdown of 1970 have set in motion strenuous efforts at cost reduction. These actions, as the pace of the economy quickens, will bear fruit in better productivity and costs. Prices have begun to rise less rapidly. There are the first faint signs of a retardation in wage increases in some sectors. Much of the anti-inflationary effect of the 1970 slowdown still has to be felt. And if the expansion is properly controlled in 1971 the conditions for further slackening of the inflation rate will remain. The expectation of continued rapid inflation has been weakened by the firm policies of the past 2 years and we must strengthen this growing confidence in the future value of money.

Forces now present in the economy, partly resulting from policies of 1970, make economic expansion in 1971 probable.

—The greater supply and lower cost of mortgage money has stimulated a 40-percent increase in the rate at which construction of new houses is started.

—Improved financial conditions are leading to a strong increase of State and local spending.

—Interest rates have dropped; the prime rate is down sharply from its peak of 8½ percent.

—Consumers' after-tax incomes have increased and their saving has been high.

—In the early part of 1971 the economy will get a boost as the production lost during last year's auto strike is made up.

—Exports have been strong, and in 1970 were 14 percent above those of a year earlier.

These are powerful upward pressures, but existing and foreseeable expansionary forces in the economy are not strong enough to assure that output will rise as much as is desired and feasible. These forces must, therefore, be supplemented by expansive fiscal and monetary policies.

The full employment budget that I have submitted will do its full share in stimulating a solid expansion. Outlays will rise by $16½ billion, or about 7½ percent, between the current fiscal year and the next—appropriate for orderly expansion, but far short of the inflationary 15 percent average annual increases from 1965 to 1968. In addition, receipts have been reduced $2.7 billion by the depreciation reform which I have initiated to stimulate investment, jobs, and growth.

In fiscal 1971, the Federal Government will spend $212.8 billion, which is equivalent to the revenues the economy would be generating at full capacity. The actual deficit is expected to be $18½

billion. In fiscal 1972, also, the planned expenditures are equivalent to the revenues we would get at full employment. How big the actual deficit will be next year, in fiscal 1972, will depend on economic conditions. If the economy follows the expected path of a vigorous, noninflationary expansion, the deficit will decline to $11½ billion. This combination of deficits is appropriate to the situation through which the economy has been passing. The budget moved into deficit during calendar 1970 as the economy lagged below its potential. Accepting this deficit helped to keep the decline in the economy moderate. It was a policy of not subjecting individuals and businesses to higher tax rates, and of not cutting back Federal spending, when the economy is weak because such actions would have weakened economic conditions further.

To say that deficits are appropriate in certain conditions is not to say that deficits are always appropriate or that the size of the deficit is ever a matter of indifference. Such a policy of free-for-all deficit financing would be an invitation to inflation and to wasteful spending.

As I stated last June, we need to abide by a principle of budget policy which permits flexibility in the budget and yet limits the inevitable tendency to wasteful and inflationary action. The useful and realistic principle of the full employment budget is that, except in emergencies, *expenditures should not exceed the revenues that the tax system would yield when the economy is operating at full employment.* The budget for fiscal 1972 follows this principle.

Balancing the budget at full employment does not deny or conceal the deficit that will exist this year and almost certainly next year. It does, however, avoid large deficits when they would be inflationary, like the swing to a big deficit in fiscal 1968. It means that even when the economy is low we must not allow our expenditures to outrun the revenue-producing capacity of the tax system, piling up the prospect of dangerous deficits in the future when the economy is operating at a high level. Moreover, to say that expenditures must not exceed the full employment revenues draws a clear line beyond which we must not raise the budget unless we are willing to pay more taxes. This is an irreplaceable test of the justification for spending. It keeps fiscal discipline at the center of budget decisions.

Fiscal policy should do its share in promoting economic expansion, and our proposed budget would do that. But fiscal policy cannot undertake the responsibility of doing by itself everything needed for economic expansion in the near future. To try to do that would drive taxes and expenditures off the course that is needed for the longer run. The task of economic stabilization must be accomplished by a concert of economic policies. The combined use of these policies, starting near the beginning of 1969, finally checked the accelerating inflation that had kept the economy overheated for years. A turn of fiscal and monetary policies in a more expansive direction at the beginning of 1970 limited the economic decline and initiated an upturn. Concerted policies of expansion are needed now to lift the economy fast enough to make rapid progress toward full employment, and these needs will be fully met.

PRICE STABILITY AND FULL PROSPERITY

In a fundamental sense, as I have always emphasized, the control of inflation and the achievement of full employment are mutually supporting, not conflicting, goals. Nothing would contribute more to the new expansion than confidence that the threat of inflation is fading. As part of my program of expansion I propose to justify that confidence.

The basic conditions to bring about a simultaneous reduction of unemployment and inflation are coming into being. We are going to continue to slow down the rate of inflation in the middle of an orderly expansion. And we are going to do it by relying upon free markets and strengthening them, not by suppressing them. Free prices and wages are the heart of our economic system; we should not stop them from working even to cure an inflationary fever. I do not intend to impose wage and price controls which would substitute new, growing and more vexatious problems for the problems of inflation. Neither do I intend to rely upon an elaborate facade that seems to be wage and price control but is not. Instead, I intend to use all the effective and legitimate powers of Government to unleash and strengthen those forces of the free market that hold prices down. This is a policy of action, but not a policy of action for action's sake.

The process of reducing inflation is a process of learning. Business and labor must learn a pattern of behavior different from the one they have learned and practiced during the inflationary boom. Labor contracts and price lists cannot embody the expectation that prices will continue rising at the peak rates of recent years. Businesses cannot expect to pass all cost increases along in higher prices. The ritual of periodic increases in prices has no place in an economy moving toward greater stability.

These lessons are being learned. Most of all they are being taught by the facts of economic life today. Consumers are already imposing stern discipline in markets where sellers have not begun to adapt their pricing to the new, less-inflationary conditions of the economy.

But there are cases where these lessons are not being learned and actions have been taken or are under review. In those cases the Government will act to correct the conditions which give rise to excessive price and wage increases.

Actions were taken to augment the supply of lumber, and to deal with domestic copper prices that were out of line with world markets. To restrain increases in the price of crude oil, this Administration took steps to permit greater production on Federal offshore leases and to increase oil imports. Faced with inflationary price increases for some steel products, I have ordered a review of the conditions which permit or cause such increases, and threaten jobs in steel-using industries.

We have been particularly concerned with increases in the costs of construction. It is now more critical than ever to check inflationary wage and price increases in an industry where unemployment is high. The 1972 Budget provides for a large increase in construction expenditures. This should support increased employment in construction, but will do so only if the larger appropriations are not eaten up by higher wages and other costs. I have asked the leaders of labor unions and contractors in the industry to propose a plan for bringing the behavior of construction wages, costs, and prices into line with the requirements of national economic policy. A workable voluntary plan will avert the need for Government action.

Those of us who value the free market system most cannot disregard the cases where it is being kept from working well. In some of these cases it is Government which limits the free market's effectiveness and Government has the means to make it work better. We must constantly review our economic institutions to see where the competitive market mechanism that has served us so well can replace restrictive arrangements originally introduced in response to conditions that no longer exist. We must also devise efficient solutions to problems that have become more urgent recently, such as those of pollution and adequate health care. Where inadequate market arrangements are delaying our advance toward full employment with price stability, we have a responsibility now to correct them.

In our market-oriented policy, our domestic goals and our international goals are interrelated. Success in our struggle against inflation will help to safeguard our international economic strength, and allow our highly productive enterprises and workers to compete in world markets. The liberal policy with respect to international trade to which this Administration is committed will help keep price increases in check here while giving our farms, factories, and banks a profitable market abroad. At the same time we have to make sure that the burden of adjustment to changing conditions in world markets does not fall entirely on a few exposed industries.

With the cooperation of the private sector, an expansionary public economic policy will achieve a goal we have not seen in the American economy in many years: full prosperity without war, full prosperity without inflation.

In the record of progress toward that new prosperity, I am convinced that economic historians of the future will regard 1970 as a necessarily difficult year of turnaround—but a year that set the stage for strong and orderly expansion.

RICHARD NIXON.

FEBRUARY 1, 1971.

THE NEED TO STOP THE NUCLEAR ARMS RACE

Mr. HUMPHREY. Mr. President, today, I want to speak briefly about the most important problem facing our Nation, and the world: the awesome need to stop the nuclear arms race. Not to speak out at this time would be shirking what I recognize to be a public duty. I have consistently maintained an in-

formed interest in the field of arms control, including my advocacy and support for what is now known as the nuclear test ban and nonproliferation treaties, as well as the formation of the Latin American nuclear free zone. And now I find our country once again facing a historic opportunity to control the terrifying uncertainties of nuclear weapons. What is most disturbing, however, is that the present administration has not thus far availed itself of that opportunity, despite the encouragement of numerous experts in the field. In fact, reports indicate that the President has rejected the sound recommendations of his advisory committee for the arms control and disarmament agency, a bipartisan panel of men who have a distinguished record of experience in national security and arms control questions.

For more than a year, we have engaged in strategic arms limitation talks with the Soviet Union; yet, both powers persist in raising the stakes in an arms race which can only be harmful to their mutual self-interests, and, hence, to the security of the entire international community. At this very moment the President and his principal advisers are considering proposals for building more offensive and defensive strategic weapons, likely to affect our negotiating posture at the next round of SALT talks.

What he decides may hold the promise of an agreement to halt this deadly race, or it may simply herald another round in the piling up of new and ever more frightening weapons.

At this critical juncture, therefore, I would like to outline my own thinking on this subject in the hope that by working together, thoughtful and reasonable men may find their way to a sensible solution to this terrible problem.

The United States is pressing forward with the Safeguard ABM system; we are deploying MIRV's—multiheaded independently targeted reentry vehicles—on Minuteman III missiles, capable of bringing several separate targets under simultaneous attack. And we will soon launch the first of our Poseidon submarines, each packing a punch of 160 individually targeted nuclear weapons. In short, we have been escalating the arms race through military means at the same time the administration has attempted to slow it down at the SALT negotiations.

The Russians also have a tremendous arsenal of nuclear forces, including nearly 300 of the giant SS–9 missiles. The total number of Soviet land-based missiles, old and new, may now be greater than our own and their missile submarine program has also expanded appreciably.

In recent months the picture of the Soviet arms program has changed. We now have evidence that the Soviet Union is no longer rushing forward, hellbent in the construction of massive land-based missiles. The Department of Defense recently released information indicating that the SS–9 drive had virtually ground to a halt.

What do these recent developments mean? Should we be optimistic, believing that the end of this arms race is within our reach?

None of us can know exactly what the Russians intend by suspending their construction program. They may be only facing technical problems and waiting until they can perfect and install their own MIRV warheads; or they may be trying to tell us with deeds instead of words that they want to slow down or halt the race in land-based missiles.

Deciphering the true motives for Soviet action is not absolutely necessary. We only need to know the hard facts concerning their construction of land-based missiles. We have those facts. And we will continue to get them by means of our own secure and accurate techniques of satellite reconnaissance.

This kind of information gives us a great opportunity—an opportunity to match Soviet restraint, day by day, month by month, and not to impair or weaken our own security. There are two steps that we can take:

First. We can begin by suspending work on the Safeguard ABM system, a system which the administration says is important to defend our Minuteman missiles against a future threat from the SS–9. There are many Members of the Senate who would question the administration's reasoning on the ABM in any event—thoughtful men who argue that Safeguard is unworkable, unneeded, or provocative. It is not necessary for us to debate that issue again at this time. It is only necessary for us to realize that, whatever the arguments for the ABM, we can now, with all safety and security, suspend work on it for at least as long as the Russians refrain from building more land-based missiles.

Second. We can also suspend deployments of our Minuteman III and Poseidon missiles equipped with MIRV warheads. The administration continues to push ahead with this program, justified on the basis of the failure, thus far, for the United States and the Soviet Union to agree on a formula for the banning of MIRV's.

Is this justification any more valid than the one used for the ABM program? Once again, I find the logic of the administration's rationale very shaky. Here, too, we would run no risks, as long as the Russians fail to build an effective ABM system of their own, and as long as they refrain from building offensive weapons which could threaten our deterrent capabilities.

We are in a privileged and fortunate position today. At no cost to ourselves—and with absolute guarantee of our own security—we can stop our part of the nuclear arms race, in response to actions already taken by the Soviet Union.

For whatever reasons the Russians have decided to suspend or halt the building of land-based missiles, we can follow suit. This is not a unilateral moratorium. It is a moratorium that is fully mutual, fully inspected with each country's own means, and fully secure.

I urge the President to declare this mutual moratorium—in the interests of our own country's security; in the interest of all mankind.

The alternative presents grave problems.

The President has long demanded that the United States commit itself to the building of weapons systems, such as the Safeguard ABM and MIRV, which could serve as "bargaining chips" at the SALT talks. Last year, a reluctant Senate agreed to support him for phase II of the Safeguard system. Today, however, any value it might have had as a bargaining chip has vanished. The Russians are no longer building the SS–9; they have given up their chip. If we continue to retain ours, its value will merely be a provocation for Soviet retribution.

If we fail to accept a mutual moratorium, we, therefore, will not be helping to stop the arms race; we will be forcing the Soviet Union to resume it. This is too high a price to pay for a position of "superiority" and of supremacy that can only fuel the next and most deadly round in this futile race.

The same is true for our deployment of missiles with MIRV warheads. Even when the Russians were building more land-based missiles at a great pace, our MIRV program guaranteed that we would out-distance the Soviet Union in number of deliverable nuclear warheads. It also guaranteed that we could counter an effective Soviet ABM system—a system the Russians never built. Today, when the Soviet Union is no longer building the SS–9 and has not expanded its ABM system beyond a minimal and ineffective defense around Moscow, our deployment of MIRV is becoming a massive and one-sided escalation of the arms race.

We cannot long expect the Soviet Union to suspend its own land-based missile programs while we surge ahead. Soon the Russians will follow our example, and resume the escalating tempo which we are setting.

The President has reportedly decided that he will not consider an agreement at SALT on MIRV warheads without full and complete inspection. This is tantamount to preventing any agreement on MIRV's at all because of historic Soviet reluctance to permit direct, on-site inspection, and because of the technical problems involved.

An overall limit on the total number of missile launchers maintained by each side would make any demand for on-site inspection unnecessary.

Moreover, the demand is premature, and disguises the fact that we are already deploying MIRV's and the Russians have not even fully developed them. The technical modalities for an agreement to ban MIRV's can, therefore, wait, but our own suspension of this weaponry cannot.

The President's advisory committee in order to speed up the SALT agreements or reverse the arms race has already recommended that we drop our demand for on-site inspections. It is not essential due to the technical efficiency of our reconnaissance satellites which identifies missile launchers. He has rejected their advice. I urge him to reconsider. I urge him to accept the true promise that is before us today—a mutual moratorium on the building of land-based systems that can bring a vital part of the arms race to a halt—today and not in the gray distance of tomorrow.

I look forward to the day that we will have a formal agreement at SALT, which I strongly support, to be fully assured that the arms spiral is being unwound. Perhaps we can accomplish the same thing by a continuing process of discussions and simultaneous coordinated, unilateral acts. Be that as it may, the fact remains that the only real way to stop the arms race is to do just that—stop it. With a month-by-month moratorium, with continued vigilance and preparation, we can respond with safety and security.

We now have the chance and it is my duty and the duty of this body as a public forum to convince the President that we must take it.

WHERE ARE THE SALT TALK ALTERNATIVES?

Mr. President, in today's Post, Marquis Childs discusses the SALT talks and the U.S. lack of negotiation alternatives. The column entitled, "Annihilation Gamesmanship" underlines the fact that the U.S. negotiators have been discussing arms limitations and arms reductions, while the Defense Department is moving ahead full-blast with both MIRV and ABM.

In my prepared remarks today, I have called for a moratorium on both ABM and MIRV deployment. We have the technology and the know-how to deploy these weapons effectively. What is to be gained by their installation during a time of most delicate negotiation? We do not need any new version of "brinkmanship" in the 1970's. We need diligent, sincere and reciprocal negotiations that will enable the United States and the Soviets to begin the diversion of resources to development of the best in man rather than threaten to the destruction of the species.

Mr. President, I ask unanimous consent that the column by Marquis Childs, appearing in the Washington Post of February 1, 1971, be printed at this point in the RECORD.

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

ANNIHILATION GAMESMANSHIP

(By Marquis Childs)

You sit staring at your typewriter and you ask yourself how you can make the most vital subject in the world at least partly intelligible. How to break through the shopworn expressions, the barrier of secrecy? How to convey some sense of urgency?

The subject is nuclear arms control and disarmament and, as the days and the weeks slip by with no apparent progress, the hope of any limitation seems to the eye of the outside observer to be all but vanished. The sessions of the Strategic Arms Limitation Talks (SALT) tend to be reported as a kind of nuclear basketball game. They're ahead, we're behind, we're ahead. Insofar as the outsider can pierce it together, the current critical stage developed as follows:

At Helsinki in late 1969 the United States delegation put on the table a comprehensive plan for the limitation of both offensive and defensive missiles. The Russians asked a number of questions as they continued to do at Vienna in 1970. But they did not give any real response. It became known, however, that the Russians had slowed the deployment of the SS-9, the giant missile that was America's chief worry.

Vienna ended in stalemate. Then at Helsinki, two and a half weeks before Christmas, the Russians put on the table a proposal to limit antiballistic missiles to protection of the two capitals, Washington and Moscow. This was a clear-cut limited proposition.

But time was running out and apparently the U.S. delegation had no contingency plan that might have made at least a tentative response possible. So far as is known, no answer has yet been formulated, and the Vienna talks are only six weeks away.

This can become a public controversy. Editorialists and others are already asking why such a limited agreement would not be at least a step away from the multi-billion-dollar arms race. The public demand for some form of ABM agreement promises to grow louder in Congress and in public opinion.

The resistance comes from the Pentagon whether with the sanction, or at any rate the tolerance, of the White House no one can say. The White House and the Pentagon won a great victory after a furious battle when the Senate, with five votes to spare, approved Phase II of the antiballistic missile program. That meant construction of four protective missiles at four Minuteman sites in four states. The Pentagon goal is 12 at a cost of more than $12 billion.

TO AGREE to the Russian proposal would mean scrapping the four sites, on two of which construction is progressing, as well as the over-all program. It would surrender the Pentagon conviction that U.S. offensive missiles must be protected against a Soviet first strike.

As the game is played in Washington the Pentagon almost always scores. At the crisis point with time running out in the quest for a decision on how to respond to the Russian offer the Pentagon comes out with a convenient leak. The Defense Department has urged the White House to back an ABM defense for Washington as well as the four sites in the West. That is what is called putting the ball in the opposition's court.

The Pentagon goes right on scoring. According to the latest count, 50 Minutemen-2 have been converted to Minutemen-3 by adding multiple independently targeted warheads (MIRV). This means a stepup of from three to seven times in nuclear striking power. The conversion of Polaris missiles to Poseidons by the same MIRVs—adjustable up to 10—was delayed by a strike so that only one submarine is deployed with 16 Poseidons. But spring will see a wholesale conversion to Poseidons with a range up to 2,800 miles.

No sky-borne inspection is possible once the warheads are locked into a missile. That means agreement on abolishing or limiting this newest round of weaponry is all but out.

MIRV, ABM, SALT—this is the language of the professionals. For the uninitiated it conveys little of what the game means in billions spent on a mythical "defense" or on the ultimate test.

FBI AGENT'S DISMISSAL CALLS FOR INVESTIGATION

Mr. McGOVERN. Mr. President, on Wednesday, a suit was filed in New York by the American Civil Liberties Union which charges FBI Director J. Edgar Hoover with a "vindictive act of personal retribution" against a former agent of the FBI, Mr. John F. Shaw. The suit charges that Mr. Hoover failed to observe civil service procedures in suspending Mr. Shaw and has violated the agent's rights under the first, fourth, fifth, sixth, and ninth amendments.

This lawsuit follows the first revelation of the circumstances of Mr. Shaw's dismissal which was published in a news story in the Los Angeles Times on January 17 written by Mr. Jack Nelson. It related that Mr. Shaw, an agent with an exemplary record, was enrolled with a group of FBI special agents in the John Jay College of Criminal Justice. After his professor had voiced some criticism of Mr. Hoover's administration, Agent Shaw wrote his professor a letter in which he articulated his own opinions on both the strengths and shortcomings of Mr. Hoover's administration. Mr. Hoover was able to obtain a copy of the letter. And from that time forward, Mr. Shaw has been forced to undergo an ordeal which has included the termination of his employment with the FBI and the effective preclusion from further employment.

After being informed of these circumstances, I wrote to Mr. Hoover requesting his explanation of the events described. His reply was fundamentally inconsistent with the facts reported, and it contradicted his own previous statement of the reasons for the dismissal of Mr. Shaw from the FBI "with prejudice."

Following the receipt of Mr. Hoover's explanation, my office contacted Mr. Shaw. It became clear that the personal tragedy involved was even more serious than at first appeared. Mr. Shaw continues to be refused employment as potential employers are made aware of the prejudicial action by his former Director. Mr. Shaw is the father of four children. Last week, medical tests on his ailing wife established that she is very seriously ill.

The injustice which this man has suffered cannot be tolerated with respect to any citizen in a free society. But even beyond consideration of the personal tragedy, the persecution of Shaw, despite excellent public service, involves the integrity of our Government and the effective enforcement of its laws. Mr. Hoover's action in this matter indicates that he is willing to jeopardize the rights of agents of the FBI as well as effective law enforcement to repress criticism of his administration.

Such vindictiveness is intolerable on the part of an important Federal official. Any reasonable man reading Shaw's letter to his professor will regard it for what it is—a well-intentioned attempt by a loyal agent of the FBI to engage in constructive criticism. Indeed, Mr. Shaw's comments included a vigorous defense against those criticisms of the Bureau which he regarded as ill-founded.

Mr. President, I ask unanimous consent that the following documents be included in the RECORD: The original news story by Mr. Jack Nelson of the Los Angeles Times, my letter to Mr. Hoover and his reply, and Mr. Shaw's letter to his professor, the sole basis for Mr. Hoover's action.

Here is an injustice that cries out for remedy. I am, therefore, asking the Senate Subcommittee on Administrative Practice, chaired by Senator KENNEDY, to initiate an immediate investigation. Also, a few days ago I wrote the Attorney General, expressing my concern over the inconsistencies in Mr. Hoover's response to my letter, and requesting that the Attorney General rectify the preju-

dicial action. I ask unanimous consent that this letter also be included in the RECORD.

I call upon my colleagues to review the documents I have submitted. They disclose an appalling situation which we cannot ignore.

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

[From the Los Angeles Times, Jan. 17, 1971]

LETTER ENDS FBI CAREER: HOOVER BLACKBALLS EX-AGENT WHO WAS CRITICAL OF HIM

(By Jack Nelson)

NEW YORK.—It had the earmarks of a routine FBI investigation—agents sifting wastebaskets and piecing together parts of a letter, then calling in a suspect for interrogation.

But it was not routine. The investigation occurred in the FBI office in New York and the suspect was an FBI agent.

Jack Shaw, 37, of Hillsdale, N.J., a former Marine captain with an unblemished record of seven years with the FBI, was studying for a master's degree at John Jay College of Criminal Justice here. He had written a letter to Prof. Abraham S. Blumberg discussing the FBI and asking advice on a possible thesis.

The letter was critical of FBI Director J. Edgar Hoover and the FBI on some points, but also defended Hoover and the bureau against critics and Blumberg's classroom criticism on other points.

The FBI was able to piece together less than half of the 15-page, single-spaced letter, which was never mailed. But it was enough to wreck Shaw's career and to prompt Hoover to blackball him in the law enforcement field.

Since resigning under pressure last Sept. 24, Shaw, a father of four, has been unable to find a law enforcement job. He says several job opportunities collapsed when his would-be employers learned Hoover had accepted his resignation "with prejudice."

Shaw contended his letter contained private thoughts of an academic nature. Blumberg, who was furnished a copy, described it as the work of "a man who was troubled by his role in life, who had some questions about the institution for which he was working, but was basically loyal."

The letter is a rambling, free-wheeling critique, factual in places and highly opinionated in places, humorous in some places and deadly serious in others. Shaw released a copy of the letter at the request of a Los Angeles Times reporter, declaring:

"I don't want to further complicate my problems and cause more damage to my family. But I want to set the record straight. I'm trying to deal in good faith with prospective employers."

Shaw had ended his letter with a request that Blumberg keep it "in complete confidence, otherwise I shall be obliged to begin preparing my defense before some governmental court of inquisition . . . in the bureau's eyes, of course, however academically intended, my statements would constitute a prima facie case of heresy. I would prefer not to be martyred this calendar year."

CRITICISM BY HOOVER

Hoover, who still has seen only parts of the letter, accused Shaw of "atrocious judgment" in criticizing the FBI and in failing to report Blumberg's classroom criticism to the FBI.

Shaw was suspended without pay for 30 days, put on probation and transferred to Butte, Mont., a purgatory for agents who have incurred Hoover's displeasure.

Rather than accept the transfer, Shaw resigned, citing "personal considerations affecting the health, welfare and happiness of my family." (His wife, who had been ill intermittently during the previous two years, is now in a hospital awaiting major surgery).

In the letter Shaw agreed with critics that a Hoover "personality cult" guides the FBI and stymies change. He also criticized the FBI for lagging in the fight on organized crime, for too strictly regimenting and controlling agents, and for directing a vociferous public relations program that emphasizes accomplishments of 25 and 35 years ago.

DEFENDS FBI

At the same time he defended the FBI against critics who accuse it of keeping dossiers for political purposes and of engaging in Gestapo-type excesses. He also defended Hoover's integrity and character.

Overall, he wrote, the FBI has "kept fairly well abreast" of its responsibilities and has provided effective law enforcement.

John Jay College, as well as Shaw, felt repercussions from the classroom criticism of Hoover and the FBI. Hoover directed that all 15 agents attending John Jay withdraw unless the college fired Blumberg. College officials backed Blumberg and more than 1,000 of the college's students petitioned Atty. Gen. John N. Mitchell to investigate the entire incident and to order that the 15 agents be permitted to return to classes.

The John Jay student publication, Lex, edited by Michael J. Fleming, a New York City policeman, urged Hoover to reconsider his order and said he should realize that any institution which holds itself above criticism will soon drift beyond the realm of reality . . . John Jay, without a doubt, has to be one of the most conservative colleges in the country. If the FBI cannot function here, then it would appear that it cannot function at all."

The college has been strongly supported by the Department of Justice, which includes the FBI, and receives $900,000 annually from the department's Law Enforcement Assistance Administration programs. The college's 5,000 students include 3,500 in-service personnel—city and state police, federal agents (CIA), narcotics, customs, military, etc.) and other law enforcement personnel.

Shaw has bachelor degrees in law and philosophy and has completed all requirements, except for a thesis, for a master's degree in criminal justice at John Jay where he was studying under FBI auspices.

As a student, he had finished second in his Russian language class at the Monterey, Calif., branch of the Defense Language Institute in 1966 and later that year served as interpreter for Alexei N. Koygin's UN visit and the Russian premier's visits with President Lyndon B. Johnson at Glassboro, N.J. Shaw was climbing the FBI ladder when he fell from grace. He and two other agents had been selected from 76 who applied for advanced study at John Jay to qualify as instructors at the prestigious FBI National Academy.

CRITICIZED HOOVER

His downfall last July when Blumberg, author of three books on criminal justice, criticized Hoover during a lecture on law and society. As Blumberg recalls it, he said "something about the cult of personality and that Mr. Hoover had been in power too long."

Shaw decided to write Blumberg about the professor's classroom criticism of the FBI and began researching the pros and cons of it. By Sept. 15 he had drafted the letter and turned it into the typing pool of the New York FBI office for final typing.

His ordeal began about 4:30 p.m. last Sept. 17, he said, when an agent friend "said he had passed the typing pool and heard considerable talk about a letter I had written."

"He was ashen-faced," Shaw continued. "He asked, 'Did you write a letter to a professor at John Jay? Christ, a lot of questions are being asked and about 10 agents are making a methodical search through the trash baskets."

The agents found and put together all or parts of eight different pages, according to Shaw, who was confronted by John Malone, special agent in charge (SAC) of the New York office and Joseph K. Ponder, SAC for administration in the office.

"I began to sweat profusely," Shaw said. "My whole career went before my eyes. I thought about my wife and children."

His superiors demanded that he turn over to them the complete copy of the letter.

"I tried to tell them that it was academic freedom," Shaw continued, "and I said, 'Mr. Malone, you get into an academic discussion and nothing is clearcut—there are pros and cons to everything.' I said that I was entitled to the privacy of my thoughts."

"TIP OF YOUR TOES"

But Malone, according to Shaw, said, "You're an FBI agent from the top of your head to the tip of your toes and anything you write belongs to the FBI."

Shaw said, "They kept questioning me and said I would be off the hook if my letter met Mr. Hoover's approval. They said if I had written a letter refuting an attack on Mr. Hoover, they said they would send it to Mr. Hoover and I would be rewarded for it."

After four hours of interrogation, Shaw said, he finally told them he would give them an answer the next morning. When he returned the next day he told his superiors he had decided the unmailed letter was a private document and he had destroyed it.

They told him he was suspended indefinitely and ordered him to turn in his gun, badge and FBI recreation association card (which, among other things, entitles agents to discounts at certain commercial establishments).

Malone, who commands the FBI's largest field office, responded to an inquiry about the case by saying only, "Any comment will have to come from Washington." An FBI spokesman in Washington said, "There are no FBI offices which are administratively considered unpopular or 'disciplinary' offices for purposes of assigning personnel. All transfers are made on the basis of the needs of the service."

SENT TO BUTTE

Four days after the New York office suspended Shaw, Hoover transferred him to Butte and wrote him: "It has been determined that you exercised atrocious judgment by preparing a communication for transmittal to an individual not employed by the bureau which correspondence contained material critical of the FBI. Your reasons for acting as you did are without merit. Having been put on notice that this person had been critical of the bureau, you had a responsibility to make this matter known to your superiors immediately and you failed to do so. Your derelictions are inexcusable.

"In view of the above, the suspension from duty without pay . . . is being continued through Oct. 18, 1970. You are also being placed on probation. While on a probationary status, favorable consideration will not be given any within-grade salary increase for which you would otherwise become eligible . . ."

Shaw replied with a letter to Hoover saying, "for the first time in seven years, personal considerations affecting the health, welfare and happiness of my family demand priority of considerations and this precludes my acceptance of an office transfer to the Butte office under present circumstances . . .

"I have served the FBI with consistent application and considerable pride and devotion since July, 1963, but in view of certain issues raised recently by my administrative superiors in my regard, leading up to and resulting in my office transfer at this time, I consider it necessary to resign."

Back came a telegram from Hoover advising "your resignation is accepted with prejudice . . . action being taken in view of your atrocious judgment."

Shaw, after finding that the black mark was stifling his employment chances, finally wrote Hoover on Dec. 10 asking that he consider removing "with prejudice" from his employment record.

"This prejudicial qualification has either sharply limited or otherwise adversely affected my opportunities for employment," Shaw wrote. "Further continuation of this action on your part would undoubtedly add to the burden already assumed by my family and myself."

On Dec. 17 Hoover replied in a letter, "You may be sure that this matter has been given careful consideration; however, this is to advise that the action previously taken in accepting your resignation with prejudice must stand."

Shaw does not recall all of the parts of the letter the FBI retrieved and reassembled so he does not know the relative amount of pro and con Hoover saw. Nor does he recall whether Hoover saw some of the sharpest barbs, such as:

"We are not simply rooted in tradition. We're stuck in it up to our eyeballs. And it all revolves around one key figure—the life and exploits of J. Edgar Hoover."

Shaw wrote that while a personality cult extends through the FBI's management, "I do not think the cultists infect every area of bureau operations. The field operations generally proceed without undue concern for the personal edification of the director. Of course, in the handling of personal promotions . . . the cult of personality does play an important role . . . adulation of the director in some form or other provides the main catalyst in the process of administrative advancement."

He also wrote, "Hoover's grip on the FBI remains vise-like (some say 'stranglehold') and the net effect is . . . frustrating needed changes and inhibiting the range and thrust of current operations. With the director's position perennially secure, the infusion of new life and new direction is a moot point."

HOOVER'S REPUTATION

According to Shaw's letter, however, "whatever faults may be attributed . . . it is still quite a task to impugn his character and integrity on defensible grounds. Personal idiosyncracies, perhaps. But character defects, hardly. Hoover's reputation has . . . survived well under the poisoned pens of the sharpest critics of the D.C. circuit . . ."

Shaw criticized "Monday-morning quarterbacking" of field operations from Washington and said it is not uncommon for FBI headquarters to approve a field operation and then, because of bad publicity, contend it has been mishandled and discipline the agent involved.

"Thus in the Lee Harvey Oswald case," he wrote, "the bureau publicly refused to accept any blame in the handling of its investigation of Oswald; but after the Dallas debacle had generally lost front-page news coverage, the bureau censured, suspended and transferred the special agent to whom the Oswald case had been assigned. The agent's guilt was that he had failed to 'property administer' his case. There simply is no excuse in the organization for bad publicity or any investigative act which results in 'embarrassment to the bureau.'"

Shaw touched lightly on another controversial matter involving Hoover—the director's repeated allegations concerning the personal behavior of Dr. Martin Luther King who had criticized the FBI for its performance on civil rights cases in the South. Shaw suggested that both Hoover and the late civil rights leader might be vulnerable to criticism—Hoover, if he used "information in official files to silence Dr. King's criticism of the FBI" and Dr. King if he "was in fact so vulnerable to compromise."

IMAGE CONSCIOUS

Shaw wrote that the bureau is so conscious of its image and promotes, it so "vociferously" that effectiveness is impaired.

"I suggest that if avoidance of criticism becomes the chief consideration of an agency, there is little likelihood that its members will be distinguishable for the imagination, initiative and aggressive action. There is a haunting phrase that echoes through the bureau: 'Do not embarrass the director.'"

Quoting "reliable sources," Shaw wrote that brief personal interviews with Hoover figured heavily in agents' promotions and added: "I would even argue that a mental incompetent (provided only he wore a dark suit and were otherwise well-groomed) could play an impressive role for so brief a span. Even granting Mr. Hoover posseses extraordinary powers of intuition and judgment, I nevertheless doubt that he could safely pass on good horseflesh after only a five-minute examination of the brute."

Shaw commended Blumberg for "the excellence" of his course and, in a facetious vein, advised that his first move after becoming an instructor at the FBI National Academy would be to invite the professor "to appear as a guest-lecturer . . . to deliver your expanding series on the FBI—well, anyway to appear as a lecturer within your academic specialty."

Concerning criticism that the FBI keeps dossiers for political purposes, Shaw wrote, "I seriously question whether so much information . . . is being maintained for the express purpose of political blackmail. In the hands of an unscrupulous person, practically any sensitive information uncovered in the course of an FBI investigation might serve some sinister purpose. But such has simply not been the proven case in the bureau's history."

TWO BOOKS CRITICIZED

He also criticized two books written by former FBI agents as "sensationalism," declaring, "they cited everything from Hoover's puritanical outlook on sex to his penchant for bugging the johns in the Justice Department; from agents cutting-up on duty, to matters of gross incompetence. Both books were apparently poorly documented and poorly written 'exposes' by agent-authors who had served less than a year in the bureau . . ."

Other verbatim excerpts from the letter follow:

"The bureau projects its image with the deft subtlety of a sledge-hammer. But I also take exception to the manner in which criticism is sometimes leveled at us. The critic who resurrects the Gestapo ghost to cite supposed excesses of the FBI is . . . appealing to pure emotionalism and wallowing in the cheapest form of rhetoric.

"Woe to the special agent in charge in Indianapolis, Butte, Buffalo, or San Francisco if some 'independent remark' or prepared press release is later construed by headquarters as out-of-line with 'established bureau policy.'"

DILLINGER DAYS

"Tradition has its place, but in the bureau apparently this means dragging out the skeletal remains of John Dillinger, Baby Face Nelson and Machine-Gun Kelly at every law enforcement luncheon, and today when there is justifiable concern over international espionage, who is really impressed with the FBI's capture of bumbling Nazi saboteurs landing off a U-boat during World War II?

"Only recently has the bureau begun to develop an intelligence network for a coordinated attack on organized crime. For decades the bureau refused to believe or chose to ignore the fact that the criminal underworld had not only invaded the world of legitimate business but was operating with the efficiency and expertise of 'big business.'

"The internal power structure of the FBI has been too rigidly set in its own ways to conceive or implement a novel program of action involving cooperation with outside agencies. Professional jealousy is not an uncommon FBI shortcoming.

"The bureau's answer to any criticism from within is 'follow procedures or find a new job.'

"Internal discipline in the bureau is swift and harsh. Unfortunately, too, it is often quite arbitrary."

JANUARY 12, 1971.

J. EDGAR HOOVER,
Director, Federal Bureau of Investigation, Washington, D.C.

DEAR MR. HOOVER: It has been brought to my attention that certain FBI agents were withdrawn from the John Jay College of Criminal Justice as a result of remarks critical of the administration of the Federal Bureau of Investigation. In particular, I have been informed that one of these agents, a Mr. Jack Shaw, has resigned from the FBI, and that you accepted his resignation noting formally that the acceptance was "with prejudice."

The description of this episode which has been related to me has caused concern about the personnel procedures of the Bureau. Therefore, I would very much appreciate information as to the reasons why Mr. Shaw and the other agents were withdrawn from John Jay College, and a statement of the circumstances resulting in the acceptance of Mr. Shaw's resignation "with prejudice."

Many thanks for your cooperation.

Sincerely yours,

GEORGE MCGOVERN.

FEDERAL BUREAU OF INVESTIGATION,
Washington, D.C., January 15,1971.

Hon. GEORGE MCGOVERN,
U.S. Senate,
Washington, D.C.

MY DEAR SENATOR: I have received your letter of January 12, 1971, concerning the withdrawal of FBI Special Agents from John Jay College of Criminal Justice and the acceptance of the resignation of former Special Agent John F. Shaw, Sr., with prejudice.

The Special Agents were withdrawn from the college after Mr. Shaw, who took a course last summer at the college, reported that the professor would not give him ample opportunity to reply in class to derogatory statements about the FBI which this professor had made in class. I could only conclude that such an academic environment was not conducive to the objective pursuit of law enforcement studies.

The voluntary resignation of Mr. Shaw was accepted with prejudice in view of the atrocious judgment he displayed in this matter.

Sincerely yours,

J. EDGAR HOOVER.

SEPTEMBER 15, 1970.

Prof. ABRAM F. BLUMBERG,
John Jay College of Criminal Justice, Graduate Division, New York, N.Y.

DEAR PROFESSOR BLUMBERG: I did not want the summer to slip by without having acknowledged the excellence of your course at John Jay on *Law and Society*. I would have made this comment earlier but, under the circumstances, my motives might have been questioned. At this late date, I presume that my academic grade will not be affected one way or the other by my observing that I enjoyed your lectures and found your remarks interesting, on-point and certainly thought provoking.

I should quickly add that I was not always in full agreement with the legitimate inference drawn by you in presenting your ma-

terial, particularly that portion relating to the FBI. I decided a letter might offer the best format for expressing my own viewpoint in this area of mutual interest, since presumably a letter could best be read at your leisure. I have made some concerted effort to be both precise and reasonably brief in my presentation. But if I tend to ramble Doctor, it is because I have taken only the limited time available to prepare my "apologia".

As an FBI agent who has plied his peculiar trade for seven years, I am offering personal observations based on my own experience. I do not pose as an expert in FBI affairs, because the average agent-employee simply is not privy to the formulation of Bureau policy, and has no *precise* conception of how the internal power structure of his organization actually functions. In this sense, I suppose the Bureau can be considered "secret" in its operations. Still the interested "student" of Bureau affairs, even from cursory examination, can attain some knowledge of the FBI's structure, administration and operation not accessible to the layman (citizen.).

Basically the Bureau pulse-beat is transmitted coast-to-coast through 55 geographically spaced field offices which operate as partially autonomous cells. A Special Agent in Charge (SAC) is *technically in command* at each of these 55 locations. Actually, an SAC is not generally known for his independence of action or his propensity for original thought. He is probably best recognized as a "sounding-board" for the Director's policies, thoughts, and directions and as a "competent administrator" in the daily routine of his office. Operational control of the FBI is centralized in Washington, D.C. When the Director dictates, 55 scribes take notes and these notes are soon translated into "standard operating procedure". Centralized authority, maintained through high-speed communications between Seat of Government (Headquarters) and the field offices, is the key to the Bureau's operational control, uniformity and efficiency (?).

How centralized is this control? Well, woe to the Special Agent in Charge (SAC) in Indianapolis, Butte, Buffalo, or San Francisco if some "independent" remark or prepared press-release is later construed by Headquarters as out-of-line with "established Bureau policy". Washington is always in the enviable position of placing its own interpretation on all communications and information it receives from its field offices. Washington weighs, evaluates and passes judgment on the results of investigation submitted; and effectively assumes the role of "Monday morning quarter-back." It is not an uncommon phenomenon that a field investigation which started out well with Washington's full approval, suddenly hits a snag and is judged to have been mishandled or poorly administered in the light of some intervening bad publicity. Thus in the Lee Harvey Oswald case, the Bureau *publicly* refused to accept any blame in the handling of its investigation of Oswald; but *after* the Dallas debacle had generally lost front-page news coverage, the Bureau censured, suspended and transferred the Special Agent to whom the Oswald case had been assigned. The agent's guilt was that he had failed to "properly administer" his case. There simply is no excuse in the organization for bad publicity or any investigative act which results in "embarrassment to the Bureau."

The Bureau, as is perhaps true of any paramilitary organization, embodies characteristics and relies on methods which simply do not appeal to the mind of the philosopher, the social scientist or the professor. I think a similar rift exists, by way of analogy, between the *practical* and the theoretical sciences, perhaps to a lesser degree. Within the FBI "system" there is regimentation, which necessarily circumscribes the area of free expression and independent choice of action. The area of allowance within which an agent can legitimately question prescribed policies, methods and goals, is extremely limited for the sake of discipline, control, and uniform procedure. Without question, the lack of some centralized administration would eventually lead to chaos in the field divisions. The simple Bureau response, of course, even to implied opposition to "one-man-centralized" authority is "follow procedures or find a new job."

The fact is that an agent is an *agent*—an instrument for executing what has been transmitted down through the chain-of-command. His job is fairly pragmatic. The rules and regulations are *amply*, if not *clearly*, spelled-out, and so are the penalties for violating, ignoring or misconstruing the "letter of the law". Internal discipline in the Bureau is swift and harsh. Unfortunately, too, it is often quite arbitrary. Punishment is usually meted out in direct proportion to the amount of bad publicity generated by the particular mistake or incident.

The difficulty with the Bureau's rigid system of control and discipline, however, is exactly the point you made in class: Personal initiative and aggressive action tend to be blunted *up* and *down* the line. It is an inherent defect in the bureaucratic process (perhaps in human nature, for that matter) "to fulfill the minimum requirements; to take the minimum action necessary" in a given situation; to avoid the pitfalls of the past and follow the proven "safe-route". In the Bureau, as anywhere else, the letter of the law can receive much undue emphasis while the spirit of the law is seemingly forgotten. Mediocrity *can* survive quite successfully within the system.

One effect of the Bureau's promoting its image so vociferously through publicity is the acquired characteristic of "Over-caution". I believe it is possible for an organization to become so conscious of its public image—its unsullied reputation—that it is actually reduced in its effectiveness. At a time when the entire governmental "establishment" is under assault, the Bureau of course is even more sensitive to criticism from any quarter. I suggest that if avoidance of criticism becomes the *chief* consideration of an agency, there is little likelihood that its members will be distinguishable for their imagination, initiative and aggressive action. There is a haunting phrase that echoes throughout the Bureau: "Do not embarrass the Director." This has been so widely interpreted and liberally applied that there is some question today what action or conduct cannot be considered "embarrassing", "indiscreet", "imprudent" or "ill-timed".

This brings me to the question of *"Public Relations"* which is an integral a part of the FBI as it is of any modern corporation with a product to sell or a service to provide to the public. The Bureau obviously depends on strong public cooperation for success in its investigations. Without public cooperation and receptiveness, the Bureau could not expect to obtain the information it solicits and needs on a day-to-day basis in meeting its responsibilities.

Whether its public relations program is *excessive*—and to what degree—is a question open to some debate. I would argue for continued good publicity, responsive to *current* needs, and based on *current* noteworthy accomplishments. But dispense with the uninspired stream of gangster stories that relate back to the roaring 20's and 30's. Through dogged repetition the Bureau sometimes creates the impression—inadvertently—that it has done nothing particularly worthwhile since Hoover personally disarmed Alvin Karpis in 193(?). Tradition has its place, but in the Bureau, apparently this means dragging out the skeletal remains of John Dillinger, "Baby Face" Nelson and "Machine-Gun" Kelly at every law enforcement luncheon, and today when there is justifiable concern over international espionage who is really impressed with the FBI's capture of bumbling Nazi saboteurs landing a U-boat during World War II?

We are not simply rooted in tradition. We're stuck in its up to our eye-balls. And it all revolves around one key figure, viz., the life and exploits of J. Edgar Hoover. On the other hand, to knock the Bureau for fostering *any* kind of publicity program is to say in effect: "It doesn't pay to advertise." It not only pays, but if the FBI is to continue to operate openly and effectively, a balanced approach to public relations is indispensable.

I think, however, that the Bureau offends the sensitive critic by the way in which it projects its image—with the deft subtlety of a sledge-hammer. But I also take exception to the manner in which criticism is sometimes leveled at us. I think it is one thing to raise a point of difference or to request closer scrutiny of a particular area or operation, but it is another matter altogether to raise the spectre of Nazi Germany in stating a case against the Bureau. The critic who resurrects the Gestapo ghost to cite supposed excesses of the FBI, is, in my opinion, appealing to pure emotionalism and wallowing in the cheapest form of rhetoric. I would have to dismiss such a contrived comparison as inflated oratory a-la-Joe McCarthy, in the absence of more documentary evidence than has been forthcoming to date. It is regrettable to me that the "big smear" tactics of the McCarthy era find a resurgence today whenever supposedly "intelligent" debate is joined. The FBI is certainly open to criticism and public scrutiny. But, whatever deficiencies the critic may raise, the Bureau's record speaks for itself . . . and that record does not warrant a slander campaign led by some demagogue equally the match of Hoover. (e.g. Robert Kennedy, if you will).

The Bureau is always in the path of criticism because of the sensitive nature of its responsibilities. In recent years, Washington columnists have raised speculation about "dangerous, extraneous information" in the secret files of the FBI accumulated in the course of its investigations, but not strictly germane to those investigations. You, yourself, mentioned "personal dossiers" compiled by the FBI on political figures in Washington, D.C. circles; possibly on every congressman on Capitol Hill. Not to minimize the inherent danger of such files, if they exist, but their compilation presumably on a continuous basis would require a massive amount of manpower that might *just* exceed the manning level of the FBI. I seriously question whether so much information of the "little black-book" variety is either "on deposit" or is being maintained for the express purpose of political black-mail. In the hands of an unscrupulous person, practically any sensitive information uncovered in the course of an FBI investigation *might* serve some sinister purpose. But such has simply not been the proven case in the Bureau's history. Periodic wild speculation in this area has not built a conclusive case against the FBI, nor raised the imputation of wrong-doing in our regard *convincingly*.

Whatever faults may be attributed to Hoover, whatever criticism can be attached to his tenure as Director, however much displeasure (hate) his longevity may arouse, it is still quite a task to impugn his character and integrity on defensible grounds. Personal idiosyncrasies, perhaps. But character defects, hardly. Hoover's reputation has been exposed to, and has survived well, under the poisoned pens of the sharpest critics on the D.C. circuit, never particularly known for their quality of mercy.

This brings us to the Hoover—King con-

frontation of past fame and the still unconfirmed stories that the Washington press corps has speculated into fact and fanned into national controversy. What is evident in the stories alleging that Hoover "blackmailed" King into silence, under threat of an expose of personal misconduct, is that *somebody somewhere* has *lied*. But there are as many possibilities here as there are actors in the cast. Why pin the rap on Hoover? It is interesting to note that Mrs. Coretta King *insists* that the news stories have no substance in fact; that whatever differences existed between Hoover and Dr. King, the matter did not involve "political blackmail" on the grounds of immorality.

Suppose in this instance Hoover *did* confront King with evidence of personal indiscretions, gathered in the course of an FBI invesigation of Dr. King's activities (as alleged by the press). I am then left with a sick feeling on two counts that I find *equally* disturbing: 1) that Hoover would elect a dangerous expediency and use information in official files to silence Dr. King's criticism of the FBI and 2) that King, who was proclaimed as a great religious and moral leader in his own right, was in fact so vulnerable to compromise. If the implications of the Hoover-King episode are founded in fact, is it not consistent in rendering fair judgment (strict justice) to attach equal weight to the hypocrisy of King as to the ruthlessness of Hoover? If it comes down to a question of personal integrity, whose integrity should be attacked to exonerate the other's? It seems patently unfair to me in this issue to crucify (figuratively) Hoover for gross defects of character in the misuse of public office, on the the one hand; and to canonize (figuratively) Dr. King despite a few reported "peccadillos" in the discharge of his ministry, on the other. It is just possible that truly objective criticism could destroy either man with equal effectiveness. But Hoover has his work cut out for him now in any continuation of the Hoover-King controversy, because his adversary from this point on will be a recognized, national hero who died as a martyr for his particular cause. These are tough odds even for a seasoned bureaucrat like Hoover.

In judging the merits of the FBI, I foresee a problem if the examiner refuses to distinguish between *Hoover* and the *agency*. (Although, I admit, Hoover probably doesn't recognize the distinction himself.) Yes, a "personality cult" does extend through the echelons of management in the FBI. But I do not think the cultists infect every area of Bureau operations. The field operations generally proceed without undue concern for the personal edification of the Director. Of course, in the handling of personal promotions up the ladder into the Bureau hierarchy, the cult of personality does play an important role. It is certainly no "military secret", though I am sure, not widely published either, that adulation of the Director in some form or other provides the main catalyst in the process of "administrative advancement". There are some pretty funny success stories in the annals of the FBI, but I will ignore them today due to the limitations of time and space.

But how does one merit promotional consideration within a paramilitary system professedly based on merit? Well, there are lots of ways. Requesting a "personal interview" with Mr. Hoover, however, is probably the most frequently used avenue to advancement. Within the allotted few minutes of time, apparently countless Bureau executives today were able to impress "the man" with their latent leadership capabilities. Other stories circulate, too, that some aspirants have unfortunately been identified as truck-drivers in the course of their interviews, and cast out forever into the outer darkness.

I cannot draw on personal experience in this area, but from "reliable sources" I am led to believe that the personal interview with Mr. Hoover runs as follows: 1) Preliminary greeting and hand-shake 2) the agent expressing his desire for promotional consideration (previously cleared in writing for an appointment) 3) a brief "sounding out" and shop-talk about current cases of national interest 4) posing for the official full-profile, colored photograph and 5) farewell hand-shake. Within this brief period (reportedly timed by stop-watch buffs between 3 to 5 minutes) the Director passes on the merit of the candidate and jots his cryptic analysis on a memo attached to the government personnel file. There are no statistics available on how many of the current Bureau hierarchy were catapulted onto the promotional ladder by the formula described above. Speculation is that a considerable number were. Of course once afforded the initial opportunity, the candidate must technically "swim or sink" (for himself)—but I suggest that the talents required for this aquatic exercise may be dangerously *minimal*.

In today's 20th Century world of management techniques, and especially within an organization attaching great weight, publicly, to merit and ability, I believe that there may be a more sure and efficient way of recognizing latent leadership assets, than during the first impressions of a 3 to 5 minute interview. I would even argue that a mental incompetent (provided only he wore a dark suit and were otherwise well-groomed) could play an impressive role for so brief a span. Even granting that Mr Hoover possesses extraordinary powers of intuition and judgment I nevertheless doubt that he could safely pass on good horseflesh after only a 5 minute examination of the brute.

The above "formula for promotion" is probably not all-inclusive nor are my remarks meant to stigmatize all who advance within the system. But I have seen the formula applied in some instances and, I tend now to be persuaded that too many "qualified leaders" are selected for advancement on a modicum of merit and ability. Other factors take precedent. And it is too easy a temptation to rely on the tested formula of fawning flattery and thereby select the course of least resistance to "the top".

A cynical observation by a disappointed office seeker? Perhaps. But I had decided several years ago that advancement by the route described offered little in the way of actual rewards or job satisfaction, and could never compensate for the real damage inflicted on the family. Simply stated, the more promotions in the Bureau, the more physical relocations. Transfers at inopportune times have a way of disrupting the entire family circle.

By a quirk of fate, however, the Bureau has begun to up-grade its position of Agent-Instructor for the staffing of a new Academy under construction in Quantico, Virginia. Barring some turnabout, I have been selected (without requesting a personal interview) for assignment to Virginia upon the completion of the buildings there. Once securely(?) established, I thought one of my first moves as a fledgling instructor would be to extend you an invitation to appear as a guest-lecturer, Doctor, to deliver your expanding series on "the FBI"; well anyway, to appear as a lecturer within your academic specialty.

At this point it seems logical to ask how the FBI actually developed into the organization it is today. In due respect to Hoover it is accurate to state that the record of the Bureau prior to 1924 was not an enviable one. Internal corruption was a matter of national disgrace. Hoover was instrumental in establishing, then in gradually expanding, the role of a select, disciplined, and comparatively well-trained body of investigators. Gradually, the Bureau's responsibilities have been expanded to the breadth and scope we recognize today. Part of the current "problems" of the FBI . . . and I cannot see where the fault in this area attaches to Hoover—owes to the enlarged area of its jurisdiction, from once solving bank robberies and interstate thefts to now catching spies and protecting the Smokey Bear emblem! (Now who in hell decided the FBI should protect Ol' Smokey?)

Regardless of critical acclaim to the contrary, the FBI numbers only about 7,000 Special Agents. At the same time, the Bureau is charged with the investigation of approximately 180 separate violations of federal law, (only one of which, for instance, concerns violations of the Civil Rights Act of 1954). Overall the record will show that the Bureau has kept fairly well abreast of its responsibilities, amid the growing complexity of the laws. The criticism, if any is warranted, is not in the direction of over-aggressiveness", in my opinion, but "conservatism" in the Bureau's approach to its responsibilities. The Bureau tends to seek new "successes" only in areas where it has met similar successes in the past, by the same tried formulas. Patterns develop. Consequently agent manpower continues to be focused on stolen car cases, on "petty" thefts, and on bank robberies (etc), because these types of crime have produced high statistical success in the past. Sameness sets in. Read the Appropriations for 1971, and it will seem like a carbon copy of Appropriations for 1970. Only the names have been changed to protect the guilty.

Only recently has the Bureau begun to develop an intelligence network for a coordinated attack on organized crime. Bank robberies and "top-ten fugitives" have always taken precedence, perhaps because they generated headlines in the nation's press. But now the pendulum has swung. Bank robbers are a dime-a-dozen, because there are so many banks waiting to be robbed. Bank robbers are now "small apples" compared to the annual rake-in of organized crime. For decades, the Bureau refused to believe or chose to ignore the fact that the criminal underworld had not only invaded the world of legitimate business but was operating with the efficiency and expertise of "big business". The Bureau was slow to cooperate in the organization of coordinated Federal Strike Forces, which are at least a novel approach to an old stalemated problem. The Bureau generally refuses to recognize "sophisticated methods" of combatting crime which are outside its own arsenal. At the same time, the internal power structure of the FBI has been too rigidly set in its own ways to conceive or implement a novel program of action involving *cooperation with outside agencies*. Professional jealousy is not an uncommon FBI shortcoming.

At this point, Dr. Blumberg, I submit the enclosed copy of "FBI 1971 Appropriation" as fairly well representative of the Bureau's current worth and effectiveness, in outlining its area of concentration. The reader may not agree with the ways in which the FBI is expending its budget but, objectively the reader should at least concede that Bureau expenditures are pretty clearly spelled out. Supporting statistics appear in profusion. Now whether the FBI should re-orient its emphases in particular areas, whether entire areas of criminal activity should be re-evaluated, whether some existing federal statutes should be discarded altogether—these are all debatable issues. The Bureau at least sets forth the entire spectrum of its operations in a logical, straightforward manner, for whatever comments and/or criticism the Congressional Appropriation Sub-Committee wishes to make. The budget

is thus *technically* subjected to close scrutiny. But as you can see by reviewing the issue enclosed, the current FBI was accepted by the sub-committee without any criticism and with only superficial inquiry.

This brings us once again to the person of Mr. Hoover. It is practically impossible to divorce him from any academic discussion of the Bureau, particularly Bureau administration. It is here that arguments both *pro* and *con* the FBI tend to lose their objectivity. I believe that many critics just don't possess enough material facts about Bureau policies to critique them effectively or argue intelligently; and thus resort to invective or villification. I likewise admit that the Bureau employee is not the best person to act as Defender of the Faith in most instances. The facts he possess are simply too limited and too one-sided to afford him a balanced view of the world "outside" the Bureau. Cliches abound in arguments *for* and *against* the FBI and inevitably "open" discussion leads to an exchange of snide rewards, with neither side bolstering its argument with many facts or much logic.

Thus, in recent years two disgruntled agents by the name of Jack Levin and Norman Olstead wrote books purporting to be glaring exposes of the FBI and irrefutable indictments of Hoover. The authors, probably in an effort to capture the reading public, struggled for sensationalism. They cited everything from Hoover's puritanical outlook on sex to his penchant for bugging the johns in the Justice Department; from agents cutting-up on duty, to matters of gross incompetence. Neither book has sold much, which may speak well yet for the literary appetite of the American public. Both books were apparently poorly documented and poorly written "exposés" by Agent—authors who had served less than a year in the Bureau which they so *expertly* criticized. *No one* ferrets out book-length material on any agency as complicated and diverse as the Bureau in a year's time. Certainly no aspiring pulp writer. The Bureau may well be open to some long-awaited studied analysis, but literary pap of the Levin-Olstead school is certainly not the answer to the FBI's problems or the public's needs.

Acknowledging a certain degree of ignorance right from the start, I argue that the Bureau is an effective law enforcement agency in spite of the fact that one man has been at the helm for more than 40 years. Unquestionably, Hoover's grip on the FBI remains vise-like (some say "strangle hold") and the net effect is without a doubt frustrating needed changes and inhibiting the range and thrust of current operations. With the Director's position perennially secure, the infusion of new life and new direction is a moot point. Whether justified or not, the Director also seems to have the House Sub-Committee on Appropriations in his hip pocket, and this body technically controls the fiscal life-line of the FBI. How else can one explain the *pitifully* weak line of questioning carried on by the committee year after year at appropriation time? Either this committee has hopelessly blind faith and confidence in Hoover's direction of the Bureau or else, due to fumbling incompetence, this committee cannot even identify a problem when it sees one. Their familiar acquiescence persists year after year, in Hoover's favor.

In either case, I do not believe that the 100 or more pages of testimony serve the purpose for which they were originally intended; viz, to oversee Bureau operations and expenditures and to evaluate their net worth. But this annual *cake-walk* before Congress does not reflect so poorly on the FBI as it does on the competency (and moral stamina) of governmental administration. It is not the duty of the Bureau, after all, to *demand* closer scrutiny or more aggressive, open-minded inquiry into its operations. I suggest that the esteemed committee screwed up in failing to exercise its own legislative prerogatives for "other considerations". A cursory reading of the Director's testimony suggests a carefully rehearsed game of charades, with Mr. Hoover surfacing as the dominant character and the various congressmen as supporting players in rather perfunctory roles.

I cannot accept the argument, however, that the Director is never openly opposed on any issue 1) because of his awesome bureaucratic power and 2) because of potentially ruinous evidence in the files of the FBI. The implication here is that the entire Congress of the United States is intimidated on the basis of compromising facts in the hands of Hoover. You, yourself, mentioned that critics of the Bureau among Congress would "axe" the Director in a minute, if their hands were not tied. Tied by whom? In what way? We are apparently back to the argument for the existence of secret dossiers on persons in high places. Great Scott! Is it really possible that the *whole* Congress of the United States is barred from criticizing the Bureau because of skeletons hidden in Congressional closets? That many skeletons? Isn't there at least one Lancelot among them who is not susceptible to blackmail or who is not a John Bircher? Such sweeping statement implies 1) that our body of elected officials consume an inordinate amount of time concealing skeletons, thus dabbling in immorality and the black-arts and 2) that they pursue these past-times so notoriously or carelessly that Bureau agents *on all sides* collect the data and compile "campy" dossiers, for later use. Assuming that each new increment of congressmen is as corruptible as its predecessor, the Bureau must then concentrate significant agent manpower on a regular basis to amass current evidence for its files. This would hardly leave the Bureau enough manpower to carry out its normally authorized duties elsewhere. In these days of sensational journalism, one wonders why the first irate *retired* congressman hasn't come forward yet to publish his account of "How I was black-mailed into silence by the FBI".

In the course of your summer lectures, Professor, you also made passing mention of the fact that certain professional colleagues had been ruined by the FBI, and deprived of their academic livelihood. Out of context and without documentation that statement is tantamount to Joe McCarthy saying in his inimitable fashion "I have here a list of names of *Communists* in high places." What Professors? Under what circumstances? The subjects of prosecutive cases?

I have periodic official contact with eminent members of the academic community at various levels, including the university, and am specifically aware of Bureau procedure in handling such contacts. If anything, the Bureau treats these contacts with extreme delicacy. The basis for this delicacy, of course, is the Bureau's conscious avoidance of infringing on the area of academic freedom surrounding members of the teaching profession. This is not to say, however, that such persons must lie totally outside the legitimate responsibility of the federal government in matters of investigation.

I suggest that if the FBI had half the power of suppression credited in your (sweeping) allegation, "campus unrest" could have been snuffed out years ago coast-to-coast at the personal whim of the Director. It would thus have been a simple operation for the Bureau to have identified faculty and student dissidents nationwide and to have "eliminated" them from the scenes of campus disorder.

I *have* encountered Professors who were seriously concerned about the basis of a particular Bureau investigation or inquiry, but I have encountered none who indicated, either at the time or subsequently, that he felt intimidated or threatened by our presence.

I submit that the FBI has never *countenanced* under any circumstances, either tacitly or explicitly, the persecution, harassment or ruination of an academician, even though he might have been the legitimate subject of some official investigation. If an agent was in fact *known* to have acted in this direction, contrary to Bureau guidelines, I am positive that his actions did not escape censure and that he was "hanged" in the outcome. It is *possible*, however, that in the Bureau's own traditional way of "rectifying" a situation, the execution may *not* have publicly acknowledged. But it is difficult to deal in generalities.

If you wish to cite a specific instance of "persecution", I will be glad to conduct further research for you along these lines. Within my own span of service, however, I am not aware of *any situation* that would lend credence to your statement of "malicious prosecution" by the Bureau.

In conclusion, Dr. Blumberg, I hope that my statements will provide some basis for further discussions with you in the near future. I have yet to decide on a thesis topic at John Jay and had planned to seek your assistance in this direction. There was a rumor circulating in the summer, however, that you would not be returning to John Jay for the Fall semester, having commitments elsewhere. It was in the face of this possibility that I originally started reducing my scattered thoughts to writing; and finally drafted this *omnium-gatherum*.

If you can find time in your academic schedule, I am extending you a standing invitation to lunch, fully subsidized, at your convenience. Perhaps an informal luncheon would afford you the opportunity of pursuing any of the points I have raised in my rambling dissertation. None of my statements was intended to offend your own academic position in the same area. And where my treatment seems particularly light and frivolous, take into consideration the overall complexity of the problems confronting the FBI today—problems which are deep, constitutionally involved and pondersome and which reach far beyond the narrow confines of my remarks.

I feel certain that all of what I have said will be construed by you fairly and, for my obvious further benefit, retained by you in complete confidence. Otherwise, I shall be obliged to begin preparing my defense before some governmental court of inquisition weighing the merits of my remarks. In the Bureau's eyes of course, however, academically intended, my statements would constitute a prima facie case of *heresy*. I would prefer not to be martyred this calendar year.

In the event you wish to accept my invitation for an informal lunch or for discussing a thesis topic, my office phone number is included for your convenience.

LE 5-7700, Extension 230.

Sincerely yours,

JACK SHAW.

JANUARY 20, 1971.

HON. JOHN N. MITCHELL,
Attorney General of the United States, Department of Justice, Washington, D.C.

DEAR MR. ATTORNEY GENERAL: I have followed with great concern reports of the withdrawal of FBI Special Agents from the John Jay College of Criminal Justice on the grounds that criticism of the administration of the Bureau was voiced in a class at the college. In particular, I have noted reports that one of these agents, a Mr. John F. Shaw, Sr., was induced to resign from the FBI and was effectively barred from future employment

by Mr. Hoover's acceptance of Mr. Shaw's resignation "with prejudice" because Mr. Shaw criticized Mr. Hoover's administration in a private letter to his professor.

I have written to Mr. Hoover, requesting a statement of the reasons for his action in this matter. He has replied that the agents were withdrawn from John Jay College because Mr. Shaw "reported that the professor would not give him ample opportunity to reply in class to derogatory statements about the FBI which the professor made in class." Mr. Hoover adds that Mr. Shaw's resignation was accepted "with prejudice" because of the "atrocious judgment" he displayed.

There is no indication, in any of the reports of this matter, that Mr. Shaw acted inconsistently with what appears to be an exemplary record of service. Indeed, Mr. Hoover's answer to my letter appears to be inconsistent with the facts. Mr. Hoover's statement that Mr. Shaw reported the criticisms of his professor is contradicted by Mr. Hoover's own letter to Shaw. According to the *Los Angeles Times* of January 17, 1971, Mr. Hoover was quoted as telling Mr. Shaw that he was being suspended because, "Having been put on notice that this person (Shaw's professor) had been critical of the Bureau, you had a responsibility to make this matter known to your superior immediately and you failed to do so. Your derelictions are inexcusable."

On the contrary, it appears to me that Mr. Hoover's actions are inexcusable if the press reports of this matter are accurate. They assert, and this has been confirmed by a telephone call from my office to Mr. Shaw, that he was suspended because he himself had criticized Mr. Hoover's administration in a private letter to his professor which Mr. Hoover was able to obtain. Mr. Shaw also denied stating that his professor prevented the expression of opinion favorable to Mr. Hoover's administration.

Mr. Hoover's actions in this matter have made it clear that it is his policy to bar any criticism of his administration by an FBI agent, regardless of the private nature of this criticism, regardless of its constructive intention and substance, and regardless of the lack of any conflict with the best interests of the FBI as a law enforcement body. More generally, and more important, in terms of the individual tragedy involved, the inconsistency of Mr. Hoover's statements with regard to Mr. Shaw, and the persecution of Mr. Shaw for his criticism of Mr. Hoover's administration, indicate that Mr. Hoover has sacrificed the best interests of the FBI and its employees to protect his own reputation.

I am calling your attention to this tragic situation in the hope that it may be rectified. I am requesting that you investigate the circumstances of Mr. Shaw's resignation and countermand Mr. Hoover's prejudicial action with respect to Mr. Shaw's future employment.

Sincerely yours,

GEORGE MCGOVERN.

P.S.—For your information, I am enclosing a copy of the letter I sent to Mr. Hoover and Mr. Hoover's reply. Also, in response to my inquiry, Mr. Shaw mentioned that on September 18, he submitted a signed statement recounting the circumstances of the withdrawal of the agents from John Jay College. I would appreciate receiving a copy of that statement.

VIETNAM WAR VICTIMS MUST NOT BE ABANDONED

Mr. MCGOVERN. Mr. President, some time ago Life magazine devoted several pages of one of its weekly issues to the pictures of one week's American dead in Vietnam. I can recall no more profound statement of the dreadful costs of that conflict to our own society.

The current issue of Life, dated January 29, 1971, contains a similar message, conveyed through the stories of two living victims of the war. This time they are Vietnamese, one 11 and one 10 years old. They tell us, again by way of representation, of the terrible toll this same war has exacted from the innocent people who occupy the battlefield.

Nguyen Lau and Ngu Van Xia were fortunate enough to be discovered by the Committee of Responsibility, a group of Americans who have been able to evacuate and treat some 76 severely injured children since 1967. Some months ago a number of us joined in an effort to prevent interruption of their humanitarian work by a hostile South Vietnamese government. But no one knows how many thousands of Vietnamese children have suffered injuries as bad or worse than those of Nguyen Lau and Ngu Van Xia but have not been cared for at all. It is estimated that at least one million South Vietnamese civilian casualties have been claimed by this cruel and pointless war.

Life's pictures and the accompanying text give further compelling testimony to the reasons why this war must end. They convey, too, why we cannot escape the moral consequences of the conflict through solutions, like Vietnamization, which would merely change the color of the bodies, in a war which our involvement has turned into a massive slaughter. I have long opposed our participation in this immoral and senseless barbarism. I now advocate again our withdrawal. But this does not relieve us of a long and continuing moral obligation to assist in healing the horrible scars that our presense has helped to open. We must offer increased assistance to repair the human and environmental damage done in pursuit of what we have seen as our interests.

Although they agree that we are "getting out of Vietnam militarily and politically, the editors of Life note that:

Slow as that process may seem, our other obligations there are going to take us an even longer period of time. These include some care and concern for the war's civilian victims, however, they were injured.

I commend Life magazine for its insight and its concern, and I ask unanimous consent that the article and the editorial to which I have referred be printed at this point in the RECORD.

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

A SMALL CASUALTY OF WAR IS REHABILITATED IN THE UNITED STATES: LAU GOES HOME TO VIETNAM

Nguyen Lau was 7 years old and playing in a rice field one day in 1967 when a soldier—name and army unknown—quick-handed a bomb into a mortar tube. The explosion sent jagged metal fragments scything through the paddy. One by chance found Lau's puny backbone. Slicing through his spinal cord, it paralyzed him from the waist down and left him to face slow death in a wretchedly equipped Vietnamese hospital. Eight months later, Lau was rescued. An American group called the Committee of Responsibility (COR), which is dedicated to helping child war victims, flew him to the U.S. for special treatment. Surgeons salvaged what they could of his body, psychiatrists and a kindly foster family eased the horrors from his mind. An elaborate harness of straps and braces, backed up by Lau's own sturdy will, put him back on his feet. Despite his handicaps, he thrived. But a fresh ordeal lay ahead. As with the 76 other children treated by COR, the agreement with Lau's parents called for his eventual return to Vietnam. Now, three years after he was wounded, the time had come. Speaking only English, remembering only dimly the place he was born and raised, he set off—with his crutches, a year's supply of medicine and an air of heart-wrenching bravery.

REUNION WITH A FAMILY OF STRANGERS

The odds were hugely against Lau in Vietnam, where the best intentions are often no match for the natural cruelty of circumstances and war. Through no one's fault, planning for the boy's care broke down. The return became an emotional agony for Lau and a dilemma for COR's idealistic young field worker in Vietnam, Jerry Berge. An uncle living in Danang had promised to give Lau a home. The area was safe and there was a hospital nearby. But the uncle backed down when he realized how complex a responsibility Lau was. Besides not being able to walk or move his bowels unaided, Lau ran a constant risk of infection. Reluctantly, Berge tracked down Lau's parents in the remote, insecure area of Quangnam province where they eked out a precarious living fishing and farming. Berge asked them to claim their son. Lau's father, once a Vietcong, surrendered to the government forces, and behind the barbed wire of a Chieu Hoi (open arms) center with hundreds of curious villagers looking on, the family was reunited. As the mother and grandmother probed the extent of Lau's handicap with searching fingers, their initial happiness faded to a disillusioned sadness. Amazement at his survival yielded quickly to dismay and apprehension. How would they feed so helpless a mouth, sustain so vulnerable a life? Lau's close-hauled assurance cracked, and he wept in spite of himself. Later he asked to be taken back to America. After patiently and persuasively dealing with Lau's parents, Berge withdrew, hoping time would bring a solution. The majority of COR's children have readjusted successfully to life in Vietnam, but Lau's case was unusually difficult.

Realization that life at home might indeed be impossible came to Lau and his parents in a succession of small but infinitely hurtful defeats. The brace with which he could stand and, by spending enormous energy, even walk was impractical in the village. It wore badly and he fell repeatedly. The chrome wheelchair, so smooth-running on concrete, mired uselessly in the muddy path. In the cleanliness of an American home, Lau had been able to take his pills, change his diapers regularly and keep a lookout for cuts and bruises on his nerveless legs. Now, in Thanhdong, without the comforts of candy, television and friends who could understand what he was saying, his determination faltered. The love his mother and father lavished on him unstintingly, the money they spent to make sure he got as much food as he was used to were not enough. Left in their care, he withdrew emotionally and went into a physical decline that Berge on his return some time later found "frightening."

AFTER TORMENT, ANOTHER HOSPITAL

His world shrunk to the area of the small raffia mat he sat on, the bright, questing child of two weeks before spent hour after hour morosely fidgeting with spent cartridge cases. The village children had tormented him and pushed him over, he said, so his brace hung

unused at the head of his bed. Berge's fears for the boy were confirmed by a telltale pressure sore and some traces of irritation. "If my son could go back to the U.S., we would agree," his father said. "I see a very sad, very dark future for him here." In November, suffering from a urinary infection, Lau was taken by Berge into a German-sponsored hospital. Now recovered, he remains there while COR tries to place him at a vocational training school for older children. The school, not yet equipped to handle paraplegics, is near Saigon—meaning that Lau may be separated once again from his family. Courageous as Nguyen Lau is, his ordeal stretches ahead.

THE FAR HAPPIER CASE OF XIA

The COR dossier on Ngu Van Xia tells a happier and fortunately more typical story than Lau's. Orphaned by the war—his soldier father was killed in action and his mother died in a mine-blasted bus—Xia was critically injured in December 1967. Flaming kerosene from an overturned lamp burned 25% of his body. When COR evacuated him to the U.S., doctors found him to be in poor condition and suffering from a dislocated knee. Two and a half years later, healed and healthy, Xia returned to his village just outside Saigon. In his case there were none of the agonies Lau went through. Looking exactly like an American 11-year-old, Xia ran to his foster mother's side, and 10 minutes later was playing barefoot in the dusty street. Except for his skin graft scars and a leg brace that he must wear for three years, he was indistinguishable from the other boys of the hamlet.

Xia may be among the last of Vietnam's injured children to be treated in the U.S. by COR. While improving medical facilities within Vietnam are slowly reducing the need for evacuation, the organization is locked in controversy with the government of South Vietnam. COR's supporters have made no secret of their moral opposition to the war. Apparently angered, the Saigon regime last year barred further COR evacuations, claiming that the children were being politically exploited. Negotiations continue, but the Vietnamese insistence on widening the scope of the scheme to include pediatric cases would require COR to exceed its original charter, and is thus unacceptable. Other critics of the COR scheme, while agreeing that the 76 children evacuated since 1967 have received superb treatment, maintain that the $700,000 spent could have been better spent in Vietnam. COR argues simply that the choice never existed, and points to the children saved as living justification for the program.

Whether or not it is able to take new cases, COR's work will still go on. Twenty-seven children have yet to be returned to Vietnam, and the follow-up program will continue indefinitely. Lau's misfortunes have hastened one innovation: alarmed, the committee is setting up a halfway house in Saigon to accommodate the nine paraplegic cases still in the U.S.

THE VICTIMS CAN'T BE ABANDONED

On the preceding pages we take a look at the disrupted lives and uncertain futures of two crippled Vietnamese children. Their stories are individual, but their experiences are not isolated: they are two of an estimated one million civilian casualties of the Vietnam war. Nearly a quarter of all the civilian victims are children. Their existence poses a haunting question that the U.S. has been reluctant to face in its overwhelming desire to get out of Vietnam.

We *are* getting out militarily and politically, but slow as that process may seem, our other obligations there are going to take us an even longer period of time. Those include some care and concern for the war's civilian victims, however they were injured.

The problems of medical care and rehabilitation will not wind down at the same pace and same degree as our participation in the fighting. Even after U.S. military involvement ends, some kind of warfare, or at least disruption and terrorism, is likely to continue in Vietnam, adding new casualties. Many of the present victims, including paraplegics like young Lau, will indefinitely require medical equipment and treatment which is highly sophisticated by Asian standards and beyond the present Vietnamese capacity to sustain.

Despite all this, the U.S. Agency for International Development found its medical care budget in Vietnam sharply reduced from $10.5 million in 1967 to $2.7 million this year. In the same period, authorization for USAID civilian medical personnel in Vietnam has fallen from 390 to 133; none of those remaining are practicing physicians. For the official record, Washington claims that these and other sharp cutbacks are justified by improved civilian medical care provided by the South Vietnamese. We will also be turning over to Saigon some first-rate hospital units but, according to Dr. Norman Hoover, director of the American Medical Association overseas projects, to do so without American medics and financing "is like giving a Rolls-Royce to a poor man and expecting him to maintain it."

No one would describe the existing civilian treatment facilities in Vietnam as anywhere remotely near adequate, and AID's director of health administration for Vietnam, Dr. Malcolm Phelps, candidly admits: "Although more is needed in terms of health care, our medical people still must participate . . . in the overall 'Vietnamization' reductions. It is part of the Administration's policy."

If so, such a policy is not worthy of a nation which, from the Marshall Plan to Biafran relief flights, has never been indifferent to people in trouble anywhere, whether from natural disasters or from the aftermaths of war. Why the indifference over war's victims in Vietnam? It may be that people who normally insist that Washington undertake humane international obligations for moral reasons are—for the same reason—totally preoccupied with washing their hands of any American role in Vietnam.

In getting out militarily, President Nixon realizes that a vital part of the U.S. record in Vietnam will depend on the manner of our leaving, and so has chosen "Vietnamization" instead of quick withdrawal, which the Administration calls "bug-out." The President's timetable for troop withdrawal is related to Saigon's ability to stand on its own feet. We think a separate—and necessarily much slower—schedule for "Vietnamizing" medical care is called for. The last task in Vietnam the U.S. should be tempted to "bug out" on is alleviating the suffering of the war's civilian victims.

NEW HONORS FOR AUDRA PAMBRUN

Mr. MANSFIELD. Mr. President, last year a Montana nurse, Audra Pambrun, was selected as the Nation's most involved nurse. Audra has been providing nursing care on the Blackfeet Indian Reservation for a number of years.

I am delighted to report that Audra Pambrun has now been selected for three additional honors. This nurse and founder-director of Crisis Intervention Center at Browning, Mont., will be addressing the 1971 California Red Cross Conference. She has been invited to present a paper in Moscow, U.S.S.R., next July, and a current issue of Harpers Bazaar magazine will feature her as one of 100 American women "in touch with our times."

I am delighted and pleased that Audra Pambrun is expanding her charm, know-now, and talent beyond the confines of Montana. She has been doing an excellent job and is deserving of these tributes and honors.

Mr. President, I ask unanimous consent to have a story from the January 11 issue of the Great Falls Tribune printed at this point in my remarks in the CONGRESSIONAL RECORD.

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

THREE HONORS BESTOWED ON STATE NURSE

Audra Pambrun, Browning Community Action Program nurse and founder-director of the Crisis Intervention Center there, is the recipient of three separate honors this month.

She has been invited to address the 1971 California Red Cross Conference in San Diego Jan. 15 on the topic "Involving and Serving the Entire Community."

She has received an invitation to present a paper in Moscow, U.S.S.R., next July under sponsorship of the National League of Nurses. Topic of her paper is to be "Tuberculosis on an Indian Reservation."

Another honor accorded the Browning native and Columbus Hospital Nursing School alumna is her selection in a Harpers Bazaar magazine feature this month as one of 100 American women "In Touch With Our Times."

Miss Pambrun, en route to San Diego, will visit the Crisis Center in Spokane and the Inland Empire Division of the American Red Cross and speak to Spokane area nurses. She also will visit the Los Angeles Crisis Center.

After years of serving her own people through the U.S. Department of Public Health and the Bureau of Indian Affairs and as a school nurse and staff member for private institutions in Wyoming, California and Montana, Miss Pambrun began her work in the OEO Community Action program at Browning in 1968.

In May, 1970, she gained national attention as winner of the American Nurses' Association $2,000 award as the "nation's most involved nurse" among the membership of 207,000. It was in recognition of her training of health aides, mostly Indians, and with them serving nearly every home on the Blackfeet Reservation and principally for her establishing, directing and training all the aides for the Crisis Intervention Center. Suicides dropped from five in eight months before she came to the area to two in the full year after she came, and suicide attempts lessened notably.

Miss Pambrun, soon after her national honor, was a guest of President Nixon in the White House.

In an interview here she called OEO a "lifeline to the people." She noted that Indians and other low-income people learn through Community Action Programs what is available to them, learn to make their own choices and get involved in their own future. This reveals that she is not only "most involved" but is most involved in getting others involved for their own betterment.

ORDER OF BUSINESS

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

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

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

WAIVER OF CALL OF LEGISLATIVE CALENDAR UNDER RULE VIII

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the call of the legislative calendar under rule VIII be waived.

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

THE APPALACHIAN REGIONAL COMMISSION

Mr. BYRD of West Virginia. Mr. President, it is reported that the administration will seek to eliminate the Appalachian Regional Commission program, and rechannel the funds which have been going to the ARC into the proposed revenue-sharing plan.

As I understand the proposal, the abolition of the ARC would take place at the end of the current year. The fiscal year 1972 budget, which has just come to Congress, contains $282 million for the Appalachian Regional Commission programs, compared with $293 million budgeted for the current fiscal year.

Mr. President, I will vigorously oppose any efforts to abolish the Appalachian Regional Commission. The ARC, in itself, a new idea in Federal-State relations. And it has represented a successful idea, although, in the 5 years that the program has been operative, it has not had sufficient time to realize its full worth.

The Appalachian Regional Commission grew out of an unusual Federal-State concept that the Federal Government ought to assist underdeveloped areas of our country to realize their full potential—a concept as valid as the revenue-sharing proposal which the administration has asked Congress to consider.

Many important projects such as highway construction are underway or in the planning stages, and it would be foolish, in my judgment, to change the signals now. To undertake a program with the special aim of assisting a relatively poor region to pull itself up economically, and then to terminate the program before it has time to accomplish its objective, would be most unwise.

The Appalachian Regional Commission programs are necessarily long range; and they put the emphasis exactly where the administration has said it wants the emphasis put—on local planning and initiative. No Appalachian program can be undertaken unless it springs from the grassroots. That is part of the concept, and it is what the administration has said it wants to achieve in its revenue-sharing plan.

If the special status of the Appalachian Mountain region is removed by abolishing the ARC, then I fear that the emphasis which has been placed on the very real needs of the region will be swallowed up by the demands for revenue which are sure to come from all 50 States.

Mr. President, not only should this unique program not be abandoned, it should also be expanded to other underdeveloped areas; and, indeed, that was the original idea. In my judgment, the Appalachian Regional Commission should be extended for a period sufficient to allow completion of the entire program that is currently underway; and, in addition, consideration should be given to the possible creation of other Appalachian-type programs in other parts of the country.

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

Mr. BYRD of West Virginia. Mr. President, do I have time remaining?

The PRESIDENT pro tempore. Yes.

Mr. BYRD of West Virginia. I yield to the Senator from Tennessee.

Mr. BAKER. Mr. President, I have asked the Senator to yield only for a moment so that I may express my entire agreement with him on the statement he just made with respect to the Appalachian Regional Commission. My position in this respect may be unique. I was one of the first and I am one of the most ardent backers of Federal revenue sharing, the concept set forth in the President's state of the Union message. I intend to introduce a bill to implement the first of those two objectives.

I am also an advocate of the regional concept as developed by the Appalachian Regional Commission over the years. I do not think the two concepts are inconsistent. I think they can exist side by side.

I thank the Senator from West Virginia for yielding.

Mr. BYRD of West Virginia. I thank the Senator.

THE WAR IN SOUTHEAST ASIA

Mr. GOLDWATER. Mr. President, recently our distinguished and esteemed colleague from South Dakota (Mr. McGOVERN) was interviewed on the NBC show "Today" and discussed his resignation as chairman of his party's reform commission to clear the way for him to seek the nomination for the Presidency in 1972. In the course of his comments there were a few remarks that could mislead the 8 to 15 million people who watch that program for news and information. Possibly it was an excess of zeal to launch his campaign in a manner to gain instant exposure that caused him to offer the following comments about the war in Southeast Asia that I cannot leave unchallenged:

> He (the President) has reduced some of our forces, but the war continues at a very high level. The aerial bombardment is much heavier today than it was two years ago.

The picture suggested by those remarks would be dismal indeed, but what are the facts? Regarding the reduction of U.S. forces in Southeast Asia, the latest announced authorized strength target, which Secretary of Defense Laird has stated publicly will be met on or before the scheduled date of May 1, represents approximately a 47-percent cutback from the start of this administration's Vietnamization program. The authorized strength 2 years ago had reached 543,000 American military personnel. The new ceiling target is 284,000, which represents a major reduction as part of a continuing withdrawal plan on the part of the President.

The gentleman from South Dakota did not indicate by what measure he determined "the aerial bombardment is much heavier today than it was 2 years ago." Again, what are the facts; facts, by the way, that would have been made readily available had our colleague requested them. The official records reflect the Air Force, which flies the major portion of bombardment sorties, in 1970 flew 33 percent fewer attack sorties than in 1969, and 14.7 percent fewer in 1969 than in 1968. For all services, the 1970 attack sorties were 32.5 percent less than 1969 and in 1969 they were 18.8 percent less than in 1968. Or looking at it another way, Air Force air munitions tonnages delivered during 1970 decreased 29.4 percent compared with 2 years earlier, 1968, tonages. For all services, the tonnages decreased by 33 percent in comparison with 1968 tonnages.

In view of these facts I do not understand how our esteemed colleague could conclude that aerial bombardment today is heavier than it was 2 years ago. The evidence does not support that assertion. While I uphold each individual's right to draw his own conclusions about the future course of events, I am convinced we would all provide greater service to the people if we would insure that our public statements about recorded events are in reasonable accord with the sensible records of those events.

Mr. President, I ask unanimous consent that a transcript of that portion of the news interview which I referred to in my remarks be printed in the RECORD.

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

TRANSCRIPT OF NEWS INTERVIEW WITH SENATOR MCGOVERN, NBC TODAY SHOW, JANUARY 8, 1971

FRANK BLAIR. Senator George McGovern, one of the leading Senate doves on Indochina confirmed yesterday he will run for President in 1972. McGovern, who was in the race for a time in 1968, announced his resignation as chairman of the democratic party's reform commission to clear the way for another attempt, because he said: President Nixon has failed to get the country out of the war.

MCGOVERN. Well, I think he had a great opportunity to bring an early end to the war two years ago when he came into office. For various reasons, he's seen fit to continue the war. He has reduced some of our forces, but the war continues at a very high level. The aerial bombardment is much heavier today than it was two years ago. The military operations in Cambodia and Laos are heavier than they were two years ago and I don't see any early end to the war if we continue on our present course.

Mr. CHURCH. Mr. President, I suggest the absence af a quorum.

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

The assistant legislative clerk proceeded to call the roll.

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

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

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

PROPOSED LEGISLATION FROM THE DEPARTMENT OF DEFENSE

Three letters from the Deputy Secretary of Defense transmitting drafts of proposed legislation (with accompanying papers); which were referred to the Committee on Armed Services:

A bill to amend chapter 7 of title 37, United States Code, to authorize reimbursement to members of the Armed Forces who are assigned recruiting duties for expenses incurred in recruiting of personnel;

A bill to amend title 37, United States Code, to make military pay more equitable and for other purposes; and

A bill to amend title 37, United States Code, to provide for the payment of an enlistment bonus to certain persons who enlist in the Army, Air Force, or Marine Corps for at least 3 years.

REPORT OF AUDIT OF THE EXCHANGE STABILIZATION FUND

A letter from the Secretary of the Treasury, transmitting, pursuant to law, a report of audit of the Exchange Stabilization Fund for fiscal year 1970, (with an accompanying report); to the Committee on Banking, Housing and Urban Affairs.

PROPOSED LEGISLATION BY THE DISTRICT OF COLUMBIA

Three letters from the Assistant to the Commissioner of the District of Columbia, transmitting drafts of proposed legislation (with accompanying papers); which were referred to the Committee on the District of Columbia:

A bill to authorize the Commissioner of the District of Columbia to lease airspace above and below freeway rights-of-way within the District of Columbia, and for other purposes;

A bill to establish a revolving fund for the development of housing for low and moderate income persons and families in the District of Columbia, to provide for the disposition of unclaimed property in the District of Columbia, and for other purposes; and

A bill to supplement the Motor Vehicle Safety Responsibility Act of the District of Columbia in order to provide for the indemnification of persons sustaining certain losses as a result of the operation of motor vehicles by financially irresponsible persons, and for other purposes; to the Committee on the District of Columbia.

PROPOSED LEGISLATION FROM THE DEPARTMENT OF THE TREASURY

Three letters from the Secretary of the Treasury transmitting drafts of proposed legislation (with accompanying papers); which were referred, as indicated:

A bill to authorize the Secretary of the Treasury to transfer to the Government of the Republic of the Philippines funds for making payments on certain pre-1934 bonds of the Philippines, and for other purposes; to the Committee on Finance.

A bill to authorize payment and appropriation of the second and third installments of the U.S. contribution to the Fund for Special Operations of the Inter-American Development Bank; and

A bill to authorize U.S. contributions to the Special Funds of the Asian Development Bank; to the Committee on Foreign Relations.

REPORT OF BALANCES OF FOREIGN CURRENCIES ACQUIRED WITHOUT PAYMENT OF DOLLARS

A letter from the Secretary of the Treasury, transmitting, pursuant to law, a report of balances of foreign currencies acquired without payment of dollars, as of June 30, 1970 (with an accompanying report); to the Committee on Foreign Relations.

REPORTS OF COMPTROLLER GENERAL

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on progress and problems in programs for managing high-level radioactive wastes, Atomic Energy Commission, dated January 29, 1971 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the opportunities for better use of United States-owned excess foreign currency in India, Department of State, Agency for International Development, Department of the Treasury, and Office of Management and Budget, dated January 29, 1971 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting pursuant to law, a report on the need to strengthen management control over the basic research program administered by the Air Force Office of Scientific Research, Department of the Air Force, dated January 29, 1971 (with an accompanying report); to the Committee on Government Operations.

PROPOSED LEGISLATION TO PROVIDE RELIEF IN PATENT AND TRADEMARK CASES AFFECTED BY THE EMERGENCY SITUATION IN THE U.S. POSTAL SERVICE WHICH BEGAN ON MARCH 18, 1970

A letter from the Secretary of Commerce, transmitting a draft of proposed legislation, to provide relief in patent and trademark cases affected by the emergency situation in the U.S. Postal Service which began on March 18, 1970 (with accompanying papers); to the Committee on the Judiciary.

REPORT OF THE COMMUNITY RELATIONS SERVICE

A letter from the Director, Community Relations Service, Department of Justice, transmitting, pursuant to law, a report of the Service for fiscal year 1970 (with an accompanying report); to the Committee on the Judiciary.

REPORT OF THE SUBVERSIVE ACTIVITIES CONTROL BOARD

A letter from the Chairman, Subversive Activities Control Board, transmitting, pursuant to law, the 20th annual report of the Board, for the fiscal year ended June 30, 1970 (with an accompanying report); to the Committee on the Judiciary.

REPORT PERTAINING TO FAIR LABOR STANDARDS IN EMPLOYMENT IN AND AFFECTING INTERSTATE COMMERCE

A letter from the Secretary of Labor, transmitting, pursuant to law, a report pertaining to fair labor standards in employments in and affecting interstate commerce, dated January 1971 (with an accompanying report); to the Committee on Labor and Public Welfare.

REPORT PERTAINING TO ACTIVITIES IN CONNECTION WITH THE AGE DISCRIMINATION IN EMPLOYMENT ACT OF 1967

A letter from the Secretary of Labor, transmitting, pursuant to law, a report pertaining to activities in connection with the Age Discrimination in Employment Act of 1967, dated January 1971 (with an accompanying report); to the Committee on Labor and Public Welfare.

REPORT ON POSITIONS IN GRADES GS–16, 17, AND 18, FEDERAL BUREAU OF INVESTIGATION

A letter from the Director, Federal Bureau of Investigation, transmitting pursuant to law, a report with respect to positions in the Federal Bureau of Investigation in grades GS–16, 17, and 18, dated January 27, 1971 (with an accompanying report); to the Committee on Post Office and Civil Service.

REPORT ON GS–17 POSITIONS, ADMINISTRATIVE OFFICE OF U.S. COURTS

A letter from the Director, Administrative Office of the U.S. Courts, reporting, pursuant to law, the duties of the four GS–17 positions allocated to this agency have not changed since their report of last year; to the Committee on Post Office and Civil Service.

REPORT OF THE OZARKS REGIONAL COMMISSION

A letter from the Federal Cochairman, the Ozarks Regional Commission, transmitting, pursuant to law, a report of the Commission, for the year ended December 31, 1970 (with an accompanying report); to the Committee on Public Works.

REPORT OF THE COASTAL PLAINS REGIONAL COMMISSION

Letter from Federal Cochairman of the Coastal Plains Regional Commission transmitting, pursuant to law, a report of the Commission for fiscal year ended June 30, 1970 (with an accompanying report); to the Committee on Public Works.

REPORT OF THE NEW ENGLAND REGIONAL COMMISSION

A letter from the Federal Cochairman, New England Regional Commission, transmitting, pursuant to law, a report of the Commission, transmitting, pursuant to law, a report of the Commission for fiscal year 1970 (with an accompanying report); to the Committee on Public Works.

PETITIONS AND MEMORIALS

Petitions and memorials were laid before the Senate and referred as indicated:

By the PRESIDENT pro tempore:

A resolution adopted by the Okinawa Mayor's Association, Naha, Okinawa, praying for the withdrawal of all poison-gas weapons; to the Committee on Armed Services.

A resolution adopted by the Okinawa Mayor's Association, Naha, Okinawa, remonstrating against an accident in Itoman; to the Committee on Armed Services.

A resolution adopted by the Okinawa Mayor's Association, Naha, Okinawa, opposing the building of a ball firing range within a State forest in Kunigami-Son; to the Committee on Armed Services.

A resolution adopted by the Military Order of the World Wars, Washington, D.C., praying for the enactment of legislation to strengthen the internal security posture of the Nation; to the Committee on the Judiciary.

A resolution adopted by the Common Council of Buffalo, N.Y., praying for the enactment of legislation to make January 15 "Martin Luther King, Jr., Day"; to the Committee on the Judiciary.

A summons of the U.S. District Court for the Eastern District of Pennsylvania, the Senate and the House of Representatives of the United States, plaintiff, against Charles F. Eckert, defendant; to the Committee on the Judiciary.

BILLS AND JOINT RESOLUTIONS INTRODUCED

Bills and joint resolutions were introduced, read the first time and, by unani-

mous consent, the second time, and referred as follows:

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

S. 484. A bill to authorize and direct the Secretary of Agriculture to classify as wilderness the national forest lands known as the Lincoln Back Country, and parts of the Lewis and Clark and Lolo National Forests, in Montana, and for other purposes; to the Committee on Interior and Insular Affairs.

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

By Mr. GOLDWATER (for himself, Mr. ANDERSON, Mr. BAKER, Mr. BEALL, Mr. BENNETT, Mr. BIBLE, Mr. BUCKLEY, Mr. CRANSTON, Mr. CURTIS, Mr. DOLE, Mr. DOMINICK, Mr. EASTLAND, Mr. ERVIN, Mr. FANNIN, Mr. FONG, Mr. HART, Mr. HOLLINGS, Mr. INOUYE, Mr. JAVITS, Mr. MANSFIELD, Mr. MATHIAS, Mr. MCINTYRE, Mr. METCALF, Mr. MOSS, Mr. PACKWOOD, Mr. PELL, Mr. RANDOLPH, Mr. TAFT, Mr. THURMOND, and Mr. YOUNG):

S. 485. A bill to amend the Communications Act of 1934 to provide that certain aliens admitted to the United States for permanent residence shall be eligible to operate amateur radio stations in the United States and to hold licenses for their stations; to the Committee on Commerce.

By Mr. TAFT:

S. 486. A bill to exclude from gross income the first 500 of interest received from savings account deposits in lending institutions; to the Committee on Finance.

(The remarks of Mr. TAFT when he introduced the bill appear below under the appropriate heading.)

By Mr. BAKER:

S. 487. A bill for the relief of Alexandre Daniel Leczinsky; to the Committee on the Judiciary.

By Mr. JORDAN of Idaho (for himself and Mr. CHURCH):

S. 488. A bill to prohibit the licensing of hydroelectric projects on the Middle Snake River below Hells Canyon Dam at any time before September 30, 1978; to the Committee on Interior and Insular Affairs.

(The remarks of Mr. JORDAN of Idaho, when he introduced the bill, appear below under the appropriate heading.)

By Mr. PERCY (for himself, Mr. STEVENSON, Mr. ALLOTT, Mr. HATFIELD, and Mr. GOLDWATER):

S. 489. A bill to authorize the Secretary of the Interior to establish the Lincoln Home National Historic Site in the State of Illinois, and for other purposes; to the Committee on Interior and Insular Affairs.

(The remarks of Mr. PERCY, when he introduced the bill, appear below under the appropriate heading.)

By Mr. PERCY:

S. 490. A bill for the relief of Gioacchino Gino Buttita; and

S. 491. A bill for the relief of Mrs. Cancey Louise Thurton; to the Committee on the Judiciary.

By Mr. CHILES:

S. 492. A bill for the relief of Aleyda Arias Veru; to the Committee on the Judiciary.

By Mr. HATFIELD (for himself and Mr. PACKWOOD):

S. 493. A bill to authorize and direct the Secretary of Agriculture to classify as a wilderness area the national forest lands adjacent to the Eagle Cap Wilderness Area, known as the Minam River Canyon and adjoining area, in Oregon, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. STENNIS (for himself and Mrs. SMITH) (by request):

S. 494. A bill to amend chapter 7 of title 37, United States Code, to authorize reimbursement to members of the Armed Forces who are assigned to recruiting duties for expenses incurred in recruiting of personnel;

S. 495. A bill to amend title 37, United States Code, to provide for the payment of an enlistment bonus to certain persons who enlist in the Army, Navy, Air Force, or Marine Corps for at least 3 years; and

S. 496. A bill to amend title 37, United States Code, to make military pay more equitable and for other purposes; to the Committee on Armed Services.

(The remarks of Mr. STENNIS when he introduced the bills appears below under the appropriate heading.)

By Mr. HATFIELD:

S. 497. A bill to create one additional permanent district judgeship in Oregon; to the Committee on the Judiciary.

(The remarks of Mr. HATFIELD when he introduced the bill appear below under the appropriate heading.)

By Mr. HATFIELD (for himself and Mr. PACKWOOD):

S. 498. A bill to authorize the Secretary of the Interior to engage in a feasibility study of a water resource development;

S. 499. A bill to authorize the Secretary of the Interior to construct, operate, and maintain the Monmouth-Dallas division, Willamette River project, Oregon, and for other purposes;

S. 500. A bill to authorize the Secretary of the Interior to construct, operate, and maintain the Illinois Valley division, Rogue River Basin project, Oregon, and for other purposes;

S. 501. A bill to authorize the Secretary of the Interior to construct, operate, and maintain the Olalla division of the Umpqua project, Oregon, and for other purposes;

S. 502. A bill to authorize the Secretary of the Interior to engage in feasibility investigation of certain water resource development proposals; and

S. 503. A bill to authorize the Secretary of the Interior to engage in feasibility investigation of certain water resource development proposals; to the Committee on Interior and Insular Affairs.

By Mr. GRAVEL:

S. 504. A bill for the relief of John Borbridge, Jr.;

S. 505. A bill for the relief of Ruby S. Coyle;

S. 506. A bill for the relief of Allen D. Ray;

S. 507. A bill for the relief of Willis Lucien; and

S. 508. A bill for the relief of Angeles Palaginog; to the Committee on the Judiciary.

(The remarks of Mr. GRAVEL when he introduced S. 504 and S. 505 appear below under the appropriate headings.)

By Mr. MONDALE:

S. 509. A bill to provide for increased international control of the production of, and traffic in, opium, and for other purposes; to the Committee on Foreign Relations.

(The remarks of Mr. MONDALE when he introduced the bill appear below under the appropriate heading.)

By Mr. HARRIS:

S. 510 A bill for the relief of Angela Rodriguez de Chavez; to the Committee on the Judiciary;

S. 511. A bill to provide an equitable system for fixing and adjusting the rates of pay for prevailing rate employees of the Government, and for other purposes; to the Committee on Post Office and Civil Service.

(The remarks of Mr. HARRIS when he introduced the bill appear below under the appropriate heading.)

By Mr. McCLELLAN:

S. 512. A bill for the relief of Vincenzo Li Mandria; to the Committee on the Judiciary.

By Mr. EAGLETON:

S. 513. A bill for the relief of Maria Badalamenti;

S. 514. A bill for the relief of Professor Anthony D'Souza; and

S. 515. A bill for the relief of Kyriaki (Carol) Froumi; to the Committee on the Judiciary.

By Mr. PACKWOOD:

S. 516. A bill for the relief of Miss Marvin Louise Danlag Obregon; and

S. 517. A bill for the relief of Miss Susan Evanado Tumaliuan; to the Committee on the Judiciary.

S. 518. A bill to provide for the establishment of a Coast Guard air station at Coos Bay, Oreg., and the operation of an air unit from such station; to the Committee on Commerce.

(The remarks of Mr. PACKWOOD when he introduced S. 518 appear below under the appropriate heading.)

By Mr. BENNETT:

S. 519. A bill for the relief of Julio Rojas and his wife, Juana Rojas; to the Committee on the Judiciary.

By Mr. TAFT:

S.J. Res. 22. Joint resolution designating the 7-day period beginning on the Sunday starting the last full week in October, each year, as Cleaner Air Week; to the Committee on the Judiciary.

(The remarks of Mr. TAFT when he introduced the joint resolution appear below under the appropriate heading.)

By Mr. PERCY:

S.J. Res. 23. Joint resolution to authorize the President to designate the period from March 21, 1971, through March 27, 1971, as "National Tropical Fish Week"; to the Committee on the Judiciary.

By Mr. BENTSEN:

S.J. Res. 24. Joint resolution authorizing the President to proclaim the period February 14 through 20, 1971, as "LULAC Week"; to the Committee on the Judiciary.

(The remarks of Mr. BENTSEN when he introduced the joint resolution appear below under the appropriate heading.)

S. 486—INTRODUCTION OF BILL TO EXCLUDE FROM GROSS INCOME THE FIRST $500 OF INTEREST RECEIVED FROM SAVINGS ACCOUNT DEPOSITS IN LENDING INSTITUTIONS

Mr. TAFT. Mr. President, we are all aware that in order to meet the housing needs of the 1970's, it is essential that there be an adequate supply of mortgage money for homes. While the administration recognizes the crisis faced by the housing industry, more assistance must be given to thrift institutions which specialize in home mortgages. Savings and loans have provided approximately 45 percent of all the home loan money in the United States. Unless enough funds are provided through savings in thrift institutions which engage in the financing of homes, our housing crisis is going to be with us for a long time. Anything short of providing increased deposits to these institutions would only serve as a short-term solution to this problem.

Today, I am introducing for appropriate reference, a measure aimed at revitalizing the housing market by excluding from gross income the first $500 of interest received from savings account deposits in lending institutions. Of course, in all fairness it should be pointed out that exempting the first $500 of earnings paid to savers might mean an initial loss to the U.S. Treasury of approximately $1 billion annually. However, that figure would be more than offset by increased taxes as a result of the added

employment in the building trades along with the reduction in Federal appropriations necessary to subsidize many of the Federal housing programs under consideration. Such a tax exemption would provide an immediate spur for investment in these institutions and would tend to break the inflationary trend in the economy and would certainly be the best means of solving the crisis the housing industry faces in the 1970's. I ask unanimous consent that the text of my bill be printed in the RECORD following my remarks.

The PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection the bill will be printed in the RECORD.

The bill (S. 486) to exclude from gross income the first $500 of interest received from savings account deposits in lending institutions, introduced by Mr. TAFT, was received, read twice by its title, referred to the Committee on Finance, and ordered to be printed in the RECORD, as follows:

S. 486

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled. That part III of subchapter B of chapter I of the Internal Revenue Code of 1954 (relating to items specifically excluded from gross income) is amended by redesignating section 123 as section 124 and by inserting after section 122 the followin new section:

"Sec. 123. DIVIDENDS FROM SAVINGS ACCOUNT DEPOSITS IN LENDING INSTITUTIONS.

"(a) GENERAL RULE.—Gross income does not include amounts received by, or credited to the account of, a taxpayer as dividends or interest on savings deposits or withdrawable savings accounts in lending institutions as this term is defined by section 581 of part I of subchapter H of chapter 1 and by section 591 of part II of subchapter H of chapter 1.

"(b) LIMITATION.—The exclusion allowed to each taxpayer under this section shall in the aggregate not exceed $500 for any taxable year, and shall be allowed only once for taxpayers filing a joint return.

SEC. 2. The amendments made by this Act shall apply only with respect to taxable years ending after the date of enactment of this Act.

S. 488—INTRODUCTION OF A BILL RELATING TO A MORATORIUM FOR DAMS ON THE MIDDLE SNAKE RIVER, IDAHO

Mr. JORDAN of Idaho. Mr. President, I introduce today, for appropriate reference, on behalf of myself and my distinguished colleague, Senator CHURCH of Idaho, a bill which will declare a moratorium on the granting of a Federal Power Commission license for any dam on the Middle Snake River, between the existing Hells Canyon Dam and the authorized Asotin Dam. The moratorium would extend to September 30, 1978, a date which marks the termination of an existing 10-year statutory moratorium on reconnaissance studies to augment the surface water supplies of the Colorado River Basin from outside that basin.

This bill is an updated version of S. 940, also cosponsored by the Idaho Senators, which was approved without opposition by the Senate last May 15. The Senate-approved bill was referred to the House Committee on Interstate and Foreign Commerce, where it remained without further action when the 91st Congress ended.

Our colleague, Representative ORVAL HANSEN of Idaho's Second Congressional District, is introducing a companion bill in the House.

Mr. President, this bill is designed purely and simply to keep open the options for the development of Idaho's limited future water supplies in the Snake River, the State's major source of surface water.

We began to worry about these options in the 1950's, when power companies started filing applications for a Federal Power Commission license to develop large hydroelectric dams on the Middle Snake. This sustained licensing effort is now in its final phases before the FPC, and a decision on the latest application may be handed down this year.

I am aware that the State of Idaho has been permitted to join as a party of interest in the application of Pacific Northwest utilities which are seeking to build a hydroelectric dam at the High Mountain Sheep site, and the application has been modified to make power production subordinate to water development. But I assert that this belated recognition of Idaho's interest in the energy potential of a river rising largely from the State's own watersheds appears to have come about largely because of the introduction of our moratorium bill last session and not out of the corporate generosity of the downstream utilities which have the greatest stake in this proposed development. Moreover, a proviso in the bill protects the status and rights of the applicants involved in this FPC licensing application and permits completion of the pending hearings.

The time scope of this bill with the remainder of the 10-year moratorium on interbasin water diversion planning incorporated in the Colorado River Basin Act of 1968 is not a mere coincidence. The planning moratorium was inserted in the Colorado River bill at the insistence of the Members of Congress from the Pacific Northwest who had become concerned at talk of diverting the Columbia River or its Snake River tributary to the water-short Pacific Southwest.

This diversion scare prompted needed interest on the part of my State in its future requirements for water and the means to protect the sources of this needed water. As a result, the State of Idaho established a water resources board and immediately embarked upon a series of studies which will result in formulation of our first State water plan. These multiple planning studies will not be completed until the mid-1970's—another reason for the 7-year moratorium timespan.

Mr. President, I shall conclude with the observations I made 2 years ago when I introduced the predecessor bill, S. 940:

Idaho is now at a water supply crossroads. The stakes are high. Within 7 years we must decide which direction to take, whether it be toward achieving our high reclamation potential by full development of the Middle Snake or to maintain an open river. We do not have to make this decision now. Nor do we wish to be forced into a decision by others who are motivated by the single purpose, power. Bear in mind, there are many sources of power, including nuclear or fossil fuel generation, but the one essential element in making the desert bloom is water.

In Idaho we have a double loyalty in our great love for our vast forests, mountain meadows, open ranges, lakes, and streams. We are determined to protect our great wildlife and recreation resources and we are equally determined to utilize the natural resources of these areas to help us grow and develop fully our industrial and agricultural potential. I believe that these objectives are not incompatible and I hope that Congress will help us reach these objectives by granting a moratorium against further development until our studies have been completed.

The PRESIDENT pro tempore. The bill will be received and appropriately referred.

The bill (S. 488) to prohibit the licensing of hydroelectric projects on the Middle Snake River below Hells Canyon Dam at any time before September 30, 1978, introduced by Mr. JORDAN of Idaho for himself and Mr. CHURCH, was received, read twice by its title and referred to the Committee on Commerce.

SEVEN-YEAR MORATORIUM FOR MIDDLE SNAKE

Mr. CHURCH. Mr. President, I join in the sponsorship of this bill introduced by my distinguished colleague from Idaho (Mr. JORDAN) to prohibit licensing of any dams on the Middle Snake River before September 30, 1978.

As already mentioned, this measure was approved by the Senate in the last Congress, but did not receive House consideration. The measure then had, and I hope will have again, the endorsement of the administration.

The purpose of the bill is simple and logical: To provide a period for further appraisal of the Middle Snake River in the context of changing time and need. It would allow for studies, some of them already in progress, to determine the rivers' highest and best public use.

Mr. President, I am presently persuaded that construction of a high hydroelectric dam in the Middle Snake would not contribute greatly to the development of Idaho. The power would be sold almost entirely outside the State to large urban centers. An alleged benefit to the fishery has yet to be proved, or even accepted by the best informed sportsman groups. Federal appropriations for water development projects are limited, and I think it is very important to arrange our priorities in such a way that multipurpose projects which include irrigation, navigation, and flood control benefits, as well as electric power, and which contribute most to the general growth of the economy, are built ahead of those projects which contribute the least.

This magnificent stretch of the river has long been a source of controversy be-

tween individuals and organizations who want it preserved in its natural wild state and those who want it developed. Central to much of the controversy has been the unique scenic and recreational values of the Middle Snake and its critical importance to the anadromous fish and wildlife resources of the Columbia River.

Mr. President, this is indeed a remarkable geographic area, including a canyon deeper than the Grand Canyon of the Colorado, with great peaks that rise 8,000 feet above waters that often churn white between sheer rock walls. The area is remote, and thousands of elk and deer graze in here in the wintertime. Salmon, steelhead, bass, and the mighty sturgeon are taken from the river. Wild turkeys, migratory waterfowl, golden eagles, grouse, and many other birds flock along the river. Domestic livestock also graze in the area. Hells Canyon of the Middle Snake is internationally known to white water boatmen. Jet boats reach it from Lewiston, Idaho, and trails also lead to the river from either the Idaho or Oregon side.

We need time, Mr. President, to assess the possibility of preserving the salmon and steelhead runs, which are of major importance to not only Idaho, but to the States of Oregon and Washington. Finally, there is the consideration which must be given to the likelihood that nuclear technology will continue to advance at such a pace as to outmode such high hydroelectric dams. When there are so many multipurpose projects that might be completed in the interim, it seems hardly sensible to rush to judgment on building a single purpose—or at most, a dual purpose—dam on this stretch of the river.

Senator JORDAN and I are not prejudging the issue in seeking a 7-year moratorium on licensing any dams on the Middle Snake. We are only seeking to make sure, before the options are foreclosed, that this incomparable stretch of the river is dedicated to its highest and best use. I hope we can obtain early and favorable action on the bill.

S. 489—INTRODUCTION OF A BILL TO ESTABLISH THE LINCOLN HOME NATIONAL HISTORIC SITE IN SPRINGFIELD, ILL.

Mr. PERCY. Mr. President, I am pleased to introduce a bill which will establish the Lincoln Home National Historic Site in Springfield, Ill. Joining me in this effort are the Senator from Illinois (Mr. STEVENSON) and the Senator from Colorado (Mr. ALLOTT) and the Senator from Oregon (Mr. HATFIELD).

I was particularly proud when Senator HATFIELD indicated to me his interest in this bill. He is well known among his Senate colleagues as an authority on the life of Lincoln and he serves with Senator ALLOTT on the committee that will consider this proposal.

The bill I am offering authorizes the Secretary of the Interior to acquire the Lincoln home at 8th and Jackson Streets, Springfield, Ill., its properties and lands in the vicinity that can be developed as a part of the historic site to be operated by the National Park Service. A feasibility study has already been conducted by the Department of the Interior and it was announced last November that the Advisory Board on National Parks recommends implementation of the master plan.

The plan calls for a unique and creative interpretive program to portray Lincoln's life and career in Springfield. More than 650,000 visitors each year tour the Lincoln home and its related sites. A careful restoration and reconstruction of the four-block area is, therefore, planned to insure its preservation and to give it a living quality reminiscent of the times. The historic zone is bordered on the north and south by Capitol Avenue and Edwards Street and on the east the west by 9th and 7th Streets. Although it has been a quiet residential area since the days that Lincoln and his family lived there, many of Springfield's residents have expressed concerns that it is becoming heavily commercialized and the Lincoln home itself is deteriorating despite continued efforts of private groups and the State.

The two-story frame home will be restored to reflect the spirit of the late 1800's. Many of the original Lincoln furnishings will be brought back from various museums in the State to be placed among the remaining items found in the home in 1861 when the Lincoln's moved to Washington. Other period buildings of the four-block area will also be reconstructed and the thoroughfare of Eighth and Jackson Streets will be confined to pedestrian traffic only. Under Park Service control the Lincoln home will provide for children and adults a more extensive interpretation and educational experience through the use of guided tours, audio recordings, and special information centers.

It was in Springfield that Lincoln developed as a skillful country lawyer, an able politician, and a gallant statesman. The only home he ever knew was this one, and he left it with great reluctance when he moved from Springfield to Washington in 1861 to take the oath of office as President. In the years between 1844 and 1861, Abraham Lincoln was an active lawyer, well known to the community for his record in the 8th judicial circuit. During those years Lincoln got to know Illinois well, its picturesque life and its changing appearance. Springfield and Chicago were growing from small frontier towns to bustling cities, leaders in commerce and industry. Lincoln was a part of this youthful America when forceful and dynamic leaders were essential to the preservation of the Union. The atmosphere of change in Illinois undoubtedly influenced Lincoln's character as a politician and public figure. Considering himself an ambitious man, Lincoln wrote to the people of Sangamon County in later years, that:

> I have no other (ambition) so great as that of being truly esteemed of my fellowmen by rendering myself worthy of their esteem.

He did merit their esteem although he was not always popular. Such unpopularity, it is thought, could be attributed to Lincoln's ability to think independently and stand by his convictions. Even so, Lincoln maintained a deep appreciation for the simple life of his farming neighbors in Springfield and a respect and confidence in country people generally.

Mr. President, I believe we have a responsibility to adequately preserve the Lincoln home and other sites like it which reflect on an age or a man that is gone. I am, therefore, hopeful that this bill can be quickly acted upon by both Houses. Congressman PAUL FINDLEY is introducing an identical bill in the House today, with more than 80 cosponsors and significant support. It is a matter which we both know has the full support of Illinois' citizens.

Mr. GOLDWATER. Mr. President, if I may have the attention of the Senator from Illinois, Arizona was first a territory of the Confederacy, and under President Lincoln. we became a territory of the Union on February 24, 1863. Because I was born in the territory of Arizona, I have great pride in Mr. Lincoln in connection with my territory and my State. I should like to ask that my name be included as a sponsor of the Senator's measure.

Mr. PERCY. I should be honored to have the Senator from Arizona as a sponsor.

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

The bill will be received and appropriately referred.

The bill (S. 489) to authorize the Secretary of the Interior to establish the Lincoln Home National Historic Site in the State of Illinois, and for other purposes, introduced by Mr. PERCY (for himself and other Senators), was received, read twice by its title, and referred to the Committee on Interior and Insular Affairs.

S. 493—INTRODUCTION OF THE MINAM RIVER WILDERNESS BILL

Mr. HATFIELD. Mr. President, today I am reintroducing a bill to add approximately 82,000 acres to the Eagle Cap Wilderness in northeastern Oregon. The area encompasses the Minam River drainage, and the bill is commonly known as the Minam River Wilderness bill.

I first introduced a version of this bill in the 90th Congress. No action was taken on the bill. I reintroduced the bill on February 25, 1969. In July 1969, Washington hearings were held on the bill, and in July 1970, field hearings were held in La Grande, Oreg. I want to repeat my thanks to my good friend and colleague from Idaho (Mr. CHURCH), who is chairman of the Public Lands Subcommittee of the Interior Committee, for arranging for field hearings. I know of the many requests for field hearings and I certainly appreciated his assistance in this case.

Following the field hearings, I realized that the wording of the bill was generating undue opposition, due to misinterpretation of its terms. Basically, it drew an area by townships of approximately 144,000 acres and would have had the Secretary of Agriculture carve out a wilderness area of up to 100,000 acres.

I saw that this lack of specificity was hindering the goal I sought: preserving

the Minam River drainage as a wilderness area. Before discussing the bill in executive session, the committee staff and I revised the bill to tighten it up.

The bill, S. 1142, approved by the committee and passed by the Senate October 13, 1970, followed the ridges above the drainage, as does the bill I introduce today.

I point this out because the language of the bill refers to the "official map," and it is somewhat difficult to see the bill because of this.

Described at its simplest, the bill follows the drainage line of the Minam and Little Minam, and this totals about 82,000 acres.

If I were to explain its boundaries to someone with a map before him, I would describe the area as beginning on the East side at the boundary of the National Forest very near Alder Spring. The east boundary goes up Cougar Ridge until it meets the boundary of the existing Eagle Cap Wilderness.

It follows the Eagle Cap boundary until Cartwheel Ridge, and from this point it runs to Deadhorse Flats. From here, the boundary runs to Bald Mountain, where it starts back down the west side of the drainage. The boundary follows the ridge far above the Little Minam River—toward the Minam from Moss Springs recreation site, between Dunns Bluff and Castle Ridge to Pine Butte. From then, the boundary passes Point Prominence, and from there, follows the ridge line to Mount Moriah and on to the edge of the National Forest.

Although this description appears wordy, my friends at the Forest Service assured me that it is easier to describe the area this way and with an official map than by surveyors marks, which would have covered pages.

Merely looking at a map of the area reminds me of the tremendous feelings I had when I was along the Minam River in the area covered by this bill. At the risk of luring too many people there, I heartily urge my colleagues here today to consider a vacation near the Minam—it is as beautiful and relaxing a place as I know.

I am not going to address my remarks today to why the area should be classified as a wilderness area, for I plan a later speech on this subject. I would, however, ask unanimous consent to have appear at the close of these remarks portions of my statement before the Interior Committee on July 11, 1969, and language from the Senate Report, 91–1317, which my colleagues had the opportunity to review before the Senate passed S. 1142 on October 13, 1970.

In closing, I think I speak for the vast majority of the people of my State when I ask for expeditious consideration of this bill by both Houses of the Congress. I am pleased my colleague from Oregon, Mr. PACKWOOD is cosponsoring this bill.

I yield the floor.

The PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection, the portion of the statement and language from the report will be printed in the RECORD.

The bill (S. 493) to authorize and direct the Secretary of Agriculture to classify as a wilderness area the national forest lands adjacent to the Eagle Cap Wilderness Area, known as the Minam River Canyon and adjoining area, in Oregon, and for other purposes introduced by Mr. HATFIELD (for himself and Mr. PACKWOOD), was received, read twice by its title, and referred to the Committee on Interior and Insular Affairs.

The material furnished by Mr. HATFIELD is as follows:

Mr. HATFIELD. The Minam River Canyon is an area of unspoiled National Forest land that is located in the northeastern section of my State of Oregon. It borders the northwest corner of the 220,000 acre Eagle Cap Wilderness, established by the Wilderness Act of 1964. The Eagle Cap embraces some of Oregon's highest peaks—up to 10,000 feet in elevation—and includes some of the best fishing waters in eastern Oregon.

The Minam River Canyon is a logical addition to the Eagle Cap Wilderness. The river itself is pure, cold and crystal clear. It wanders through broad meadows in the valley bottoms and through spectacular multicolored canyon walls. Fish and game are bountiful.

I believe we must preserve the Minam River Canyon. We have a chance today to avoid steps which would forever alter the character of this beautiful and quiet valley.

I am convinced these untouched and magnificent lands in the Minam River Canyon will be worthy additions to the Eagle Cap Wilderness and the National Wilderness Preservation System.

Thank you for this opportunity to speak on both of these bills.

SENATE REPORT OF THE INTERIOR AND INSULAR AFFAIRS COMMITTEE: TO CLASSIFY AS A WILDERNESS AREA IN OREGON THE MINAM RIVER CANYON

The Committee on Interior and Insular Affairs, to which was referred the bill (S. 1142) to authorize and direct the Secretary of Agriculture to classify as a wilderness area the national forest lands adjacent to the Eagle Cap Wilderness Area known as the Minam River Canyon and adjoining area, in Oregon, and for other purposes, having considered the same, reports favorably thereon with amendments and recommends that the bill as amended do pass.

PURPOSE

This bill, S. 1142, as amended, would add up to 80,000 acres of the Minam River Canyon area to the 220,000-acre Eagle Cap Wilderness, located in the northeastern section of the State of Oregon, and which was established by the Wilderness Act of 1964. The Minam River Canyon area borders the northwest corner of the Eagle Cap Wilderness. The latter area embraces some of Oregon's highest peaks—up to 10,000 feet in elevation—and includes some of the best fishing waters in eastern Oregon.

DESCRIPTION

The Minam River itself is pure, cold, and crystal clear, splashing and wandering through spectacular multicolored canyon walls, merging with the Wallowa River at the town of Minam. Originating at Minam Lake on the alpine slopes of the north-central Wallowa Mountains, the Minam River courses nearly 50 miles and drains approximately 240 square miles.

The bill would designate as wilderness that part of the drainage within the Wallowa-Whitman National Forest, from the boundary, approximately 8 miles from the mouth of the Minam, upstream to the boundary of the Eagle Cap Wilderness. The elevation decreases from approximately 7,500 feet at Minam Lake to 2,540 feet where the Minam enters the Wallowa. In 1968 more than 5,000 persons enjoyed over 30,000 days of wilderness-type hunting and fishing in the Minam. This is one of the remaining quality elk hunting areas in Oregon where large mature bulls may still be found, and where trophy buck deer hunting is enjoyed by hunters willing to climb the steep and rugged ridges of the canyon. The river provides an important spawning and rearing area for a substantial run of Columbia River chinook salmon and steel head. Other wildlife found in the canyon include cougar, mountain goat, bear, bobcat, fisher, marten, turkey, ptarmigan, bald eagle, and harlequin ducks.

Fears have been extensive and this area might be roaded, which could give rise to slides and earth movements that would cause siltation, result in destruction of the spawning beds of salmon, steelhead, and trout, and place barriers across natural game trails to prevent their use by the Minam River elk herd and other animals. The Minam fishery is of major significance. Steelhead, one of the most highly prized game fish in the Nation, enter the Columbia River from the Pacific Ocean in the summer months and reach the Minam and its tributaries the following May. Chinook and some Coho salmon arrive and spawn in the summer and early fall. Formerly, 29 percent of all salmon which passed McNary Dam spawned in the Snake River system above Hells Canyon Dam. Now no fish are able to pass Hells Canyon Dam, giving greater importance to the remaining spawning areas in the lower rivers such as the Minam.

The beauty of the lower Minam is partly in its gentle character, and the ease with which people, especially families with children, can hike through the valley. There are numerous flats and parklike areas in the evergreen forests along the sparkling stream. The climate is superior to the high lakes and accessible during the spring and early summer when the higher regions are blocked by snowdrifts and flooding streams.

Two other canyon areas, the Little Minam and Bear Creek, are part of the Minam watershed, and offer remote wilderness experience, with unique beauty spots. They contain numerous meadows, family camping areas, and offer smaller waters for good fishing.

LEGISLATIVE HISTORY

The bill, S. 1142, was introduced by Senator Hatfield on February 25, 1969, and referred to the Senate Committee on Interior and Insular Affairs. Senator Packwood is a cosponsor of the legislation. Hearings were conducted in Washington on July 11, 1969, and field hearings at La Grande, Oreg., on July 27, 1970, by the Senate Subcommittee on Public Lands.

At the Washington hearing, as at La Grande, there was extensive support from conservation and outdoor organizations favoring inclusion of the Minam in the wilderness system. The Forest Service, at the Washington hearing, voiced objection on grounds that the area had not been subject to the review procedures set out in the Wilderness Act, and pointed out there were remaining stumps as evidence of old logging activity, and that there were two private resorts in the canyon each served by an airplane landing strip. There was enthusiastic local support for the proposal at the La Grande hearing, although lumbering, and other interests expressed concern that wilderness classification for the Minam might result in reduction of the allowable timber harvest on the area's national forest land. Prior and subsequent to the La Grande hearing the Senate committee received a large volume of correspondence from Oregon resident urging approval of S. 1142.

AMENDMENTS

The committee amended the bill to reduce the wilderness area authorization from a maximum of 100,000 to 80,000 acres. It also deleted the legal description of the area in

favor of a map reference. A requirement that after classification the Secretary of Agriculture transmit to the Congress a map and legal description was changed to direct that these be submitted to the Interior and Insular Affairs Committees of the U.S. Senate and House of Representatives, provided that correction of minor clerical and typographical errors in such legal description and map may be made. Another amendment would make the area part of the Eagle Cap Wilderness.

COMMITTEE RECOMMENDATION

The Senate Interior and Insular Affairs Committee favorably reports S. 1142, and recommends its enactment.

S. 494, S. 495, AND S. 496—INTRODUCTION OF BILLS TO MAKE MILITARY PAY MORE EQUITABLE, TO PROVIDE FOR PAYMENT OF ENLISTMENT BONUSES, AND TO AUTHORIZE REIMBURSEMENT OF EXPENSES INCIDENT TO RECRUITING DUTIES

Mr. STENNIS. Mr. President, for myself and the senior Senator from Maine, Mrs. SMITH, I introduce, by request, three bills from the Department of Defense to make military pay more equitable, to provide for payment of enlistment bonuses, and to authorize reimbursement of expenses incident to recruiting duties.

I ask unanimous consent that letters of transmittal requesting introduction of these bills and explaining their purpose be printed in the RECORD immediately following the listing of the bills.

The PRESIDENT pro tempore. The bills will be received and appropriately referred; and, without objection, the letters of transmittal will be printed in the RECORD.

The bills (S. 494) to amend chapter 7 of title 37, United States Code, to authorize reimbursement to members of the Armed Forces who are assigned to recruiting duties for expenses incurred in recruiting of personnel; (S. 495) to amend title 37, United States Code, to provide for the payment of an enlistment bonus to certain persons who enlist in the Army, Navy, Air Force, or Marine Corps for at least 3 years; and (S. 496) to amend title 37, United States Code, to make military pay more equitable and for other purposes; introduced by Mr. STENNIS, for himself and Mrs. SMITH, were received, read twice by their titles and referred to the Committee on Armed Services.

The letters presented by Mr. STENNIS are as follows:

THE SECRETARY OF DEFENSE,
Washington, D.C., January 29, 1971.

Hon. SPIRO T. AGNEW,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: There is forwarded herewith a draft of proposed legislation, "To amend chapter 7 of title 37, United States Code, to authorize reimbursement to members of the armed forces who are assigned recruiting duties for expenses incurred in recruiting of personnel."

This proposal is a part of the Department of Defense Legislative Program for the 92nd Congress. The Office of Management and Budget advises that, from the standpoint of the Administration's program, there is no objection to the presentation of this proposal for the consideration of the Congress. It is recommended that this proposal be enacted by the Congress. This proposal is also being sent to the Speaker of the House of Representatives.

PURPOSE OF THE LEGISLATION

The purpose of the proposed legislation is to provide reimbursement to members of the armed forces on recruiting duty for actual and necessary out-of-pocket expenses incurred by them incident to their recruiting duties.

In recruiting work, personnel on recruiting duty must project themselves as being willing to discuss their service's selling qualities with any interested party at almost any hour. Consequently, luncheons, snacks, coffee, and even dinner engagements with prospects or their families are not unusual. Parking fees while at itinerary stops, telephone calls while working away from the office, purchase of photostatic copies of vital documents for prospective recruits and candidates, and other small but necessary expenditures are costs that the serviceman must pay from his own pocket.

All of the above items of expense represent costs incurred in the recruitment of personnel for the armed forces. None of these costs are borne by the Government for whose benefit they are incurred. Members of the armed forces assigned to recruiting duty find themselves obliged to bear these costs out of their own pockets in order to do the most effective job of recruiting personnel for the armed forces. The members receive no reimbursement for these out-of-pocket expenses. Enactment of this legislation would assist the member in meeting costs he incurs in the performance of his recruiting duties and would, therefore, contribute substantially to the total recruitment effort.

If the proposed legislation is enacted, it is anticipated that reimbursement would be accomplished within existing reimbursement procedures, that is, by an individual voucher supported by a documented claim by the recruiter who incurred the expenses. The Secretaries of the services concerned would promulgate regulations to insure that reimbursements are made only for such expenses as are necessary to the performance of a recruiter's duty.

COST AND BUDGET DATA

The costs necessary to implement this legislation are as follows:

Army	$1,105,000
Navy	806,000
Marine Corps	366,420
Air Force	663,120
Total	2,940,540

Additional funding for the proposed legislation will not be requested in fiscal year 1972.

Sincerely,

DAVID PACKARD,
Deputy.

THE SECRETARY OF DEFENSE,
Washington, D.C., January 29, 1971.

Hon. SPIRO T. AGNEW,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: Enclosed is a draft of legislation "To amend title 37, United States Code, to provide for the payment of an enlistment bonus to certain persons who enlist in the Army, Navy, Air Force, or Marine Corps for at least three years." This proposal is a part of the Department of Defense legislative program for the 92d Congress. The Office of Management and Budget has advised that the enactment of this proposal is in accordance with the program of the President. It is recommended that this proposal be enacted by the Congress.

PURPOSE OF THE LEGISLATION

The purpose of the legislation is to provide a flexible authority to the Secretary of Defense to stimulate enlistments into military occupations characterized by chronically inadequate volunteer levels, such as the combat arms of the Army where currently about 65 percent of the members are draftees. This bonus would be offered to the prospective enlistee and paid after he has completed qualifications for the military occupation in question. It would not necessarily be awarded to any military occupation continuously, but could be used as needed in any occupations that might experience shortages.

PLANNED IMPLEMENTATION

Initially on a test basis, the Department of Defense would offer this bonus to enlistees for the Army combat arms (i.e., infantry, artillery, and armor) only. It is proposed to offer a bonus of $3,000 payable in three equal installments, to enlistees who agree to serve in the combat arms for at least three years. The first installment would be payable upon completion of training and upon being qualified for and awarded the appropriate military occupational specialty (MOS). A proportionately higher bonus payment would be made for longer terms of enlistment up to six years.

To avoid a potential disincentive for enlistment during the period of consideration of this proposal by the Congress and implementation of the legislation if enacted, a retroactive effective date of not earlier than February 1, 1971 is recommended. This would permit certain persons who enter the service on or after February 1, 1971, for example, to be offered the bonus contingent on their agreement to serve in the military occupation in question for at least three years.

The proposed legislation would also make it possible to offer certain members in their initial period of active military service a proportionate part of the bonus contingent upon a minimum of one year extension of their current tour of duty.

COST OF BUDGET DATA

While the effect of the proposed enlistment bonus must be based on an estimate, for FY 1972 it is anticipated that a $3,000 enlistment bonus paid in annual installments to enlistees for the Army combat arms would result in an estimated maximum first year cost of approximately $40,000,000. This amount has been provided in the FY 1972 Department of Defense budget.

Sincerely,

DAVID PACKARD,
Deputy.

THE SECRETARY OF DEFENSE,
Washington, D.C., January 29, 1971.

Hon. SPIRO AGNEW,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: Enclosed is a draft of legislation "To amend title 37, United States Code, to make military pay more equitable and for other purposes." The Office of Management and Budget has advised that the enactment of this proposal is in accordance with the program of the President. It is recommended that this proposal be enacted by the Congress.

PURPOSE OF THE LEGISLATION

The purpose of this legislation is to initiate action to carry out the President's proposal to reduce draft calls to zero by making more equitable the basic pay of enlisted members and certain officers serving their first two years in the armed forces and to eliminate the necessity for Dependents Assistance Act allowances.

For background purposes, it is appropriate to briefly review basic pay increases since 1952. During the period 1952 through 1964, military managers proposed "selective increases" to improve career retention. Adoption of these proposals resulted in significant raises at critical career decision points and small, or no raises at other points in the

normal military career. Since the draft and draft pressure from 1952–1964 provided the required numbers of first term enlisted personnel, it was not considered necessary to make the early years of service financially attractive. Further, because of the in-kind benefits received by young enlisted members, there did not appear to be a compelling economic need for greater compensation. Accordingly, for 13 years or during four consecutive raises in basic pay (1955, 1958, 1963, and 1964), the basic pay of enlisted members with less than two years of service remained fixed at the 1952 levels. Only in 1965 did the "less than two years' service" enlisted group receive a higher percentage increase than the remainder of the force. This increase was intended to recognize the fully productive status of enlisted members in pay grades E–3 and above and to relate the pay rates to job responsibilty. However, the 1965 increase was not sufficient to make up for the inequity that had resulted from previous compensation policies.

A similar situation exists for the officer with less than two years of service. During the three consecutive pay raises of 1955, 1958, and 1963 the basic pay of the officer with less than two years of service remained fixed at the 1952 levels. In 1964 and again in 1965, the "less than two years' service" officer group received a higher percentage increase than the remainder of the force. However, these two increases, while significant in size, were not sufficient to make up for the inequity that had resulted from previous compensation policies.

Since 1966, members with less than two years of service have received flat across-the-board percentage increases in the same manner as the remainder of the force. It is significant to note that these "across-the-board" pay increases only permitted the junior members to maintain their relative position with respect to the rest of the force. Consequently, the inequity previously introduced has persited to the present day.

The increase in basic pay proposed in this legislation will provide a significant increase in the basic pay for the first term members over and above the 7.9 percent increase granted on January 1, 1971 pursuant to Executive Order 11577. The following are the increases in basic pay proposed for the most populous first term pay grades:

Under 2 enlisted

	Percent
E–4	22
E–3	35
E–2	50
E–1	40
E–1 (under 4 months)	50

Under 2 officer

O–2	9
O–1	10

In order to grant an increase of the size proposed without causing pay inversions or undue compression in the structure of service pay it was necessary to increase the pay of some "over two years of service" members. Where increases are proposed for "over two years of service" members, the expressed purpose is to maintain appropriate intergrade and interlongevity pay differentials.

The legislative proposal recommends providing Basic Allowance for Quarters to present recipients of Dependents Assistance Act (DAA) allowances and repeal of that Act.

Prior to 1950, enlisted members of grade E–4 with less than four years of service and below were considered in law to be without dependents. With the onset of the Korean War reservists with family responsibilities were mobilized and called to active duty and it became necessary to draft married men into the armed forces. It was therefore unrealistic to continue to consider military members in pay grades E–4 and below as without dependents. Congress responded to this situation with the passage of the Dependents Assistance Act of 1950 which provided a financial supplement to the income of young enlisted military families related to the number of dependents. Because of the continuing need for this income supplement, the Dependents Assistance Act of 1950 (DAA) has been retained to the present date.

This proposal provides an appropriate quarters allowance for the single and married E–4 and below in exactly the same manner as they are provided for the remainder of the force. The proposed allowances will provide increases for approximately 270,000 junior enlisted personnel now receiving DAA allowances.

The legislative proposal should not be construed solely as a move which will reduce reliance on the draft. Also, it is designed to remove the present inequity in pay of members serving their initial two years in the uniformed services.

This bill affects approximately 50,000 officers and 1,400,000 enlisted members on active duty of whom 443,000 are estimated to be inductees. In addition, because reserve drill pay is based on basic pay, approximately 6,500 officers and 518,000 enlisted drilling Reservists and National Guardsmen will receive the same percentage increases in pay as their counterparts on active duty. In addition, when on active duty, Reservists and National Guardsmen will receive the new quarters rates.

It is recommended that the effective date of this legislation be May 1, 1971.

COST AND BUDGET DATA

At projected manning levels, the proposed increase will cost $180 million in FY 1971 and $987 million in FY 1972. Funds for this purpose will be included in the 1971 pay supplemental. The overall DoD outlay estimates for FY 1971 would not be changed. Provision has been made for this increase in the FY 1972 budget.

Sincerely,

DAVID PACKARD,
Deputy.

SECTIONAL ANALYSIS

Section 1 supersedes certain basic rates now in effect under Executive Order 11577 of January 8, 1971 for certain members of the uniformed services. The proposed new basic pay rates reflect pay increases for all enlisted members with less than two years of service, eliminates pay grade E–1 (under four months) and eliminates longevity increases for pay grades E–1 and E–2. The pay rates provide increases for two junior officer grades (O–1 and O–2) as well. In order to preserve an acceptable interlongevity step differential, pay grade O–1 reflects a modest adjustment in the "Over 2" longevity step column; while the pay grades E–3 and E–4 reflect additional adjustments in the "Over 3" and "Over 4" columns and the pay grade E–4 in the "Over 6" column.

The rate changes in the "2 or less" column are substantial, ranging from a 50.0% increase in basic pay for members in the pay grade E–1 to 8.8% for members in the pay grade O–2. The rate changes proposed to maintain the interlongevity balance are modest, ranging from 5.7% for the pay grade E–1 (Over 2) to 2.1% for the pay grade E–4 (Over 6). These changes in the rates of basic pay are a first step in reforming compensation policy to reduce reliance on the draft, and follow the policy stated by the President in his April 23, 1970 statement to the Congress on ending reliance on the draft to procure manpower for the armed forces.

(7) The rates for enlisted members in pay grade E–3 with "2 or less", "over 2", and "over 3" years of service are $244.20, $260.10, and $277.80, respectively, and $288.90 for all remaining pay steps.

(8) The rate for enlisted members in pay grade E–2 in any pay step is $222.90.

(9) The rate for enlisted members in pay grade E–1 in any pay step is $201.90.

(10) Pay grade E–1 (under 4 months) is abolished.

SEC. 2. Section 403(a) of title 37, United States Code, is amended (1) by striking out the last sentence and (2) by striking out that part of the table which prescribes monthly basic allowances for quarters for enlisted members in pay grades E–1, E–2, E–3, and E–4 (4 years or less service) and inserting in place thereof the following new table:

"Pay grade	Without dependents	With dependents
"E–4	$70.20	$105.00
E–3	60.00	105.00
E–2	60.00	105.00
E–1	60.00	105.00"

SEC. 3. The Dependents Assistance Act of 150 (50 App. U.S.C. 2201 et seq.) is repealed.

SEC. 4. This Act is effective on May 1, 1971.

S. 497—INTRODUCTION OF A BILL TO CREATE ONE ADDITIONAL PERMANENT DISTRICT JUDGESHIP IN OREGON

Mr. HATFIELD. Mr. President, today I am reintroducing a bill I introduced in the 91st Congress which would create a position for a fourth Federal judge for Oregon.

That bill, S. 3361 , was introduced as a result of my belief that Oregon needs and deserves an additional Federal judge at the earliest possible time.

The statistics alone support this belief: the third Federal judge position was created in 1949. In 1951, U.S. District Court in Portland had filed 392 civil cases and 105 criminal cases.

In 1970, this had risen to 898 civil cases and 304 criminal cases. This dramatic increase has been accompanied by an increasing complexity in nearly all areas of Federal jurisdiction.

If one examines only the backlog and delay between filing and trial dates, the results are misleading. The relatively short backlog is due primarily to the diligence and hard work of Judges Gus Soloman, Robert Belloni, John Kilkenny—a former district court judge and currently on the Ninth Circuit Court of Appeals—and recent appointee Alfred Goodwin. This tends to give a distorted view of the need for an additional judgeship.

At its most recent convention last October, the membership of the Oregon State bar supported S. 3361 and I ask unanimous consent that a letter from Randall Kester, chairman of the judicial administration committee, the bar report, and the resolution passed by the membership be printed at this point in my remarks.

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

UNION PACIFIC RAILROAD CO.,
TRANSPORTATION DIVISION LAW DEPT.,
Portland, Oreg., October 23, 1970.

Re: S. 3661.
Hon. MARK O. HATFIELD,
Old Senate Office Building,
Washington, D.C.

DEAR SENATOR HATFIELD: This will confirm what I presume you already know, that the Oregon State Bar, at its Annual Meeting held in Eugene, Oregon, October 9, 1970,

adopted a resolution supporting your bill (S. 3661) which would create a fourth position on the United States District Court for Oregon.

For your files, I am enclosing copy of a portion of the report of the Committee on Judicial Administration discussing this matter (pp. 128–129), and also copy of the resolution as adopted (Exhibit B, p. 145).

In due course Mr. Holloway will be sending you a copy of the resolution with proper authentication by the officers of the Oregon State Bar. If there is anything that members of the Bar can do to help in the passage of this bill, I am sure you will find them cooperative.

Sincerely,

RANDALL B. KESTER.

COMMITTEE REPORTS OF THE OREGON STATE BAR—1970

Senator Hatfield in the winter of 1969–1970 introduced Senate Bill 3661, which would create a fourth position on the Federal District Court of Oregon. The Committee, after examining the supporting statistics, voted unanimously to recommend that the Bar support Senator Hatfield's bill, or other legislation leading to the creation of a fourth position. The consensus was that Oregon needs the fourth Federal judge now.

The third and last position created on the Oregon District Court was filled in 1949, and although population has risen from 1,511,200 to an estimated 1970 figure of 2,076,000, a 37.3 per cent increase, no serious attempt has been made during the intervening twenty-one years to create a new Federal Court position.

Since 1949, judicial workload in the Federal Court, as measured by every standard, has increased at a rate in excess of the rate of population increase. Combined civil and criminal filings have risen from 497 cases in 1951 to 1,060 in 1969. Trials have risen between 1962 and 1969 from 137 to 205. In addition, these figures do not take into consideration the fact that the Oregon judges have also met their obligation to help other districts when called upon to do so.

Along with the numerical increase in cases filed, cases tried, and cases disposed of, there has been a corresponding increase in complexity and in new types of cases, which these statistics do not take into account. For example, in the last ten years, Oregon had its share of cases involving anti-trust, patents, fraud, mass torts, and civil rights. Prisoner cases have tripled, and, contrary to the practice permitted in the fifties before recent U.S. Supreme Court decisions, these cases are generally tried and almost always are disposed of by opinion. This increase in complexity and in opinion work has taken its toll upon the available judge time in the Federal Court.

The Administrative Office of the Federal Courts has attempted to compare statistically the size and complexity of the case input per judge of the various districts by weighing the type of cases filed. The resulting statistical figure is called "weighted caseload per judge" and has proven helpful in enabling Congress to compare the workload per judge between the larger urban districts and the smaller non-urban districts. A comparison was made between the weighted caseloads and numbers of trials in Oregon and the forty-five districts authorized new judicial positions by the Senate under last year's Omnibus bill, and these figures were presented to the Committee.*

Oregon has a greater weighted caseload per judge than half of the districts included in the Omnibus bill which are receiving new judges. In addition, Oregon has tried more cases than half of the Omnibus districts, even though over half of those districts trying less cases had more judges. The backlog of pending cases in Oregon has substantially increased and will continue to increase, even though the Court has demonstrated a capacity to try more cases and dispose of more cases than other comparable districts.

Oregon needs a fourth Federal judge now.

A form of Resolution is submitted as Exhibit B, which, if adopted, will be transmitted to Sen. Hatfield in support of his bill.

RESOLUTION REGARDING A FOURTH FEDERAL JUDGESHIP FOR OREGON

Whereas, S. 3661, introduced in the 91st Congress by Sen. Mark O. Hatfield, would create an additional permanent district judgeship for the U.S. District of Oregon, making a total of 4 Federal Judges for the District of Oregon;

and Whereas, the third and last position on the U.S. District Court for Oregon was filled in 1949; and since that time the population of the state has increased substantially, and the volume of judicial business in the U.S. District of Oregon has increased at an even greater rate than the population; and the complexity of such judicial business has caused the judicial workload to be increased even more than the number of cases would indicate;

and Whereas, by every standard the District of Oregon urgently needs, and is entitled to, the addition of a fourth permanent U.S. District Judge;

Now, Therefore, The Oregon State Bar, assembled at its 1970 Annual Meeting, hereby

Resolves: That it supports the passage of S. 3661, or other legislation that would cause the addition of a fourth permanent U.S. District Judge for the District of Oregon, and requests that such legislation be given urgent consideration by the Congress at the earliest possible time;

And it is further resolved, that copies of this Resolution be transmitted to the Oregon Congressional delegation; and the officers of the Oregon State Bar are authorized and directed to lend every assistance to secure the passage of such legislation.

Mr. HATFIELD. Mr. President, I also ask that at this point in the RECORD there be printed a letter detailing the situation in 1970 from Chief Judge Gus J. Solomon.

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

US. DISTRICT COURT,
DISTRICT OF OREGON,
Portland, Oreg., February 5, 1970.

Hon. MARK O. HATFIELD,
United States Senate,
Washington, D.C.

DEAR SENATOR HATFIELD: My colleagues and I appreciate your having introduced legislation to provide for one additional District Judge for the District of Oregon.

We need the extra judge now.

In October, 1949, I was appointed to the third position created by Congress earlier that year. At that time Oregon's population was estimated at 1,511,200. Now, in 1970, Oregon's population is estimated at 2,076,000. This is a 37.3 per cent increase.

The work of the Court has increased more rapidly than population. For the fiscal year 1951, 392 civil cases and 105 criminal cases were filed for a total of 497 cases.* In 14 of the next 18 years the caseload for each year was greater than that of the preceding year. In fiscal 1969, there were filed 723 civil cases and 337 criminal cases for a total of 1060. This trend is continuing. In the first six months of the 1970 fiscal year, there were filed 378 civil cases and 206 criminal cases for a total of 584 cases. In other words, since the third judge for Oregon was authorized, our civil filings have almost doubled and the criminal filings have tripled.

With the increase in filings, there has been a corresponding increase in trials. Between 1962 and 1968, the trials increased from 137 to 205 and the weighted caseload per judge from 231 to 305. We believe the increase will continue at an accelerated rate because many more defendants in criminal cases are now pleading not guilty and demanding trials. Habeas corpus cases in Oregon, as well as nationally, are increasing. In Oregon, a substantial percentage of the prisoner petitions are tried rather than decided on the pleadings. Although this is more time-consuming for us, it makes for a better record and lightens the work of the Court of Appeals.

We have compared the weighted caseloads as well as the trials in Oregon for the years 1962 to 1968 with the districts now included in the Omnibus Bill. The enclosed chart, prepared by our Clerk, shows that Oregon's weighted caseload and the number of trials per judge exceed that of most districts included in the bill. For example, in 1968 in the Eastern District of Michigan, eight District Judges tried a total of 202 cases. In Oregon in the same year, with three judges, 205 cases were tried. Michigan's per judge weighted caseload was 250 as against Oregon's 305. The Tydings Committee has recommended and there is included in the Omnibus Bill two additional judges for the Eastern District of Michigan. The Eastern District of Missouri, the Western District of Louisiana, and the Middle District of Pennsylvania all have the same number of judges as the District of Oregon. The weighted caseload and the number of trials in Oregon are greater than any of the three other districts. The most comparable district to Oregon is that of the District of Colorado. In 1968, Oregon tried 30 more cases than Colorado, but the weighted caseload in Oregon was 305 as against Colorado's 314. However that was the only time since 1962 in which Colorado's weighted caseload exceeded that of Oregon. Colorado, as well as the three other three-Judge districts mentioned above, will be given a new judge in the Omnibus Bill, but Oregon is omitted.

These statistics require some additional explanation. Neither the number of trials held in the district nor the weighted caseload takes into consideration either the help that the district received from visiting judges or the help that the local judges gave to other districts. Many districts, like the District of Arizona and the three districts in California, have often received continuous help from the juges of other districts. Oregon has received little help and has given much more than it has received. (I do not intend to disparge the work done in any of those districts. I have tried cases in all of them, and I know the great need for additional judge power on a permanent basis.)

It is not good policy to require judges to do as much work as we in Oregon have had to do over a period of many years. As you know, I usually work six days, and often seven days a week. My health has suffered as a result. More serious for the courts is my inability to keep up with legal literature or even new case law.

Thanks again for all your help. If you want additional information about the District of Oregon, please call on my colleagues or me.

Best regards.

Sincerely yours,

GUS J. SOLOMON.

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*(Note: Since preparation of this portion of the report, the Congress has passed S. 952, which became P.L. 91–272, approved June 2, 1970, authorizing 57 new permanent district judgeships.)

[*I omit the 1950 figures because that was the year cases arising out of the Vanport flood were filed. Although they were handled as one consolidated case, for statistical purposes they were handled as approximately 200 civil cases.]

Mr. HATFIELD. In closing, I hope that this bill will receive consideration for we in Oregon need a fourth Federal judge now. The backlog statistics are misleading and it is only when one examines the cases-per-judge numbers that the true picture emerges. I also ask unanimous consent to have printed an editorial in support of the bill from the Oregon Journal and my earlier remarks of January 30, 1970, when I first introduced this bill.

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

THE CASE FOR ANOTHER JUDGE

A bill introduced in Congress by U.S. Sen. Mark O. Hatfield, R-Ore., has begun the usually long process of creating a fourth federal district judgeship for Oregon.

An article in The Journal's recent "Shape of the '70s" series reviewed some of the reasons why another judge will be needed on the federal bench here before long. Growing population and the attendant rise in court business are the heart of the matter.

Oregon had a little over 1.5 million population in 1950, when a judge last was added to the bench here. Now it has passed 2 million, and is expected to go to 2.2 million by 1975. In 1962 the three federal judges here presided at 137 trials. By 1968 their total had risen to 205, and the average difficulty of the cases, measured by a scale the federal courts use, had risen, too. The three present judges work hard.

Inevitably there are partisan political angles to the creation of a new federal judgeship and the appointment of a man to fill it. It's a difficult job, but one of high prestige and lifetime tenure and, at present, the pay is a comfortable $40,000 a year.

But the political implications should not overshadow the basic need to get the court's business done well and on time. Sen. Hatfield's bill is timely.

S. 3361—INTRODUCTION OF A BILL TO CREATE ONE ADDITIONAL PERMANENT DISTRICT JUDGESHIP IN OREGON

Mr. HATFIELD. Mr. President, I introduce a bill to create a fourth U.S. district court judge position for the District of Oregon. I do this because I am concerned that justice afforded by a prompt trial must not be jeopardized by a long delay before a case can be heard.

Currently, Oregon has three hard-working district court judges. The senior and chief judge, Judge Gus J. Solomon, is known throughout judicial circles as one of the hardest working district court judges in the country. In fact, when one examines the caseload of the Oregon court, it is a tribute indeed that three men can handle the caseload as expeditiously as they do.

Mr. President, Oregon enters the 1970's facing predictions of rapid population growth. The addition of a fourth judge would guarantee that Oregon citizens will be afforded prompt access to the Federal courts.

Although I am not a lawyer, I am aware of the growing complexity of Federal court cases. A glance at the docket shows many cases dealing with very complex and difficult issues. This means that a judge is removed from normal case disposal, often for weeks at a time, to hear and decide these multifaceted and hydraheaded lawsuits.

Mr. President, I ask the Congress to act in a prompt way to insure that we will act before Oregon faces a crisis situation in its Federal courts. In closing, I draw attention to a recent article in the Portland Oregon Journal, by Ken Jumper, which discusses the caseload problem. I ask unanimous consent that this article be printed in the RECORD.

The ACTING PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection, the article will be printed in the RECORD.

The bill (S. 3361), to create one additional permanent district judgeship in Oregon, introduced by Mr. HATFIELD, was received, read twice by title, and referred to the Committee on the Judiciary.

(The article presented by Mr. HATFIELD follows:)

FOURTH FEDERAL JUDGE DUE IN 1970'S TO EASE HEAVY WORKLOAD IN OREGON

(By Ken Jumper)

Some time in the 1970's Oregon probably will acquire a fourth federal judge.

It needs one now, according to statistical evidence and to the testimony offered by persons who are intimately involved in the federal judicial system as it pertains to Oregon.

The awareness that Oregon does need an additional federal judge is not new but it has received little public discussion. Last November, during ceremonies renaming the Old Pioneer Post Office, Chief U.S. District Court Judge Gus J. Solomon made a fleeting reference to the impending need. Other than his brief statement, there has been virtually no "on-the-record" talk about it.

But statistics, coupled with the evaluation offered by persons who run the courts and practice in them, point to a steadily increasing caseload which to some extent mirrors a corresponding rise in the state's population.

In brief, Oregon's three federal judges are, and have been for some time, overworked. The pressure on them is reflected in tight courtroom procedures and a corps of lawyers who are not permitted the luxury of rhetoric.

Oregon's third judgeship was created in 1949–50 when the state's population stood at 1,511,200, according to U.S. Bureau of Census figures.

By 1960 the population had climbed to 1,768,687, a 17 per cent increase. And it is projected that by 1975, the population will have swollen to 2,239,000.

With more people come more court cases.

In 1962, Oregon's three federal judges presided at 137 civil and criminal trials and each judge had a weighted caseload of 237.

Those figures have mounted steadily since and in 1968, the three judges presided at 205 trials and each had a weighted caseload of 305.

A statistical method of evaluating and rating various cases based on a formula with several integral parts is used to weigh each case. A zero to four scale is used and the more complicated a case is, the higher it is ranked on that scale. A Dyer Act Violation, for instance, would rate lower than a complicated antitrust case in the area of weighting.

But despite the high number of trials and large weighted caseload, Oregon judges are doing good work—and more of it—than many of their peers in the nation's 89 districts which have 323 judgeships. In fact, Oregon's judges rank among the highest in the nation when it comes to productivity.

Take New Jersey, for instance. That district now has eight judges and is seeking one more on a fulltime basis and one in a temporary position. Yet in 1968, those eight judges handled only 170 criminal and civil trials and had a weighted caseload of 225 each, both figures considerably lower than Oregon's.

Ohio is another example. Seven judges (the state wants another judge) in 1968 presided at 196 trials and had a weighted caseload of 255, statistics that again are substantially lower than Oregon's.

There are many other instances where the same condition prevails.

Admittedly, Oregon's federal courts do not get as many or large complicated cases as do some districts in the East or other large metropolitan areas. And because traffic problems in Oregon are not as serious as in larger metropolitan districts, the courts here can work juries longer hours.

Where other districts may take two or three days for a jury trial, Oregon's federal courts find that one day is usually sufficient.

This means, of course, that "the judge must run a good, tight court," Solomon says.

"We can't enjoy the luxury of letting a lawyer talk ad infinitum, nor can we spoonfeed them," Solomon notes.

Judge Robert C. Belloni says that "his schedule is so tight that he has no time for outside and necessary scholarship. Maintaining this kind of a schedule eventually results in a judge losing his effectiveness," Belloni says.

U.S. attorney Sidney I. Lezak says the presure under which the judges operate here is "reflecting in the sometimes frantic efforts of lawyers to comply with standards of performance that are extremely high. The atmosphere in the courts here cannot frequently be described as relaxed," although there are individual differences between judges in this respect.

"We joke a lot about the speed with which things are required to be done here, but the humor is a veneer for more tension than is experienced in most courts," Lezak says.

Lawyers who have a great deal of practice in federal court tend to agree with Lezak's appraisal.

"They call Solomon 'Fast Gavel Gus' and he's probably the fastest in the West," one lawyer quips, but he turns serious and adds, "but I don't see that he has any choice with the amount of work that he has to do."

And, says another attorney, "it's going to get worse before it gets better." In addition to burgeoning population, we're getting more and more government participation and impingement in virtually all areas of experience.

"Look back to 1949 when Oregon's last judgeship was created and see how many new types of cases that we have in the courts now that were never even heard of then," he notes.

Creation of a fourth judgeship for Oregon is the responsibility of Congress. It is a slow and cumbersome process and to date there has been no concerted drive on the part of any interested parties to get the ball rolling.

But if the state is to get the court it needs, that drive had better be initiated soon if it is to come within the next decade. A study shows that the average time between the initial drum beating and final creation of the judgeship is six years.

The PRESIDENT pro tempore. The bill will be received and appropriately referred.

The bill (S. 497) to create 1 additional permanent district judgeship in Oregon introduced by Mr. HATFIELD, was received, read twice by its title and referred to the Committee on the Judiciary.

S. 504—INTRODUCTION OF A BILL FOR THE RELIEF OF JOHN BORBRIDGE, JR.

Mr. GRAVEL. Mr. President, I reintroduce today a private bill for the relief of John Borbridge, Jr., of Anchorage, Alaska. Mr. Borbridge was paid the sum of $1,639.61 which represents the cost of moving Mr. Borbidge, his family, and

his household goods, from Juneau to Anchorage to accept a position in the Indian Health Service. GAO rules that the Department of Health, Education, and Welfare in which the Indian Health Service is incorporated had no right to either advise Mr. Borbridge or pay Mr. Borbridge for his moving expenses because Native Affairs Officer, the position to which Mr. Borbridge had been accepted, was not listed as one in which a manpower shortage existed. Therefore, the Government had no liability for the costs of moving Mr. Borbridge incurred and which the Government subsequently and erroneously paid. However, Mr. Borbridge made this transfer to Anchorage with the assurances of the agency that he would be paid for his moving expenses. It seems grossly unjust to continue to hold Mr. Borbridge liable for these expenses. Therefore, this bill will relieve Mr. Borbridge of said liability and repay him any moneys received or withheld from him because of his pending liability.

The PRESIDENT pro tempore. The bill will be received and appropriately referred.

The bill (S. 504) for the relief of John Borbridge, Jr., was received, read twice by its title, and referred to the Committee on the Judiciary.

S. 505—INTRODUCTION OF A PRIVATE BILL FOR THE RELIEF OF MRS. RUBY S. COYLE

Mr. GRAVEL. Mr. President, I introduce today a private bill for the relief of Mrs. Ruby (Stonestreet) Coyle of Kenai, Alaska, for the purpose of including her period of employment with the Works Progress Administration—WPA—toward Federal civil service retirement.

Mrs. Coyle was employed in North Carolina, from November 3, 1939, to May 8, 1943, on Project No. 3783, under the WPA.

The civil service retirement law applies to employees in or under the Federal or District of Columbia governments. This has been construed by the Civil Service Commission to include only persons who: First, are engaged in the performance of Federal functions; second, are appointed or employed by a Federal officer. In the application of this test, the Civil Service Commission has held that service in the WPA on the administrative force of the central and field offices is creditable for retirement purposes. However, project employment is not creditable.

Mr. President, through agency interpretation, Mrs. Coyle has been denied credit of 3½ years toward Federal civil service retirement. No doubt others are similarly affected. I feel that Mrs. Coyle is entitled to credit for the period of her employment with the WPA, which at the time was a Federal agency.

The PRESIDENT pro tempore. The bill will be received and appropriately referred.

The bill (S. 505) for the relief of Ruby S. Coyle, introduced by Mr. GRAVEL, was received, read twice by its title, and referred to the Committee on the Judiciary.

S. 509—INTRODUCTION OF THE "INTERNATIONAL OPIUM CONTROL ACT"

Mr. MONDALE. Mr. President, this country is in a deadly struggle with international drug traffic.

And we are losing.

Drug addiction is killing thousands of our people, ruining a half million lives, stripping as much as $8 billion every year from our economy, and right now destroying our great cities in a holocaust of crime and degradation.

It is dreadful enough that all this is happening to us. The unbelievable, disgusting irony is that we are letting it happen.

Opium is grown and made into heroin in a chain of corruption that links countries which are friends and allies.

For example, an estimated 80 percent of the heroin entering America comes from opium grown in Turkey, a NATO ally and recipient of $5½ billion in U.S. aid since 1946.

Tons of this powdered death are processed each year in laboratories in France, another NATO ally and beneficiary of massive help from this country after World War II.

We have guarded the security of these nations. They are pledged to guard ours. Yet the heroin traffic—a threat within our common ability to control—continues to endanger the United States as much as any military invasion.

We cannot tolerate this horrible absurdity.

I am introducing here comprehensive legislation which would build an international quarantine to stamp out heroin traffic. The bill provides means to do this through fair cooperation with other countries. It offers assistance in diversifying crops and a major U.S. contribution to an international police campaign to break the drug network of processing and distribution.

But if this cooperation is not forthcoming, if others show evasion or indifference in our emergency, then my bill would call for strict penalties—the suspension of all U.S. military, economic, and other assistance, and ultimately an action to impose United Nations sanctions.

I know these are harsh measures. They are made necessary by the harsh realities of what the heroin traffic is doing to our Nation.

Though we have spent a half billion dollars on much-needed treatment over the past 3 years, the mounting heroin traffic mocks our effort. John Ingersoll, Director of the Bureau of Narcotics and Dangerous Drugs, told the U.N. in September that it was "a situation which is impossible for us to handle alone. Every time one heroin addict is cured, more take his place because of the ever-increasing amount of heroin available."

The number of new drug addicts nationwide doubled between 1968 and 1969. The total number now may be as high as a half million, and it grows by thousands every year.

Addiction is rising astronomically in many regions. For example, in the last decade the increase in new addicts was 668 percent in Connecticut, 1,600 percent in Florida, 982 percent in Louisiana, 425 percent in Michigan, and 559 percent in Virginia.

On the basis of a half million addicts and data gathered in New York and Washington on drug-inspired crime, all this addiction may cost us $8 billion a year in theft, criminal justice proceedings and related expenses. And studies show that over 90 percent of criminal addicts are users of heroin.

Even if that $8 billion is reduced by half, the heroin traffic would still cost us each year 7 times what we now spend to fight air and water pollution, nearly 4 times our budget for health research, almost twice our investment in elementary and secondary education.

From 1965 to 1969, there were 3,000 drug deaths in the United States, a 10-fold increase over the 1960–65 period.

Every day in New York three people die because of drug addiction. In the last decade, 3,565 men from New York State died in Vietnam. Over the same period, 4,254 died from narcotics in New York City alone. Heroin is now the greatest single cause of death for 18- to 35-year-olds in New York.

What have the administration and other governments done to stop this carnage of Americans?

As usual, too much of what we have done here is hidden from public and congressional view. There are claims of success. At the outset of the administration, a high official told the Washington Post that stopping drug traffic would be a prime foreign policy objective. If heroin smuggling persisted, he reportedly said:

> You can mark it down a failure of this Administration.

Now, 2 years later, the real measure of our diplomatic efforts—the rising rates of addiction, deaths, and crime—is plain. Our failure to overcome diplomatic inertia and take serious action to stop the drug traffic amounts to a national scandal.

Though the Attorney General testified to the Congress last July that he would welcome legislation authorizing sanctions against opium-growing countries, the State Department promptly repudiated his words the next day in response to a protest from the Turkish Government.

Despite recurring press speculation that the United States would undertake a serious $10 million program to diversify Turkish crops, I have authoritative information that any steps on this scale have been stifled within the administration for "diplomatic reasons."

Though the United States gave Turkey $3 million loan last March to encourage" a change from opium, and though Turkey claims progress on the basis that opium-growing provinces have been reduced from 21 to 4 over the last decade, the actual acreage under opium cultivation in Turkey will have increased by 5,000 acres between 1969 and 1971.

According to the New York Times, the real effect of this celebrated reduction in provinces has been to double the amount of opium actually produced in Turkey because of more intensive cultivation and illegal planting.

Yet in spite of this deception, the United States quietly approved this past summer a $40 million aid loan to Turkey with no conditions regarding the eradication of opium production.

Though France is the site of most of the processing of heroin, and though the administration claims that we have moved the French to step up their anti-drug efforts many-fold, the New York Times reports that France still has only 30 policemen to combat the enormous international drug network, only one-tenth the number of officers they assign to domestic drug abuse.

Though the French claim large numbers of arrests and heroin seizures over the last year, the Associated Press reports that these arrests are in reality small drug addicts, that France will not pressure Turkey on the drug traffic, and that enforcement efforts have yielded no specific results in eliminating the big laboratories where most of the heroin is made for shipment to the United States.

Though the administration promised to make the heroin traffic a prime objective, it has continued to treat the effort as a bureaucratic stepchild. The Secretary of State's Special Assistant for Narcotics has had no staff, and important dealings with foreign governments have remained, as in the past, largely an adjunct job of the Department's legal adviser, Incredibly, our Government's liaison with Interpol, a key agency in fighting the world drug traffic, has been a low ranking official in the Treasury Department, hardly a sign of high priority to foreign governments or our own bureaucracy.

Interpol, the only international police organization with any chance of fighting drug traffic, continues as a skeleton communications organization with a total budget of less than $850,000, staff of only 44 people, and no specific narcotics personnel. The United States is now 1 year behind in our contribution to Interpol.

Not only does all this have murderous results today in this country, but actually adds to the international problem. Because Turkey and others continue the heroin traffic unabated, Iran recently lifted its 13-year ban on opium production. This deplorable setback will mean probably 500 more tons of opium to poison America and other societies.

What can and must be done?

The answer, Mr. President, is broad, firm legislation from the Congress that will at last fulfill the unmet promise of this administration in fighting drug traffic.

We must act as we would combat any foreign invasion or the infection of a fatal bacillus. We must attack the heroin traffic at its source in opium cultivation. We must break the chain of drug traffic which processes and transships heroin. And we must find the means to stop the spiral of drug addiction and crime in this country.

I will shortly introduce a bill to deal with this latter problem of drugs and crime. Today, I am introducing legislative measures to quarantine the international heroin traffic.

In summary, the principal elements of my bill would amend foreign assistance legislation to:

First, help assist any country to make the economic adjustment in eliminating all but minimal medicinal production of opium, through aid to growers in diversifying crops and to governments for enforcement.

I want to be very clear on this provision of my amendment. This is not a proposal to buy up an opium crop, which would only encourage production. This is not a subsidy to foreign farmers to forego opium cultivation, which would be a waste of money.

My amendment calls for the immediate eradication of illegal opium crops. The legislation then provides for assistance to the opium-growing country—over a 5-year period—to help the affected farmers find a new livelihood and to help cushion the overall economic adjustment in the country.

The total cost of Turkish conversion from opium, for example, has been estimated at $10 million. We now give Turkey $200 million yearly in military and economic aid while their opium crop flourishes.

Second, for any country which continues to allow the cultivation or processing of illegal opium—except a strictly limited and controlled crop for medicinal export—the President shall prohibit all military economic and other forms of U.S. assistance forthwith.

Third. If these penalties do not induce compliance, the President should institute action in the United Nations looking toward the imposition of international economic sanctions against the opium-growing or processing state, on the grounds that narcotics traffic is a threat to the peace and security of a member nation of the United Nations.

Fourth, make compliance, penalties, compensation, a policy matter to be recommended to the President by an Executive Committee on International Narcotics composed of the Secretaries of State and Treasury, the Attorney General, a member of each party from both the House and Senate, and two public members to be appointed by the President—to be chaired by the Secretary of State; the Committee to report its findings and recommendations to the President and the Congress, at least annually, at such time as to allow prompt application of their recommendations in legislation, executive action, and so forth.

Fifth, urge the President to propose and help institute a special narcotics staff in Interpol. The United States should provide initial funding over a 5-year period. Funding should be adequate to mount a concerted attack on the international narcotics organizational apparatus.

The U.S. role in Interpol, would be coordinated by committee at the Under Secretary level, which would endeavor to establish liaison with other members at the same level of government.

Also, the President should seek an international treaty to arrive at uniform standards of enforcement and punishment for narcotics offenders.

Sixth, urge the President to negotiate an international treaty providing uniform world standards for enforcement and punishment of opium producers, processors, and dealers. This would replace the present jumble of laws which inhibits effective legal cooperation among nations in fighting drug traffic.

As I said at the beginning of these remarks, I realize very clearly that this legislation carries harsh measures. It is directed at no single country, yet the fact is inescapable that it could affect our relations with Turkey, France, Mexico and other long-time friends.

As a strong supporter of aid to developing countries and of a close Atlantic Alliance, I took the decision to introduce this bill only with long and difficult reflection.

But there is just no doubt of the fundamental international equities in this terrible problem.

We are talking about 110,000 Turkish opium farmers, and as many as 500,000 American drug addicts.

We are talking about opium adding $5 to $10 million each year to Turkey's economy, and as much as $8 billion yearly as the total social costs of hard drug addiction to the United States.

We are talking about a criminal empire in France which is literally murdering hundreds of our young people before our eyes.

Other governments often tell us that drug addiction is an "American problem."

I ask the Turkish Government: would the export from the United States of a poison which killed 3,000 Turks in the past 5 years be only a Turkish problem?

I ask the French Government: would the destruction of Paris by a poison processed in America—as New York is being destroyed today by heroin processed in France—be only a French problem?

And I ask the President and Secretary of State to show the American people that any imaginable defense contribution by Turkey to our security could outweigh the damage done the United States each year by the Turkish opium crop.

We can stop international drug traffic through friendly, fairly compensated cooperation among countries. But it must be stopped, one way or another. Director Ingersoll has said it plainly:

> As long as illicit narcotic drugs are available, our problem will continue despite the energy and determination with which we attack the demand for the illicit traffic.

The Congress must act now with all the urgency and determination the drug crisis requires—before it is too late for our children.

The PRESIDENT pro tempore. The bill will be received and appropriately referred.

The bill (S. 509) to provide for increased international control of the production of, and traffic in, opium, and for other purposes, introduced by Mr. MONDALE, was received, read twice by its title, and referred to the Committee on Foreign Relations.

S. 511—INTRODUCTION OF A BILL TO PROVIDE AN EQUITABLE SYSTEM FOR FIXING AND ADJUSTING RATES OF PAY FOR PREVAILING RATE EMPLOYEES OF THE GOVERNMENT

Mr. HARRIS. Mr. President, the 91st Congress passed legislation which would have set up a more equitable system for fixing and adjusting rates of compensation for wage board employees. The measure enacted by the Congress did not embody all of the features I feel are necessary adequately to compensate and protect the more than 800,000 wage grade and nonaffiliated fund employees who would have been covered thereby. It was, however, a beginning.

President Nixon chose New Year's Day, 1971, to veto the measure. This came one day before the 91st Congress adjourned, and left no time for the supporters of wage board legislation to act against his veto. The veto was, in my opinion, an unjust treatment of the needs of the blue-collar employees of the Government. For many years, these workers have been governed by a system allowing discrepancy in pay for wage board employees and others performing identical functions within the same community.

I am, therefore, introducing today the Prevailing Wage Rate Determination Act of 1971. This will once more present the question of treatment of wage board employees to the Congress. I feel that early consideration and enactment of this legislation should be of primary importance to the 92d Congress.

This bill is of vital concern to more than one-fourth of all employees of the Federal Government. It directly affects their wages, their individual rights, and obligations as well as the rights and obligations of their union representatives who will represent them on the various wage board committees established by this act.

Basically, my bill is intended to organize and to standardize the Federal Government's procedure for fixing the rates of pay of employees working under the so-called prevailing rate system. I have received information from wage board employees from various parts of Oklahoma, which reveal serious discrepancies between rates of pay for wage board employees working in the same community performing identical services for the Government. Of the approximately 55,000 Federal employees in my State of Oklahoma, almost 21,000 are paid according to the standards of the wage board system. This bill would reduce the possibility of discrepancies and inequity for these workers.

While remedying abuses, the bill will preserve, nonetheless, the concept and procedures of the "prevailing wage" system. It thus is not a modification of the wage board system itself, but simply a measure to eliminate injustice and inequity by providing new mechanisms to establish basic regulations, to conduct wage surveys, and to adjudicate differences.

This bill I am introducing will set up 10 steps in pay differential. This will provide a sufficient range of pay rates to make Federal wage board employees more in line with similar employees in private enterprise. The bill also provides for pay differentials for hazardous duty, and for shift work.

A statutory foundation will be provided by this bill for improved procedures for Wage Board rate determinations. The principal instrumentality provided by the bill to assure that such a policy is pursued is a newly created standing committee known as the Federal Prevailing Rate Advisory Committee. This 11-member Committee has as its Chairman a person appointed by the President for a 4-year term; this person shall hold no other Government position. Five Committee members shall be appointed by the Chairman of the Civil Service Commission, from among labor organizations representing the largest number of prevailing rate employees under exclusive recognition in Government service. One employee of the Civil Service Commission, appointed by the Chairman of the Commission shall serve, along with the department head, or his designee, of each of the four executive agencies and military departments—not including the Civil Service Commission—having the largest number of prevailing rate employees.

A most important feature of this bill is the inclusion under its wage rate system of all employees who are now paid from so-called nonappropriated funds. These employees will no longer be considered outsiders to the Wage Board, or prevailing wage rate system. They will be assured equity and justice in the same manner as if they were receiving their pay from appropriated funds. This will remove the illogical distinction which results in variances in pay for an employee merely because he is paid from a different source of funds.

The Congress has already spoken on the need for change in the area of wage rate determination. Let us act swiftly to reenact this legislation to develop a fair and equitable method of wage determination for workers who so well deserve our consideration.

The PRESIDENT pro tempore. The bill will be received and appropriately referred.

The bill (S. 511) to provide an equitable system for fixing and adjusting the rates of pay for prevailing rate employees of the Government, and for other purposes, introduced by Mr. HARRIS, was received, read twice by its title, and referred to the Committee on Post Office and Civil Service.

S. 518—MORATORIUM OF A BILL TO PROVIDE FOR THE ESTABLISHMENT OF A COAST GUARD AIR STATION AT COOS BAY, OREG.

Mr. PACKWOOD. Mr. President, inasmuch as the representatives of our country and the U.S.S.R. have been meeting in Washington for renegotiation of the agreement regarding fishing in the eastern Pacific Ocean, this seems a good time to air the whole question of foreign fishing vessels off the Pacific coast, and to introduce legislation designed to help correctly gather and report incidents of intrusion in our waters; and, therefore, ease somewhat the tension resulting from past experiences.

The bill I am introducing provides for the establishment of a Coast Guard air station at Coos Bay, Oreg., and the operation of an air unit from such station. In addition to providing proper surveillance of the Oregon coast, this air station would supply the search and rescue operations so needed in the area. Coos Bay has become in recent years one of the most active ports on the Oregon coast, with increased recreational activities as well as an access point to the Coos County timber yield.

I will be the first to admit that my primary purpose in desiring to establish a Coast Guard air station at Coos Bay is to cope with the reported intrusions by foreign fishing vessels into our territorial waters. This issue can no longer be so lightly explained away to our American fishing industry. It hardly heals the wound to say "our representatives are negotiating with the Russians or the Japanese, or the Koreans" while our west coast fishermen continue to report seeing those foreign vessels within our limits and hauling in the fish.

Since coming to the Senate 2 years ago I or my staff have discussed with officials of the Departments of State, Transportation, and Interior on numerous occasions the overall situation as well as particular incidents. We have always received deeply sympathetic words and very little action.

Now we find the United States preparing for a full-scale conference of the sea on an international level in 1973. At that time I assume the representatives of participating nations will tackle the problem of territorial limits, coastal fisheries, and seabed exploitation. Other difficult problems such as passage through straits will arise. But what are we going to do in the meantime? How are we going to point the direction our actions will take? Are we going to go into that conference with a backlog of unsuccessful negotiations which illustrate in an alarming manner our passive attitude where our own fishing and fishery resources are concerned?

We are standing by while Ecuador periodically seizes and fines one American tuna boat after another because they stray into the 200-mile limit the Ecuadorans have set for themselves; while back at the ranch we have no realistic means to prohibit the foreign fishermen from intruding into our 12-mile limit and depleting our natural fishery resources at an alarming rate.

A Coast Guard air station at North Bend, Oreg., temporarily established during the last fishing season—in a very limited fashion—demonstrated the effectiveness of a permanent installation at that location. The foreign vessels knew increased surveillance was in operation, and reports of intrusions ceased.

That kind of patrolling needs to be a permanent establishment; and my bill will authorize such an installation. Justification of such an installation is assured when we consider the search and

rescue requirements of the area, which have grown rapidly in the last several years.

Mr. President, I ask unanimous consent to have my bill printed in full in the RECORD.

The PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 518) to provide for the establishment of a Coast Guard air station at Coos Bay, Oreg., and the operation of an air unit from such station; introduced by Mr. PACKWOOD, was received, read twice by its title, referred to the Committee on Commerce, and ordered to be printed in the RECORD, as follows:

S. 518

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purpose of improving the ability of the Coast Guard to carry out its functions in the Pacific Northwest coastal area, particularly for the purpose of protecting and enhancing the fishery resources of the United States along such coast, the Secretary of Transportation shall establish an air station at Coos Bay, Oregon, and provide for the operation of an air unit from such station.

SEC. 2. There is authorized to be appropriated for the purpose of establishing the air station pursuant to the first section, an amount not to exceed $4,200,000 and such additional appropriations as are necessary are authorized for the operation of such air station.

SENATE JOINT RESOLUTION 221—INTRODUCTION OF A JOINT RESOLUTION DESIGNATING THE LAST FULL WEEK IN OCTOBER, EACH YEAR, AS CLEANER AIR WEEK

Mr. TAFT. Mr. President, each year, during October, communities throughout the country focus attention on what has come to be recognized as one of our most serious domestic problems—air pollution. I believe it is essential to bring about an awareness on the part of every individual of his involvement in the problem and his personal stake in its solution. Today, I introduce, for appropriate reference, a joint resolution calling for national observance of Cleaner Air Week and ask unanimous consent that the text be printed in the RECORD as a part of my remarks.

The PRESIDENT pro tempore. The joint resolution will be received and appropriately referred; and, without objection, the joint resolution will be printed in the RECORD.

The joint resolution (S.J. Res. 22) designating the 7-day period beginning on the Sunday starting the last full week in October, each year, as Cleaner Air Week, introduced by Mr. TAFT, was received, read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed in the RECORD, as follows:

S.J. RES. 22

Whereas air pollution, including dust, fumes, gas, mist, smoke, and vapor is a serious problem in many American communities; and

Whereas preventable air pollution in any form is a public hazard which can be corrected through intelligent action involving engineering, equipment, research, and education; and

Whereas the populations of our cities are constantly increasing, with an attendant increase in airborne waste products; and

Whereas the highly industrialized economy of the United States requires the consumption of large quantities of fuels and the United States cannot afford to waste these fuels through inefficient combustion and firing methods; and

Whereas for these reasons the abatement of the air pollution nuisance is of utmost concern to every American citizen: Now, therefore, at the request of the Air Pollution Control Association, which for more than half a century has led the efforts of American communities in solving their air pollution problems, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the seven-day period beginning on the Sunday starting the last full week in October, each year, is hereby designated as Cleaner Air Week.

(b) The President is authorized and requested to issue a proclamation—

(1) calling upon every American citizen to undertake a year-round campaign to abate destructive air pollution from all sources, including smoke, soot, fly ash, noxious fumes, and gases in homes, factories, and communities;

(2) requesting that State and local governments; the Air Pollution Control League; the Chamber of Commerce of the United States; business, labor, churches, schools, civil groups, and agencies of public information (including newspapers, magazines, and radio, television, and motion-picture industries) cooperate fully in the observance of Cleaner Air Week; and

(3) directing the appropriate agencies of the Federal Government to assist in arousing public awareness of the need for active participation in the fight for clean air, and to conduct an intensive, continuous, public educational program for air sanitation throughout the Nation.

SENATE JOINT RESOLUTION 24—INTRODUCTION OF A JOINT RESOLUTION AUTHORIZING THE PRESIDENT TO PROCLAIM THE PERIOD FEBRUARY 14 THROUGH 20, 1971, AS LULAC WEEK

Mr. BENTSEN. Mr. President, I introduce today a joint resolution to authorize and request the President of the United States to proclaim the period February 14 through 20, 1971, as LULAC Week.

LULAC is the official designation of the League of United Latin American Citizens, a nonprofit, civic organization seeking on the one hand to relate the full meaning of citizenship to all Americans of Spanish-speaking background, and seeking on the other hand to assure these citizens full access to the rights, privileges, and benefits of American citizenship.

LULAC, founded on February 17, 1929, originated in south Texas when Mexican-American leaders met to unite and organize their fledgling fight against policies that segregated Spanish-speaking children in the public schools. This marked the beginning of a civil rights movement by the Mexican American in Texas that subsequently spread throughout the entire Southwest.

Since then, LULAC councils have been established in 19 States across the Union, and their sphere of interest and activity has expanded beyond civil rights to include programs in the areas of education, manpower training, community action, and so forth.

This organization of concerned and capable people has made great strides toward bringing the Spanish-speaking citizen out of the shadows of American affluence and into the glow of the American promise.

Perhaps LULAC's finest virtue, however, is that it fosters economic and social advances without forcing the Mexican and Spanish American to reject his noble heritage—indeed, LULAC's success is predicated on the strength of the individual's identification with this heritage. By making the individual aware of the dignity and meaning inherent in his Latin American identity, LULAC forms a firm foundation for economic and social progress.

It is interesting to note that the Operation Headstart program of the Office of Economic Opportunity is largely adopted from a LULAC program called Little School of 400. It is this sort of innovative thinking in response to real needs that has earned LULAC its outstanding reputation, not only among its constituency, but among all peoples concerned with the underprivileged of the United States.

Mr. President, during the week of February 14 through 20, 1971, LULAC will pause to reflect on 42 years of accomplishment by and for those Americans of Mexican and Spanish heritage. During this progressive period, LULAC has provided much of the initiative, leadership, and support to make these accomplishments possible.

One of the greatest causes for distinction, is that LULAC, in all its efforts to seek redress for the many grievances, has always followed the democratic processes: arbitration, negotiation, and litigation. Although firm in its convictions and determined in its efforts, LU LAC has always observed the policy of brotherly love, seeking a mutual understanding through peaceful procedures.

Mr. President, this joint resolution affords this Congress the opportunity to recognize and honor the proud past and promising future of LULAC. This organization is a credit to the noble people it serves, and I am pleased to offer this legislation in the Senate, just as my distinguished colleague, Representative ABRAHAM KAZEN, JR., has introduced it in the House. I urge quick and favorable consideration so that next February 14 through 20 may be Presidentially designated "LULAC Week."

The PRESIDENT pro tempore. The joint resolution will be received and appropriately referred

The joint resolution (S.J. Res. 24) authorizing the President to proclaim the period February 14 through 20, 1971, as "LULAC Week," introduced by Mr. BENTSEN, was received, read twice by its title, and referred to the Committee on the Judiciary.

ADDITIONAL COSPONSORS OF A BILL

S. 71

At the request of the Senator from Kansas (Mr. DOLE), the Senator from Nevada (Mr. BIBLE) and the Senator from Alaska (Mr. STEVENS) were added as cosponsors of S. 71, to amend the Small Business Act to increase the availability of management counseling to small business concerns.

ADDITIONAL COSPONSOR OF JOINT RESOLUTION

SENATE JOINT RESOLUTION 17

At the request of the Senator from West Virginia (Mr. BYRD), the Senator from Illinois (Mr. STEVENSON) was added as a cosponsor of Senate Joint Resolution 17, to establish a Joint Committee on the Environment.

SENATE RESOLUTION 29—SUBMISSION OF A RESOLUTION AUTHORIZING ADDITIONAL EXPENDITURES BY THE COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS FOR INQUIRIES AND INVESTIGATIONS

Mr. SPARKMAN submitted the following resolution (S. Res. 29); which was referred to the Committee on Banking, Housing, and Urban Affairs:

S. RES. 29

Resolved, That, in holding hearings, reporting such hearings, and making investigations as authorized by sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, in accordance with its jurisdiction under rule XXV of the Standing Rules of the Senate, the Committee on Banking, Housing and Urban Affairs, or any subcommittee thereof, is authorized from February 1, 1971, through February 29, 1972, for the purposes stated and within the limitations imposed by the following sections, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

SEC. 2. The Committee on Banking, Housing and Urban Affairs, or any subcommittee thereof, is authorized from February 1, 1971, through February 29, 1972, to expend not to exceed $——— to examine, investigate and make a complete study of any and all matters pertaining to each of the subjects set forth below in succeeding sections of this resolution, said funds to be allocated to the respective specific inquiries in accordance with such succeeding sections of this resolution.

SEC. 3. Not to exceed $——— shall be available for a study or investigation of—

1. Banking and currency generally.
2. Financial aid to commerce and industry, and other than matters relating to such aid which are specifically assigned to other committees under this rule.
3. Deposit insurance.
4. Federal Reserve System.
5. Gold and silver, including the coinage thereof.
6. Issuance of notes and redemption thereof.
7. Valuation and revaluation of the dollar.
8. Control of prices of commodities, rents, or services.

SEC. 4. Not to exceed $——— shall be available for a study or investigation of public and private housing and urban affairs generally.

SEC. 5. The committee shall report its findings together with such recommendations for legislation as it deems advisable with respect to each study or investigation for which expenditure is authorized by this resolution, to the Senate at the earliest practicable date, but not later than February 29, 1972.

SEC. 6. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

SENATE RESOLUTION 30—ORIGINAL RESOLUTION REPORTED AUTHORIZING ADDITIONAL EXPENDITURES BY THE COMMITTEE ON ARMED SERVICES FOR INQUIRIES AND INVESTIGATIONS

Mr. STENNIS, from the Committee on Armed Services, reported the following original resolution (S. Res. 30); which was referred to the Committee on Rules and Administration:

S. RES. 30

Resolved, That, in holding hearings, reporting such hearings, and making investigations as authorized by sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, in accordance with its jurisdiction under rule XXV of the Standing Rules of the Senate, the Committee on Armed Services, or any subcommittee thereof, is authorized from February 1, 1971, through February 29, 1972, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency, and (4) to examine, investigate, and make a complete study of any and all matters pertaining to—

(1) common defense generally;

(2) the Department of Defense, the Department of the Army, the Department of the Navy, and the Department of the Air Force generally;

(3) soldiers' and sailors' homes;

(4) pay, promotion, retirement, and other benefits and privileges of members of the Armed Forces;

(5) selective service;

(6) size and composition of the Army, Navy and Air Force;

(7) forts, arsenals, military reservations, and navy yards;

(8) ammunition depots;

(9) maintenance and operation of the Panama Canal, including the administration, sanitation, and government of the Canal Zone;

(10) conservation, development, and use of naval petroleum and oil shale reserves;

(11) strategic and critical materials necessary for the common defense; and

(12) aeronautical and space activities peculiar to or primarily associated with the development of weapons systems or military operations.

SEC. 2. The expenses of the committee under this resolution shall not exceed $420,000, of which amount not to exceed $5,700 shall be available for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i)) of the Legislative Reorganization Act of 1946, as amended.

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 29, 1972.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent funds of the Senate upon vouchers approved by the chairman of the committee.

SENATE RESOLUTION 31—SUBMISSION OF A RESOLUTION AUTHORIZING ADDITIONAL EXPENDITURES BY THE COMMITTEE ON GOVERNMENT OPERATIONS FOR INQUIRIES AND INVESTIGATIONS

Mr. MCCLELLAN submitted the following resolution (S. Res. 31); which was referred to the Committee on Government Operations:

S. RES. 31

Resolved, That, in holding hearings, reporting such hearings, and making investigations as authorized by sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, in accordance with its jurisdiction under rule XXV of the Standing Rules of the Senate, the Committee on Government Operations, or any subcommittee thereof, is authorized from February 1, 1971, through February 29, 1972, for the purposes stated and within the limitations imposed by the following sections, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

SEC. 2. The Committee on Government Operations is authorized from February 1, 1971, through February 29, 1972, to expend not to exceed $10,000 for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended).

SEC. 3. The Committee on Government Operations, or any subcommittee thereof, is authorized from February 1, 1971, through February 29, 1972, to expend not to exceed $1,399,200 to examine, investigate, and make a complete study of any and all matters pertaining to each of the subjects set forth below in succeeding sections of this resolution, said funds to be allocated to the respective specific inquiries and to the procurement of the services of individual consultants or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended) in accordance with such succeeding sections of this resolution.

SEC. 4. (a) Not to exceed $746,000 shall be available for a study or investigation of—

(1) the efficiency and economy of operations of all branches of the Government, including the possible existence of fraud, misfeasance, malfeasance, collusion, mismanagement, incompetence, corrupt or unethical practices, waste, extravagance, conflicts of interest, and the improper expenditure of Government funds in transactions, contracts, and activities of the Government or of Government officials and employees and any and all such improper practices between Government personnel and corporations, individuals, companies, or persons affiliated therewith, doing business with the Government; and the compliance or noncompliance of such corporations, companies, or indi-

viduals or other entities with the rules, regulations, and laws governing the various governmental agencies and its relationships with the public: *Provided,* That, in carrying out the duties herein set forth, the inquiries of this committee or any subcommittee thereof shall not be deemed limited to the records, functions, and operations of the particular branch of the Government under inquiry, and may extend to the records and activities of persons, corporations, or other entities dealing with or affecting that particular branch of the Government;

(2) the extent to which criminal or other improper practices or activities are, or have been, engaged in the field of labor-management relations or in groups or organizations of employees or employers, to the detriment of interests of the public, employers, or employees, and to determine whether any changes are required in the laws of the United States in order to protect such interests against the occurrence of such practices or activities;

(3) syndicated or organized crime which may operate in or otherwise utilize the facilities of interstate or international commerce in furtherance of any transactions which are in violation of the law of the United States or of the State in which the transactions occur, and, if so, the manner and extent to which, and the identity or the persons, firms, or corporations, or other entities by whom such utilization is being made, what facilities, devices, methods, techniques, and technicalities are being used or employed, and whether or not organized crime utilizes such interstate facilities or otherwise operates in interstate commerce for the development of corrupting influences in violation of the law of the United States or the laws of any State, and further, to study and investigate the manner in which and the extent to which persons engaged in organized criminal activities have infiltrated into lawful business enterprise; and to study the adequacy of Federal laws to prevent the operations of organized crime in interstate or international commerce, and to determine whether any changes are required in the laws of the United States in order to protect the public against the occurrences of such practices or activities;

(4) of all other aspects of crime and lawlessness within the United States which have an impact upon or affect the national health, welfare, and safety; and

(5) of riots, violent disturbances of the peace, vandalism, civil and criminal disorder, insurrection, the commission of crimes in connection therewith, the immediate and longstanding causes, the extent and effects of such occurrences and crimes, and measures necessary for their immediate and long-range prevention and for the preservation of law and order and to insure domestic tranquillity within the United States.

Of such $746,000 specified in this subsection, not to exceed $5,000 may be expended for the procurement of the services of individual consultants or organizations thereof. Obligations incurred on and after February 1, 1971, shall be charged to this section only, notwithstanding the provisions of Senate Resolution 504, agreed to December 31, 1970, as modified by Senate Resolution 13, agreed to January 27, 1971.

(b) Nothing contained in this resolution shall affect or impair the exercise by any other standing committee of the Senate of any power, or the discharge by such committee of any duty, conferred or imposed upon it by the Standing Rules of the Senate or by the Legislative Reorganization Act of 1946, as amended.

(c) For the purpose of this resolution the committee, or any duly authorized subcommittee thereof, or its chairman, or any other member of the committee or subcommittee designated by the chairman, from February 1, 1971, through February 29, 1972, is authorized, in its, his, or their discretion, (1) to require by subpena or otherwise the attendance of witnesses and production of correspondence, books, papers, and documents; (2) to hold hearings; (3) to sit and act at any time or place during the sessions, recesses, and adjournment periods of the Senate; (4) to administer oaths; and (5) take testimony, either orally or by sworn statement.

SEC. 5. Not to exceed $175,000 shall be available for a study or investigation of the efficiency and economy of operations of all branches and functions of the Government with particular reference to—

(1) the effectiveness of present national security methods, staffing, and processes as tested against the requirements imposed by the rapidly mounting complexity of national security problems;

(2) the capacity of present national security staffing, methods, and processes to make full use of the Nation's resources of knowledge, talents, and skills;

(3) the adequacy of present intergovernmental relationships between the United States and international organizations of which the United States is a member; and

(4) legislative and other proposals to improve these methods, processes, and relationships;

of which amount not to exceed $25,000 may be expended for the procurement of the services of individual consultants or organizations thereof.

SEC. 6. Not to exceed $245,200 shall be available for a study or investigation of intergovernmental relationships between the United States and the States and municipalities, including an evaluation of studies, reports, and recommendations made thereon and submitted to the Congress by the Advisory Commission on Intergovernmental Relations pursuant to the provisions of Public Law 86-380, approved by the President on September 24, 1959, as amended by Public Law 89-733, approved by the President on November 2, 1966.

SEC. 7. Not to exceed $233,000 shall be available for a study or investigation of the efficiency and economy of operations of all branches and functions of the Government with particular reference to—

(1) the effects of laws enacted to reorganize the executive branch of the Government, and to consider reorganizations proposed therein; and

(2) the operations of research and development programs financed by the departments and agencies of the Federal Government, and the review of those programs now being carried out through contracts with higher educational institutions and private organizations, corporations, and individuals in order to bring about Government-wide coordination and elimination of overlapping and duplication of scientific and research activities;

of which amount not to exceed $7,500 may be expended for the procurement of the services of individual consultants or organizations thereof.

SEC. 8. The committee shall report its findings, together with such recommendations for legislation as it deems advisable with respect to each study or investigation for which expenditure is authorized by this resolution, to the Senate at the earliest practicable date, but not later than February 29, 1972.

SEC. 9. Expenses of the committee under this resolution, which shall not exceed in the aggregate $1,409,200, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

SENATE RESOLUTION 32—ORIGINAL RESOLUTION REPORTED AUTHORIZING ADDITIONAL EXPENDITURES BY THE COMMITTEE ON THE JUDICIARY FOR INQUIRIES AND INVESTIGATIONS

Mr. MCCLELLAN (for Mr. EASTLAND), from the Committee on the Judiciary, reported the following original resolution (S. Res. 32); which was referred to Committee on Rules and Administration:

S. RES. 32

Resolved, That, in holding hearings, reporting such hearings, and making investigations as authorized by sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, in accordance with its jurisdiction under rule XXV of the Standing Rules of the Senate, the Committee on the Judiciary, or any subcommittee thereof, is authorized from February 1, 1971, through February 29, 1972, for the purposes stated and within the limitations imposed by the following sections, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

SEC. 2. The Committee on the Judiciary, or any subcommittee thereof, is authorized from February 1, 1971, through February 29, 1972, to expend not to exceed $3,941,800 to examine, investigate, and make a complete study of any and all matters pertaining to each of the subjects set forth below in succeeding sections of this resolution, said funds to be allocated to the respective specific inquiries and to the procurements of the services of individual consulants or organizations thereof (as authorized by sec. 202(i) of the Legislative Reorganization Act of 1946, as amended) in accordance with such succeeding sections of this resolution.

SEC. 3. Not to exceed $335,500 shall be available for a study or investigation of Administrative Practice and Procedure, of which amount not to exceed $2,000 may be expended for the procurement of individual consultants of organizations thereof.

SEC. 4. Not to exceed $788,100 shall be available for a study or investigation of Antitrust and Monopoly, of which amount not to exceed $5,000 may be expended for the procurement of individual consultants or organizations thereof.

SEC. 5. Not to exceed $248,500 shall be available for a study or investigation of Constitutional Amendments.

SEC. 6. Not to exceed $280,000 shall be available for a study or investigation of Constitutional Rights, of which amount not to exceed $3,000 may be expended for the procurement of individual consultants or organizations thereof.

SEC. 7. Not to exceed $210,000 shall be available for a study or investigation of Criminal Laws and Procedures.

SEC. 8. Not to exceed $9,500 shall be available for a study or investigation of Federal Charters, Holidays, and Celebrations.

SEC. 9. Not to exceed $243,500 shall be available for a study or investigation of Immigration and Naturalization.

SEC. 10. Not to exceed $259,400 shall be available for a study or investigation of Improvements in Judicial Machinery.

SEC. 11. Not to exceed $620,000 shall be available for a study or investigation of Internal Security, of which amount not to

exceed $3,900 may be expended for the procurement of individual consultants or organizations thereof.

SEC. 12. Not to exceed $323,300 shall be available for a study or investigation of Juvenile Delinquency, of which amount not to exceed $5,800 may be expended for the procurement of individual consultants or organizations thereof.

SEC. 13. Not to exceed $140,000 shall be available for a study or investigation of Patents, Trademarks, and Copyrights.

SEC. 14. Not to exceed $74,900 shall be available for a study or investigation of National Penitentiaries.

SEC. 15. Not to exceed $165,500 shall be available for a study or investigation of Refugees and Escapees.

SEC. 16. Not to exceed $63,600 shall be available for a study or investigation of Revision and Codification.

SEC. 17. Not to exceed $180,000 shall be available for a study or investigation of Separation of Powers between the Executive, Judicial, and Legislative branches of Government, of which amount not to exceed $10,800 may be expended for the procurement of individual consultants or organizations thereof.

SEC. 18. The committee shall report its findings, together with such recommendations for legislation as it deems advisable with respect to each study or investigation for which expenditure is authorized by this resolution, to the Senate at the earliest practicable date, but not later than February 29, 1972.

SEC. 19. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

SENATE RESOLUTION 33—SUBMISSION OF A RESOLUTION AUTHORIZING THE PRINTING OF ADDITIONAL COPIES OF SENATE REPORT 91–1496, ENTITLED "TFX CONTRACT INVESTIGATION"

Mr. McCLELLAN submitted the following resolution (S. Res. 33); which was referred to the Committee on Rules and Administration:

S. RES. 33

Resolved, That there be printed for the use of the Committee on Government Operations two thousand additional copies of a report by its Permanent Subcommittee on Investigations entitled "TFX Contract Investigation" (S. Rept. 91–1496).

SENATE RESOLUTION 34—SUBMISSION OF A RESOLUTION AUTHORIZING ADDITIONAL EXPENDITURES BY THE COMMITTEE ON INTERIOR AND INSULAR AFFAIRS FOR INQUIRIES AND INVESTIGATIONS

Mr. BYRD of West Virginia (for Mr. JACKSON) (for himself and Mr. ALLOTT) submitted a resolution (S. Res. 34) authorizing additional expenditures by the Committee on Interior and Insular Affairs for inquiries and investigations, which was referred to the Committee on Interior and Insular Affairs.

(The remarks of Mr. BYRD of West Virginia when he submitted the resolution appear later in the RECORD under the appropriate heading.)

SENATE RESOLUTION 35—SUBMISSION OF A RESOLUTION TO PROVIDE ADDITIONAL FUNDS FOR THE COMMITTEE ON LABOR AND PUBLIC WELFARE

Mr. RANDOLPH (for Mr. WILLIAMS) submitted the following resolution (S. Res. 35); which was referred to the Committee on Labor and Public Welfare:

S. RES. 35

Resolved, That, in holding hearings, reporting such hearings, and making investigations as authorized by sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, in accordance with its jurisdiction under rule XXV of the Standing Rules of the Senate, the Committee on Labor and Public Welfare, or any subcommittee thereof, is authorized from February 1, 1971, through February 29, 1972, for the purposes stated and within the limitations imposed by the following sections, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

SEC. 2. The Committee on Labor and Public Welfare, or any subcommittee thereof, is authorized from February 1, 1971, through February 29, 1972 to expend not to exceed $——— to examine, investigate, and make a complete study of any and all matters pertaining to each of the subjects set forth below in succeeding sections of this resolution, said funds to be allocated to the respective specific inquiries and to the procurement of the services of individual consultants or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended) in accordance with such succeeding sections.

SEC. 3. Not to exceed $——— shall be available for a study or investigation of all matters within its jurisdiction under Rule XXV of the Standing Rules of the Senate, of which amount not to exceed $——— may be expended for the procurement of individual consultants or organizations thereof.

SEC. 4. Not to exceed $——— shall be available for an examination, investigation, and complete study of any and all matters pertaining to the United Mine Workers of America election of 1969 and a general study of pension and welfare funds, with special emphasis on the need for protection of employees covered by these funds, of which amount not to exceed $——— may be expended for the procurement of individual consultants or organizations thereof.

SEC. 5. The committee shall report its findings, together with such recommendations for legislation as it deems advisable with respect to each study or investigation for which expenditure is authorized by this resolution, to the Senate at the earliest practicable date, but not later than February 29, 1972.

SEC. 6. Expenses of the committee under this resolution, which shall not exceed in the aggregate $———, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

EXTENSION OF PERIOD FOR TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the time for the transaction of routine morning business, with statements limited therein to 3 minutes, be extended for an additional 10 minutes.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

THE APPALACHIA PROGRAM

Mr. ERVIN. Mr. President, I want to join my good friends, the Senators from West Virginia and Tennessee, in their high appraisal of the Appalachia program. Like them, I would deplore the termination of regional programs like Appalachia for the purpose of implementing any sharing-of-the-revenues plan.

The Appalachia program represents Federal-State cooperation in the finest sense of that term. The first great characteristic of this program is that it was devised by the Federal Government and the Governors of the States embraced by Appalachia, and was not dictated to the States by Washington. The second significant characteristic of the program is that, instead of authorizing a lot of boondoggle and the waste of Federal funds for monetary purposes, it contemplates the making of permanent improvements which will serve not only this generation but all future generations in Appalachia.

It devotes funds allotted to it to the building of permanent hospitals, to the building of permanent medical clinics, to the construction of highways, and to other programs of permanent value which will redound to the benefit of generations of the people of these areas.

We have a great many counties in my State included in Appalachia, and I have had ample opportunity to observe the worthwhileness of the work it is doing.

For these reasons, I join the Senator from West Virginia and the Senator from Tennessee, who also represent areas embraced within Appalachia, in their praise of the value of this great program.

The PRESIDENT pro tempore. Is there further morning business?

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

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

The assistant legislative clerk proceeded to call the roll.

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

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

THE CURRENT DROP IN FARM PRICES

Mr. SYMINGTON. Mr. President, last fall some of us made a last minute effort to block passage of the tragedy that is the present farm bill, a bill driven through the Congress by this administration.

At that time we were accused by certain apologists for the executive branch of trying to prevent the passage of what they termed a farm bill which would aid the now precarious financial position of the American farmer.

In that some of the returns resulting

from this bill are already in, let us now examine the assistance currently being given some of the farmers in my State of Missouri.

A letter from Mr. F. M. Bell, farmer from Rich Hill, Mo., makes the point.

On January 5, 1970, Mr. Bell sold 23,385 pounds of live hogs on the St. Joseph, Mo., market for $5,234.26. One year later, on January 4, 1971, he sold 23,685 pounds of live hogs on the Kansas City market for $2,823.96.

In other words, in a single year the price of live hogs dropped almost 50 percent.

In that the value of the dollar dropped 5.5 percent during the past 12 months, the reduction in Mr. Bell's return was actually greater than 50 percent.

Today, the American consumer spends a smaller percentage of his disposable income for food than ever before; and this, in effect, "food bargain" in large measure results from the productive genius of the American farmer.

In spite of this unprecedented efficiency, however, the people of American agriculture are in deepening financial trouble. They are suffering, rather than prospering, because of their own productive capacity.

Farm prices have risen very little in the last two decades; but the prices—the cost—of goods purchased by farmers—interest, taxes, farm wages—have increased by over 50 percent.

No one can longer deny that the cost-price squeeze which robs the American farmer of any benefits he might expect to receive from his increased productivity, cheats him of the opportunity to earn a just return on his investment, and the efforts of him and his family.

Mr. President, I ask unanimous consent that the letter from Mr. Bell be printed at this point in the RECORD.

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

JANUARY 5, 1971.

Senator STUART SYMINGTON,
Senate Office Building,
Washington, D.C.

DEAR SENATOR: On Jan. 5, 1970, I had 23,385 lbs. of live hogs on the St. Joseph market, which brought $5,234.26. On Jan. 4, 1971, I had 23,685 lbs. of live hogs on the Kansas City market which brought $2,823.96. I am paying more taxes, labor, feed than last year. The price of pork at retail is not too much different from last year, or so I have been told. I heard the President speak last night, Jan. 4, saying things are getting better. At this rate of prosperity I will go broke!

Very truly yours,

F. M. BELL, *Rich Hill, Mo.*

ORDER FOR RECESS UNTIL TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 12 o'clock meridian tomorrow.

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

(Later in the day this order was modified to provide for the Senate to convene at 11:15 a.m. tomorrow.)

ORDER TO PERMIT THE TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that tomorrow, immediately following the laying before the Senate of the pending business and the approval of the Journal, if there is no objection, there be a period for the transaction of routine morning business not exceeding 45 minutes, with statements therein limited to 3 minutes.

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

ADDITIONAL STATEMENTS OF SENATORS

SENATOR RICHARD B. RUSSELL

Mr. STENNIS. Mr. President, among the many fine editorials concerning our late friend and former colleague, Richard B. Russell, a splendid one appeared in the Twin City Sentinel of Winston-Salem, N.C., on January 23, 1971. It was written by an esteemed and highly respected editor and publisher, Mr. Wallace Carroll. With his fine perception as to our problems in self-government in our times and with his penetrating analysis of the man and the type of leadership necessary in our system of Government. Mr. Carroll has made a real contribution by his comments on Senator Russell and his remarkable career. I, therefore, ask unanimous consent that the editorial be printed in the RECORD.

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

IN AN AGE THAT OFTEN CONFUSES CELEBRITY WITH STATURE, RICHARD BREVARD RUSSELL WAS THAT RAREST OF CREATURES—A TRULY GREAT MAN

They were almost a physical type, those tall, lean, hungry-looking southern boys who came out of the canebreak country, the small towns, the worn-out bottom land of the South to guide their stricken region toward a better future.

There is an old picture of the late Sen. Olin D. Johnston of South Carolina, then serving as a young aide to Gov. Cole Blease. He is wearing a period collar and high-button shoes and a suit he must have purchased that morning in some crossroads jot-'em-down store; but hovering above this uniform of the country bumpkin come to town was that stubborn mouth and the slightly mad eyes of a visionary—eyes that made the men around him seem dull and somehow irrelevant.

And there is an even older picture of Walter George of Georgia, probably in his first celluloid collar, hiding a mind that was like the cutting edge of a trimmer saw behind a clumsy, self-consciously homely exterior; and you wondered if the men of his time knew what demons of ambition possessed and drove him, as they drove the others like him, all of the poor boys rising from the devastation and poverty and bewilderment of a broken rural South to make their impress on the world beyond.

But the prototype—and the best of them—was Richard Brevard Russell of Winder, Georgia. A political animal in the pure Aristotelian sense, Sen. Russell entered the Georgia legislature at the age of 23, left it as Speaker of the Georgia House to run for governor 10 years later, and left that office to become, through labor and dedication, the greatest American parliamentarian of his age and the equal of any who preceded him.

More than the others, Richard Russell seemed to embody the spiritual loneliness—the sense of isolation—that marked his region. A lifelong bachelor, he was never the gregarious, arm-squeezing southerner of popular legend. His most enduring characteristic was an integrity that one could almost feel, and it was his armor as well. Former Sen. Wayne Morse, often Russell's opponent on the floor, once said that the senior senator from Georgia was "the most virtuous of legislators." It was a fitting compliment, for his pride of self, his honesty and integrity did add up to something very much like virtue.

This did not mean he was made of cotton candy. Throughout the long civil-rights debate of the 'Fifties and 'Sixties, Russell was the most feared of senators. Armed with an incisive knowledge of procedural rules and precedent and custom, he used his 14 southern colleagues like a guerrilla army, watering down this civil-rights bill, killing that one outright, shelving another, altering the substance of all of them.

He was a segregationist, representing a people who knew nothing else, but here again there were contradictions. Never in floor debate or in private statement did he resort to the racist language that characterized even liberal southerners like Olin Johnston; and no man on Capitol Hill did more to encourage and help implement the desegregation of the armed forces—a transition that Sen. Russell could have easily frustrated as ranking member and later, chairman of the Senate Armed Services Committee.

He was a great man. It is a term one cannot honestly apply more than a few times in a lifetime, but it can be applied to Richard Brevard Russell. It was a greatness buffeted by an age that demanded things of him he could not conscientiously give, even to be president.

But the worth of this man was written so large that it endured the setbacks, the defeats and the painful humiliations that were his due—surviving all of these things to give that lean, lanky Georgia boy in the celluloid collar an enduring place in our history

EDITORIAL TRIBUTE TO FORMER SENATOR NYE, OF NORTH DAKOTA

Mr. YOUNG. Mr. President, one of our leading North Dakota newspapers, the Bismarck Tribune, recently published an editorial tribute to one of our former colleagues, Senator Gerald P. Nye. The occasion for the Tribune's editorial was Senator Nye's 78th birthday anniversary, as well as the 26th anniversary of his farewell speech to the U.S. Senate, which was given on December 19, 1944.

The editorial very appropriately alludes to the foresight and wisdom of Senator Nye when in a number of speeches on the Senate floor he warned that the Soviet Union, an ally of ours at that time, could not be trusted. Senator Nye was denounced in some circles for the position in which he so strongly believed. The events of history, however, have been very much in accord with what Senator Nye often stated.

I ask unanimous consent that the Bismarck Tribune editorial of December 31, 1970, be printed in the RECORD.

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

NYE HARKS BACK 26 YEARS

In Washington, D.C., recently friends and long-time admirers gathered to honor a former United States senator from North Dakota whom many still regard as a prophet before his time.

For Gerald P. Nye, the date, which was December 19, was an anniversary of double significance.

It was his 78th birthday, which provided the occasion for the gathering of his farewell speech to the United States Senate.

Present in the Senate when he made that speech was former Sen. Burton K. Wheeler of Montana, who was present again for the birthday party, as were a number of former Army and Navy officers, veteran Washington correspondents, government big-wigs and others. Wheeler, along with Nye, Vandenberg of Michigan, LaFollette of Wisconsin, Norris of Nebraska, Shipstead of Minnesota, Borah of Idaho, and others, formed the antiwar block that opposed American involvement in World War II.

Nye went to the United States Senate in November, 1925, appointed by then Gov. A. G. Sorlie to fill the vacancy created by the death of Sen. Edwin F. Ladd. He was so "liberal" that the conservative Chicago Tribune used to label him (Rad-ND). But along came Franklin Roosevelt's effort to "pack" the United States Supreme Court and later to involve this country in the war being fought in Europe, Nye won the "conservative" tag. He was damned as an isolationist.

And so, on Aug. 10, 1937, Nye stood on the Senate floor and called for a stop to export of American scrap iron to Japan. There is, he said, "the probability that one day we may receive this scrap back home here in the flesh and in the bodies of our men." He was roundly condemned for such scare-mongering, of course, but what he said proved eventually to be true.

He made other predictions, but perhaps the most interesting was one he made in his valedictory Dec. 19, 1944, a month and a half after his defeat for re-election.

First he said that the war in Europe had already cost America $200 billion and that before it was over it would cost us $100 billion more. He was, of course far low in his estimate. "And where will the United States be when this comes to pass?" he asked, "Holding the bag as usual. Our people will be staggering under a debt that may even go beyond the $300 billion mark." Again he was moderate, since the permanent federal debt now approaches $380 billion.

Then he warned that Russia, regarded by many in 1944 as a trusted ally that would work harmoniously with America to create a better world, could not be trusted. Within 10 years, he said, "we shall be told that we must go into a European war to keep Russia from seizing control of the world."

It didn't take that long for the Cold War to start, and so did fighting to save Greece from communism, followed by the Berlin airlift, the war in Korea and then the war in Vietnam, the enemy in each instance being supplied with arms and technology by that same Russia.

Nye was denounced then, of course, as "irresponsible" and "reckless," but today his words have the edge of prophecy. Had he been listened to some of the problems we face today might have been avoided.

AMATEUR RADIO RIGHTS FOR RESIDENT ALIENS

Mr. GOLDWATER. Mr. President, in 1964 Congress passed legislation which gave visitors from foreign lands the right to operate amateur radio equipment in the United States. Today, I will propose extending the same privilege to American immigrants.

As many of the Members present will recall, the earlier law arose out of a bill which I had introduced, for myself and 17 of my colleagues, to allow visitors from abroad to operate ham radios here if their home countries gave reciprocal rights to U.S. citizens.

Mr. President, I am pleased to report that during the past 6 fiscal years, more than 1,700 alien radio operators have received authorizations pursuant to the reciprocal program. In fact, by fiscal year 1970 the number of aliens receiving radio privileges had jumped to more than 500 a year.

However, after the inauguration of the new system, I was surprised to learn an important group of aliens had been excluded from its benefits. While the law worked well for temporary visitors, it did nothing for permanent residents. This works a particular inequity in the case of immigrants who are so strongly attracted to the United States that they wish to become American citizens.

Let me assure my colleagues there is nothing intentional about this. Frankly, it is the unfortunate result of a technical oversight. These prospective citizens have fallen into a wide legislative gap which, on one side, benefits temporary visitors, and on the other side, American citizens. Today I shall seek to close this gap by introducing legislation which will provide full amateur radio rights to American immigrants.

Mr. President, the bill I propose is identical to S. 1466 which I had introduced in the 91st Congress. That measure passed the Senate in November of 1970 and received a favorable nod from the Subcommittee on Communications of the House Commerce Committee a month later. But then the national rail strike and other emergency problems burst before the committee and S. 1466 had to be set aside in the dying days of the 91st Congress.

In order to revive the measure, I am reintroducing an identical bill today. It is my hope a good part of the momentum that swept the proposal along so far in the last Congress will continue into the current one. I am encouraged to think it will from the warm support the bill already has received from the many Senators who wish to cosponsor it. In fact, it is my great pleasure to announce that 29 Senators from 22 different States will join today as sponsors of the amateur radio bill. To my mind, this indicates an extensive nationwide interest in assisting our immigrant radio amateurs.

Mr. President, it is right that this degree of interest exists. For the present law stands as an unfortunate legal barrier that denies many of our future citizens the full measure of trust and recognition to which they are entitled.

The odd thing is that if an amateur radio hobbyist is merely visiting the United States on a tourist visa, he can operate an amateur radio station while he is here. But, once the same person decides to settle in this country, he becomes promptly disqualified from all right to enjoy his amateur radio pursuits.

But this is not the only inequity presented. Unfortunately, there are other ways in which a double standard is applied to our immigrants. For example, U.S. immigrants are subject to the payment of American income tax. They also are subject to compulsory military service in the Armed Forces of the United States. And, in fact, many permanent residents who serve in the military are required to use Government radio transmitters.

So, we have the unusual situation where American immigrants are trusted enough to be admitted to our shores for permanent residence. They are required to pay U.S. taxes. They are inducted into the military. And, they are asked to operate military radios as part of their duties. And yet the very same people are not allowed to operate an amateur radio station.

This is downright discrimination, of course, and it is high time Congress took action to correct the matter.

In short, the bill we introduce will achieve this purpose by authorizing the Federal Communications Commission to issue an amateur radio operators license to any resident alien who has declared his intent to become a U.S. citizen. While there are no precise statistics available, I would estimate this authority will benefit less than 500 persons each year. While their numbers are not large, I consider these persons to be deserving of our attention nevertheless. There are human needs and human interests at stake and this is always important.

Mr. President, if we were to put ourselves in the position of American immigrants, and consider that it was us who were faced with a change in our citizenship, we could imagine some of the practical and emotional concerns that would confront us. There is no reason to add to these, in the case of permanent residents, by refusing to allow amateur radio enthusiasts among them the right to operate their equipment for several years while they await American citizenship.

There is no opposition to this measure. It is completely noncontroversial. It is equitable. It will improve our foreign relations image. And it is supported by a wide group of amateur radio clubs and organizations across the globe.

In particular the American Radio Relay League and the International Amateur Radio Union have each endorsed the proposal. The ARRL represents most of the 300,000 American amateur radio operators and the IARU is composed of national amateur radio societies from 55 other countries around the world.

In closing, Mr. President, I urge my colleagues to take prompt and favorable action on behalf of our immigrant radio amateurs.

THE FEDERAL BUREAU OF INVESTIGATION

Mr. TALMADGE. Mr. President, periodically a small group of the Nation's commentators, columnists, politicians, and others resurrect a collection of time-worn cliches, half-truths, and discredited statements in an effort to generate some

support for their never successful but never forgotten campaign to smear the Federal Bureau of Investigation and its distinguished Director, J. Edgar Hoover. Each renewed smear campaign generally results in some "new" approach to the "get-Hoover drive."

This year the popular method seems to be what one columnist has referred to as an "FBI-type" investigation during which Mr. Hoover's trash has been searched, he has been followed and attempts have been made to eavesdrop on his conversations in public places. But once again the best efforts of these individuals have revealed little more than the fact that Mr. Hoover takes a very strong stand against crime and all types of subversive activities and insists upon a very strict code of conduct for the men and women in the FBI. Thank God he does.

And then there is always the point of Mr. Hoover's age. His critics never fail to emphasize this as though the mere fact that he is 76 automatically should relegate him to the pages of history.

I am sure I do not need to remind my fellow Senators that age alone is no criteria on which to judge a man. Some individuals reach the age of reason and maturity at a very young age while others never seem to reach that plateau. Others are "over the hill" at a very early age while some of this Nation's most prominent leaders in all fields of endeavor have functioned with outstanding abilities into their seventies and eighties. Mr. Hoover, I think, is such man.

Mr. President, Mr. Hoover certainly has far more supporters than detractors. He is held in particular esteem in my State and as evidence of this I would like to include at this point in the RECORD two recent editorials from newspapers in Georgia.

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

[From the Moultrie (Ga.) Observer, Jan. 5, 1971]

THE TWO MISUNDERSTOOD HOOVERS

Historians within recent years have been delving deeper into the background and record of Herbert Hoover, during whose administration the nation experienced its worst economic depression in U.S. history. The general conclusion has been that Hoover may have been the "most misunderstood man in American public life."

Hoover was maligned from coast to coast, and he was the butt of ridicule and hateful comments for more than 30 years. Yet he apparently was a wealthy mining engineer of great reputation and compassion for his fellowmen. He was, to quote many of the historians and economists, a victim of circumstance in the midst of an economic avalanche which nobody could control until it hit bottom.

Now it appears that certain forces have directed their guns on J. Edgar Hoover, who for almost 47 years has headed the Federal Bureau of Investigation—one of the greatest law investigative forces ever put together by civilized countries.

There are those among us in America, and with support from anti-American links in other nations, who would now hold FBI Director Hoover up to ridicule and public animosity. All sorts of stories and wild allegations are being made—a recognizable form of the whispering campaign to spread propaganda and falsehoods.

Attempts are also being made to link Hoover, a bachelor, with wealthy widows and others in secret love affairs.

Certainly the man, being human, must have felt emotionally about women who "turned him on" during his lifetime. Hoover, like others, is bound to have made mistakes in judgment and in his zeal to preserve the democratic principles he is sure to have stepped on many toes—including those of powerful political personalities.

Director Hoover celebrated his 76th birthday a short time ago, and he will reach his 47th anniversary as FBI chief in May.

Could it be that by the time he retires from office he may be the second to be chronicled by history as a "misunderstood Hoover?"

[From the Augusta (Ga.) Chronicle, Jan. 12, 1971]

A U.S. BULWARK

Despite the best record in history by the Nation's top law enforcement agency, the Federal Bureau of Investigation, the United States as it enters the new year faces grave threats from criminal and subversive elements.

Airplane hijackings continue with a total of 85 diversions of American aircraft since the start of 1963—last year bringing 18 such cases. The past year has brought a series of bombings—some accompanied by deaths—for which the Weatherman spin-off from the Students for a Democratic Society has claimed credit, or been charged. The Black Panther Party, which supports the communistic violence of aggressor nations, advertises in its weekly paper a "how-to" book on revolution, using the slogan, "We have to draw pictures that will make people go out and kill pigs (police)." Viet Cong sympathizers under the control of communistic groups have planned an ultimatum to the U.S. government demanding total withdrawal from South Vietnam by May of this year, on threat of closing down Washington—the methods for which one may easily surmise. Campus violence continues, with property alone from 12 arson cases, nine bombings and 23 assaults on ROTC facilities totaling $3.3 million. The Communist Party has formed a new front organization in which it hopes to enlist more American youth.

Along with these more spectacular threats to American lives and safety, a steady climb in number of murders, robberies, rapes and other major crimes means that law-abiding citizens need the protection of law enforcement agencies as never before.

In light of the critical danger to peace and security, Americans' appreciation for their police should be deepened and strengthened. That appreciation should be especially marked for the FBI, which has just completed its finest year in tracking down violators of federal law, in training of other police and in making available nationwide a mass of data on criminals which is essential to local law enforcement. Some highlights:

An all-time high of more than 32,000 fugitives was located by the FBI, including about 2,700 sought at the request of state and local authorities after fleeing across state lines.

FBI investigations resulted in conviction of 468 persons, with cases against about 1,200 others in various stages of prosecution.

More than 30,500 cars, worth more than $52 million, were recovered and more than 100 major automobile theft rings were investigated.

More than 5,000 miscellaneous civil rights cases were investigated, not including 943 cases of alleged discrimination at places of accommodation and 358 cases involving discrimination in housing.

A computerized criminal history file was started in cooperation with state officials.

FBI training officers helped in 9,300 police training schools, attended by more than 299,000 police.

FBI fingerprint records identified nearly 40,000 fugitives, and more than 6.5 million new fingerprint cards were recovered for filing during the year.

Recoveries of property and money, plus fines, resulted in a saving for the Nation of $1.60 for every dollar spent on FBI operations.

These are only the high points. When one delves into individual cases, the record of efficiency, courage and dedication to America's people is one that is amazing.

The FBI's annual report presents a record that merits thanks to the entire organization, and especially to its director, J. Edgar Hoover, whose vision, ability and perseverance have made it what it is.

ALABAMA CASUALTIES OF THE VIETNAM WAR

Mr. ALLEN. Mr. President, I have placed in the RECORD the names of 1,069 Alabama servicemen who were listed as casualties of the Vietnam war through September 30, 1970. In the period of October 1 through December 31, 1970, the Department of Defense has notified 19 more Alabama families of the death of loved ones in the conflict in Vietnam, bringing the total number of casualties to 1,088.

I wish to place the names of these heroic Alabamians in the permanent archives of the Nation, paying tribute to them, on behalf of the people of Alabama, for their heroism and patriotism. May the time not be distant when there will be no occasion for more of these tragic lists.

I ask unanimous consent to have printed in the RECORD the names and the next of kin of these 19 Alabamians.

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

LIST OF CASUALTIES INCURRED BY U.S. MILITARY PERSONNEL

(From the State of Alabama in connection with the conflict in Vietnam, October 1, 1970, through December 31, 1970)

ARMY

1st Lt. Warren L. Lawson, husband of Mrs. Patricia A. Lawson, 2806 20th Street, West, Birmingham, 35208.

Capt. Mark A. Babson, Jr., husband of Mrs. Joan L. Babson, Lot 25, Ideal Trailer Park, Ozark, 36360.

Cpl. David E. Bryant, son of Mrs. Rebecca W. Brookings, 417 Mobile Street, Montgomery, 36104.

Sp4. Lamar McLeod, son of Mr. and Mrs. William W. Renfroe, Route 3, Box 80A, Union Springs, 36089.

Sgt. Carter Parker, Jr., husband of Mrs. Barbara J. Parker, 1015 Day Street Road, Apt. L, Montgomery, 36108.

Sp5 Will D. Billings, son of Mr. and Mrs. Will Billings, P.O. Box 98, Helena, 35080.

Sgt. William R. Ellis, husband of Mrs. Mary C. Ellis, Route 2, Box 138, Brewton, 36426.

Sp4. Perry A. Mitchell, son of Mrs. Pearlie M. Mitchell, 405 1st Avenue, Athens, 35611.

Sgt. Samuel L. Gantt, husband of Mrs. Meritha Gantt, 1627 Pauline Street, Montgomery, 36110.

S. Sgt. James R. Howell, husband of Mrs. Shirley A. Howell, Sunlake Mobile Homes, Lot 3, Daleville, 36322.

Sp4. Sammie J. Long, son of Mr. and Mrs. Joe Long, Route 2, Box 83, Seale, 36875.

Sgt. Clayton G. Craig, husband of Mrs. Francis K. Craig, c/o Mrs. Herbert Pugh, Route 1, Lester, 35647.

WO1 Avon N. Mallette, husband of Mrs. Lillian F. Mallette, 2618 B. Kittyhawk Avenue, Mobile, 36606.

Pvt. Roy Anderson, Jr., husband of Mrs. Sheila C. Anderson, 1223 2nd Court, West, Birmingham, 35208.

Pvt. Ervin J. Murrell, son of Mr. and Mrs. Hustell Murrell, 13 6th Avenue, West, Birmingham, 35204.

AIR FORCE

Capt. Robert W. Brunson, husband of Mrs. Beverly A. Brunson, 3122B Napoleon Court, Birmingham, 35243.

Capt. John L. Stallings, husband of Mrs. Judy E. Stallings, 830 O'Connor Drive, Tuscaloosa, 35401.

MARINE CORPS

Cpl. William E. Berryman, husband of Mrs. William E. Berryman, Route 2, Leighton, 35646.

1st Lt. John I. Lassitter, husband of Mrs. John I. Lassitter, 614 Thornton Avenue, Prichard, 36610.

ADDRESS BY SENIOR U.S. DISTRICT JUDGE LUTHER W. YOUNGDAHL

Mr. MONDALE. Mr. President, the great aching needs of America go much deeper than any of the partisan divisions in our politics.

In part, this is because we all feel the pain of unsolved problems. When you are robbed on the street, when what you buy is so often shoddy, when the air we breathe, the water we drink and the food we eat are poisonous, when transporting yourself to work every morning is a torment, it just does not matter whether you are a Democrat or a Republican.

And it does not matter either to the American voter. Whenever government stands by while the needs go unmet, the people in every State and region are marking their ballots on performance rather than party tradition.

All public officials are very much in the same battered boat.

In recognition of that fact, I recommend to Congress a wise speech recently given by Luther W. Youngdahl, a former Republican Governor of Minnesota and now senior U.S. district judge during the inaugural of Governor Anderson of Minnesota.

Judge Youngdahl reminds us that the time has come to work together if anything in government is going to work at all. His advice should be heeded in public service at every level from counties and towns to the House and Senate.

I ask unanimous consent that former Governor Youngdahl's remarks be printed in the RECORD.

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

ADDRESS BY LUTHER W. YOUNGDAHL

It is good to be home. It is good to be back here in Minnesota and breathe in the zestful air that quickens your step and inspires action. To state that it is an inspiration to address this distinguished group of Minnesotans would indeed be an understatement. For me this is also an occasion which brings recollection of a time when I, too, had to make many hard decisions, develop the specifics of my program and chart a course which would assure progress for my constituents. No sweet words, no crocodile tears, no quackery could help me escape what the law decreed I should do and Governor Anderson I, as a judge, cannot tide you over these difficult days with any kind of writ, order or release.

In this regard you are not unlike the soldier who recently called on the clerk for a marriage license. He had come home on a month's leave to get married and believing he had plenty of time had put off obtaining this most essential bit of paper. He had been home only a few days when one Friday morning he received a telegram telling him to report to his unit the following Monday. He and his bride to be decided then upon immediate marriage which brought him to the clerk. As the marriage license was handed to the bridegroom, the clerk told him it could not be used for three days as that was the waiting period prescribed by law. The soldier and his bride protested, asked if there was not some way this could be avoided, looked at each other sadly, whispered and remonstrated further with the clerk. The clerk again said he knew of no alternative but there was a kind judge down the hall who might be able to help. But the judge after thumbing through a few books, said there was no possible way to arrange a valid marriage until the following Monday. The soldier thought a moment and then he said: "Judge, try to think of a few words that will tide us over the week-end."

And there are no words of mine, Governor, that can tide you over this day of decision. It involves for you, as it did for all of us past Governors, the necessity of drawing up a list of priorities for this state and indirectly for the nation. In your task, Governor Anderson, you have made a most auspicious start. The delightful dinner at the Ramsey House, which you so thoughtfully arranged in honor of the past Governors, set a new precedent for unity and augurs well for the success of your administration.

Coming here for this reunion of old friends has caused me to reflect on the differences and similarities from the days—almost 20 years ago—when I had the honor of serving as Governor of this great State.

Of course, there were obvious differences: We did not have women's lib, diet soft drinks, or electric toothbrushes for one thing: on the other hand, the threads of continuity are striking.

Let me read a few brief passages from my inaugural address to the legislature delivered January 3, 1951. The speech opened with the words, "the world is in turmoil and crisis." Nothing new there. It then went on to note that, "the spiral of inflation and the zooming costs of our military establishment reduce the value of the dollar and limit the sources of revenue for the operation of state government." Sound familiar? and should there not be continuity in the problem areas outlined in my January 3, 1951 inaugural message such as:

1. Mental and public health.
2. Education.
3. Youth conservation and conservation of natural resources (the label has changed here, we now refer to this as the "environment issue").
4. Human relations.
5. Agriculture.
6. Crime and law enforcement (surprised to hear that one? Much as some would have us believe that crime appeared for the first time in 1970, it was with us as a significant problem 20 years ago too).

As I sit on the bench in Washington I frequently ask myself whether our whole system of criminal justice is on the brink of a breakdown. Can we make the adversary system work and yet preserve our hard won procedural safeguards, the right to be secure in our homes against unreasonable searchers and seizures; the right to a fair and speedy trial and so on. Now, in many cases in the large cities of our nation it takes two years to obtain a jury trial in a sharply contested case.

However, there is one phase of law enforcement, Mr. Governor, that will not be a matter of your concern and that is the slot-machine racket. With the passage of the anti-slot-machine bill in the first legislative term of my three administrations the racket was driven out of our state and it hasn't returned because the people like it the way it is and wouldn't permit its return. And I might add that I had bipartisan support for this legislation, including the moral support I received from the distinguished former Vice President and now United States Senator Hubert Humphrey who, I might add, simultaneously drove out the rackets in Minneapolis when he was mayor, at the time I was Governor. And it might also be said that some States are still struggling with this problem. As a matter of fact just recently it came to light that the slot-machine racket had become involved in our Armed Forces.

Moreover, let me make it crystal clear that when I mention law enforcement I am not talking about the "law and order" concept of certain individuals—lay people and political leaders alike—who hold to the simplistic concept that we can solve the crime problem merely by getting speedier trials, as important as that is, and by putting people away in penal institutions without providing the resources in those institutions to rehabilitate the inmates and more importantly failing to give leadership to the elimination of the causes of crime such as the ghettos, slums, poverty, illiteracy, unemployment, discrimination and prejudice and other causes. Obviously we cannot condone lawlessness and violence. It must be vigorously dealt with by law enforcement officials and courts alike, but if we do not provide leadership in attempting to change our penal institutions, being graduate schools for recidivists and to eliminate the causes or crime, this whole issue of crime will be a vicious circle.

The fact that these problems are still with us does not mean we have not made progress. We have. But it does mean that we have not progressed fast enough.

I believe that faster progress will be made if

(1) Political leaders spend less time fighting partisan battles among themselves; and

(2) If these leaders get together and involve their constituents in the solutions; and

(3) If the citizens themselves become involved in the solutions of these problems.

Now I do not mean to imply that partisanship does not have its place, it does. The two party system plays a crucial role in making our system work. We fought hard election campaigns in my day, and judging by your recent campaign, Minnesotans are still fighters. Yet when the election battles are over the big problems are too great for any one political leader or any one political party. And, that to get things accomplished both parties must put politics aside and work together.

To involve the people in the solutions of their problems is not easy, of course. Sure it takes more time, and is more frustrating, to sound out the views of citizens across the State or Nation, and to attempt to educate them as to the advantages and disadvantages of each alternative approach to a special problem.

It is much easier for the "experts" to get together and decide just what life style everyone else should adopt. But taking the easy way out is both undemocratic and, in my opinion, counterproductive. People who are "told" some program is best for *them* will be indifferent or antagonistic to the program from the start. People who are brought in on the planning stage and who help to formulate a program they believe in will fight for it and will make it work. The con-

cept or what is now called "participatory democracy" is both good government *and* good politics. Not only must the political leaders seek to get people involved in helping to produce good government but the people themselves must be willing to give of their time and efforts to become involved. As a member of the National Crime Commission, as well as a member of the Board of Directors of the Joint Correctional Manpower Commission set up to study the State and Federal penal institutions, I can speak advisedly how frustrated the members of these two commissions felt at the apathy and indifference of people generally in governmental problems. One of the main thrusts of the two reports from these commissions was the necessity of more people becoming actively involved in helping to constructively resolve the issues for the betterment of all the people.

Now, as always, the essential ingredient in effective, vital democracy is one thing alone, individual willingness to shoulder responsibility for the conduct of government. Lose that and we are doomed to crumble and deteriorate from within. The saving of our way of life is not a job delegated solely to a group of young men and women fighting and dying in Vietnam or in other parts of the world. It is a job delegated to every citizen.

Too many citizens are afflicted with the disease of spectatoritis—sitting in the grandstand and knowing just what play ought to be called—finding fault—making scapegoats.

People have come to associate odious motives and practices with politics. Politics is the art of making government work. It is the machinery by which society makes its moral decisions. The story is told of the sage and the cynic. The cynic came to the wise old man with his fists closed and asked, "What have I got in my hands?" The wise man responded, "A bird." The cynic then asked, "Is it dead or alive?" Thinking surely he would trap the old man, for if the sage responded "alive", the cynic would crush the bird to death in his hands, and if he responded, "dead" the cynic would open his hands and allow the bird to fly away, proving in any event that the wise man was wrong; but the sage responded, "Just as you will my son, just as you will." And so as I have so many times told our good people of Minnesota we get just as bad government as we are willing to stand for and just as good government as we are willing to fight for.

In approaching the problems of today you start with a great advantage that we did not have 20 years ago. People in 1971 generally agree that pollution, poverty, bigotry and discrimination, and the delivery of reasonably priced health care, are problems that government, both State and Federal, has a significant role to play in solving them. Twenty years ago *many people* disagreed that these were even areas for concern, let alone areas of governmental responsibility. So, we *have* come a long way.

Today, when a Republican administration is proposing a family assistance plan calling for a guaranteed minimum income and when the Democrats are calling for revenue sharing with the States and decentralization of government, we are not all that far apart.

The opportunity is here:

To rise above partisan politics,

To be candid with the public about what we can and cannot deliver,

To take the people back into our confidence and to work *with* them in meeting the problems of the day.

However, as John Gardner recently has written:

"If Americans continue in their present path, their epitaph might well be that they were a potentially great people—a marvelously dynamic people—who forgot their obligations to one another."

Paradoxically enough, after we have made great progress in many fields of public interest, yet there is growing concern and anxiety that we may be unable to cope with many of our problems.

Obviously we can't do everything at once. But as a man I admired, Harry S. Truman, once said, "in periods where there is no leadership, society stands still." And for a person to lead he must make decisions as to the opportunities he will seize and the issues to be given precedence.

What, for instance, shall we do about pollution of our environment? It is an easy question to ask, to be sure, but how do we go about preserving and protecting the air we breathe, the water we drink, and preserve the beauty and inspiration of the woods, the fields, and the streams of this state we all love? Take another example of our concern. Is there any practical answer to meeting the challenges of the poverty stricken, the unemployed, the illiterate, how to house decently the underprivileged and disadvantaged of our great cities and the problem of striking down bigotry and prejudice that exist among our people?

And what are we to do about drug abuse among young adults that in the past five years has increased at a geometric rate? Think of it, in Washington, New York, Chicago, Los Angeles, 60% of all crime is drug related. Where does this problem belong on our priority listing? Control of drug abuse is closely allied to what we broadly call education and training of our children and youth. How do we give body and substance for the goals we have set for our schools? We want enlightened learning opportunities provided the poor, as well as the rich, the black as well as the white, but where do we get the funds, the resources?

I was about to go on and direct your thoughts to other disturbing aspects of our era—inflation, taxation, revenue sharing, full employment, health care, transportation, population control, consumers protection, and a dozen other items we should consider in our priority list when it occurred to me to slow down cataloguing all these problems.

We want this meeting to be a happy occasion and not one blinded by fear that this is to be the winter of discontent or that our new governor will take to the woods.

Let's not look to our anxieties and fears as insoluble. Surely we can do a great deal about each of these if everyone of us will become involved, concerned, and identify constructive courses of action which we individually can forward. At least we can cooperate without giving up our right to dissent or needle our institutions. We can develop new means and new dimensions for citizen action without invading the office of so affable a man as heads this table. Our agenda for the next four years for Minnesota is not a program of action for one party, one group, one age. It is an agenda for all Minnesotans, all Americans, all our citizens, all our citizens, whether young or old, black or white, city dweller or farmer.

Obviously these items are on our list. These challenges to our times, demand a sustained and undeviating effort. They do not yield to quick and simplistic measures. Continuity of effort and drive are the watchwords. It really goes without saying that a long range program of attacking most of the problems I have enumerated are necessary.

Once we agree upon our goals we have no use for the short winded, the dropouts, the defeatists. The first step on the long, hard journey we agree upon is commitment, moral commitment, steadfast dedication. To be sure, these must be buttressed by resources and action, but these will surely come if our objective is clear and our strategy sound. We can begin now because we will need all our wisdom, all our imagination, all our strength to win the struggle to place man in command of and not subservient to the wondrous technology he has created. As Governor Anderson said, with such relevance in his excellent inaugural message this morning, our task is to inaugurate an age in which our will is equal to our hopes.

I feel sure, Governor Anderson, that you will have the cooperation of the citizens of our State regardless of party affiliation in your efforts to build a better State, a State noted not for its complacency but for its stubborn adherence to the fulfillment of its destiny. Perhaps all we seek will not be achieved but we will get satisfaction and reward for having tried. The great Federal Judge Learned Hand put it this way:

"Man is a projector, a designer, a builder, a craftsman. His regard is not so much in the work as in its making; not so much in the prize as in the race. We may win when we lose, if we have done what we can; for by so doing we have made real at least some part of that finished product in whose fabrication we are most concerned—ourselves."

We Minnesotans have for many years set a high standard for the rest of the country and I am confident that *working together* we can show the Nation how to make this great democracy work. I am sure also that these distinguished citizens who have served our State as Chief Executive would want me to express to you, Mr. Governor, in their behalf, their best wishes for your continued good health and for a successful administration, as Governor of our beloved North Star State.

TENNESSEE'S 1-MINUTE MESSAGE TO THE NORTH VIETNAMESE AND VIETCONG

Mr. DOLE. Mr. President, tonight a special announcement will be made by Mrs. Wayne Fullam, Tennessee coordinator for the National League of Families of American Prisoners and Missing in Southeast Asia. Speaking from Jackson, Tenn., at the opening of POW–MIA of Tennessee offices, Mrs. Fullam will give details of "Tennessee's 1-Minute Message to Communist Vietnam."

This project, to be undertaken by a volunteer group of POW–MIA families and other concerned Tennesseeans, will aim at alerting the 4 million people in Tennessee and as many Americans from other States as possible of a 1-minute pause from daily activity on Good Friday, April 9, 1971. This 1-minute pause will be a massive message to the North Vietnamese and the Vietcong to abide by the terms of the Geneva Convention on prisoners of war and to provide the families of missing and captured servicemen with information about their loved ones.

Mr. President, this project has great potential for making a substantial impact upon the North Vietnamese and Vietcong as well as for arousing the conscience of freedom-loving people throughout the world. This is the type of broad-based, grassroots effort to which the Communists do pay attention and which refutes their callous proposition that Americans do not care about "a mere 1,500" of their fellow citizens.

I take this opportunity to wish the sponsors and organizers of Tennessee's 1-minute message success in their endeavor and to encourage Americans everywhere to support similar efforts on behalf of our POW's and MIA's.

U.S. INTELLIGENCE WORK BEHIND ENEMY LINES

Mr. INOUYE. Mr. President, our country has had many great men throughout our history who have engaged in intelligence work behind enemy lines. Beginning with Nathan Hale in the American Revolution, this practice has continued in every war from that date to this. We had such soldiers on both sides in the Civil War. We had such soldiers in the Spanish American War and in World Wars I and II.

These gallant men have gone behind enemy lines in civilian garb at great personal risk for they knew full well that their presence in civilian garb was clear and irrefutable evidence of their status as a spy. They knew full well that if found out, they were subject to instant execution. Their purpose was to fool the enemy as to their origins and their allegiance and to work surreptitiously to our Nation's advantage.

But today, Mr. President, I am concerned. In recent days, we have seen on our television screens American military forces in civilian garb operating in areas where no American soldiers are presumed to operate, and I am moved to ask why.

In the past, such operations have always been for the purpose of fooling the enemy—the opposing forces. Now, I do not think anyone will try to convince me that American soldiers operating in civilian garb in Cambodia are so operating in an effort to fool the North Vietnamese or Vietcong troops.

Painfully, I must presume that our servicemen are so clad in an effort to deceive us. Does this mean that we are now the enemy? Are we to believe that the Department of Defense has now declared war on the people of the United States? I certainly hope not, but I do think they owe us an immediate explanation, and I call for such an explanation.

U.S. CONCERN FOR POW'S AND MIA'S

Mr. DOLE. Mr. President, recently Richard G. Capen, Assistant to the Secretary of Defense for Legislative Affairs, spoke to a joint session of the Washington State Legislature and discussed the historical perspectives and present realities of U.S. efforts on behalf of American servicemen who are prisoners and missing in action in Southeast Asia.

The plight of these men, as well as the anguish of their families and loved ones here at home, have increasingly become the subject of national attention and concern. This heightened awareness has spread to every corner of the country and throughout the world chiefly as a result of volunteer efforts and the resolve of our Government—especially by officials in the Department of Defense—that our captured and missing men will not be forgotten.

Mr. Capen has been closely involved with all phases of our efforts to obtain information, release, and better treatment for POW's and MIA's, and he speaks with a clear understanding of the overall situation. It is important to emphasize one critical point made by Mr. Capen, and it is that these prisoners and missing men are not all in North Vietnam. Indeed approximately one half are Army and Marine ground troops and air crewmen missing and captured in South Vietnam. The mistaken impression—one shared by some high public officials as well as the general public—is that the North Vietnamese are the only enemy involved in these breaches of international law. But the Vietcong and Pathet Lao are equally at fault and should be condemned with the same force.

Mr. Capen's remarks express the heartfelt concern of all Americans. I ask unanimous consent that they be printed in the RECORD.

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

ADDRESS BY MR. RICHARD G. CAPEN, JR.

It is a privilege for me to have the honor today of addressing this important joint session of the Washington State Legislature. Your desire to unite in expressing concern for American prisoners of war and missing in action servicemen is greatly appreciated by those who are working relentlessly to resolve the prisoner problem.

We commend you for your dedication to our efforts in the Defense Department to assure humane treatment of prisoners of war and the identification of all those who are missing in action.

Your support means more than you will ever know to the wives, children, and parents who have lived so long not knowing whether their loved ones are dead or alive. I know, because I have met personally in cities across the country with more than 2,500 of these brave American relatives. There are more than 125 relatives living right here in the State of Washington.

The Nixon Administration has made it absolutely clear that our goal is to restore peace in Southeast Asia. Time and time again the President has reaffirmed his willingness to seek an early end to the war through negotiation.

Regretfully, there has been no progress in the Paris peace talks. Realizing this possibility in early 1969, the Nixon Administration moved forward with a viable alternative: Vietnamization. Through the Vietnamization program significant progress has been made in turning the combat responsibility over to the South Vietnamese. By this Spring, the South Vietnamese forces will have the capability of assuming virtually all of the combat role in their country.

As a result, the President has set six targets for American troop withdrawals. To date, five targets have been reached ahead of schedule and the sixth will be met or beat by May 1st. At that time the authorized troop ceiling of U.S. forces will have been reduced by more than 260,000 Americans.

Through the President's forthright peace initiatives and, alternatively, his successful efforts in bringing American troops home from Southeast Asia, I believe he has convinced scores of other nations—friendly and critical alike—that the United States does intend to withdraw American forces from South Vietnam.

As other countries understand our desire to end the war, they also fully recognize our nation's determination to seek the humane treatment of American prisoners of war, an official accounting for those who are missing, and importantly the immediate release of all prisoners of war. In short, we are proving to others our desire to restore peace, thereby gaining significant support for the humane treatment of war prisoners. Other nations have become increasingly intolerant of the enemy's cruel handling of the prisoner question.

Prior to 1969, very little has been said publicly about these captured and missing men. Their families had been advised to remain in the background. There was very little public comment by responsible officials.

The government's position was that quiet, low key diplomatic efforts were more likely to achieve results than public discussion of the problem. Regretfully, this approach brought no significant progress.

As a result of a thorough review of POW policy directed by Secretary Laird, change in basic policy with regard to prisoners and missing men was approved. We believed that these men should no longer go virtually unnoticed and unremembered.

This was particularly critical when realizing that, in early 1969 some of the men had been listed as prisoners or missing for nearly five years. The vast majority, of course, were lost prior to November 1, 1968 when the extensive bombing of North Vietnam was being carried out.

It has been hoped that the new approach undertaken by President Nixon would focus public attention here and abroad on the callous and inhuman attitude of Hanoi and its Communist apparatus in Sotuheast Asia.

In a series of agreements stretching back for more than 100 years, civilized nations have generally agreed to abide by a code of conduct that prohibits the barbarous treatment of war captives.

The most current formulation of this code is contained in the Geneva Convention Relative to the Treatment of Prisoners of War.

This standard requires prompt identification and reporting prisoners of war when they are captured. It requires the impartial inspection of prisoner of war facilities. Furthermore, it states that there should be an immediate release of seriously sick and wounded prisoners; and finally, it provides that prisoners and their families should be allowed to correspond freely and regularly.

The enemy has not made even the slightest pretense toward compliance with the humanitarian requirements of the Geneva Code. There never has been a complete and official list of known prisoners. There never has been an impatrial inspection of any North Vietnamese, Viet Cong or Pathet Leo prisoner camp. Only one seriously sick or injured prisoner has ever been released, yet we know many of our men were injured at the time of their capture.

Mail flow, while showing some improvement in recent months, has been severely restricted and carefully censored. Of the 80 men known to be prisoners in South Vietnam and Laos only one has ever been allowed to write a letter.

Although the other side has announced that families may send small packages to prisoners every other month, there is evidence that certain items are removed.

In recent months a number of incomplete lists of men reported to be held in North Vietnam has been released to the public. Tragically, those lists have indicated that some men apparently have died in captivity. Even then the enemy has refused to provide essential information about the circumstances of death. What possible reason could the enemy have for refusing to identify men who died three or four years ago.

Our negotiators in Paris and diplomatic representatives around the world have done much to see that the plight of American prisoners of war and our country's concern for their welfare are understood. Colonel Frank Borman was sent by the President to 14 capitals to present the facts to the leaders of other nations and to encourage parallel efforts on their part toward easing the plight of the prisoners and their loved ones.

President Nixon has made a comprehensive peace proposal, including the immedi-

ate exchange of all prisoners. This offer, made in October, would result in the release to the other side of ten times as many men as would be returned to the U.S. and to our allies.

Unhappily, the response of the enemy to this generous offer has been negative, despite the fact that the prisoner of war question has been brought up in Paris every single week since March of last year.

In contrast to the enemy's continued refusals, the South Vietnamese have abided by the Geneva Convention. Today, the Republic of Vietnam holds some 38,000 North Vietnamese and Viet Cong prisoners. I have visited one of these camps and can attest to the humane treatment of these POW's, a fact verified regularly by ICRC inspection teams.

The South Vietnamese, as seen only this past weekend, have repeatedly moved forward to release sick and injured prisoners. To date, some 200 have been returned despite numerous obstacles set up by the other side. Just this week the South Vietnamese government proposed the immediate release of disabled prisoners on all sides.

It is urgent that all POW's be released. Time is running out for these men and their families have suffered far too long.

For that reason, the President and the Secretary of Defense approved last November the raid of a prisoner of war camp at Son Tay, deep in enemy territory. We have no regrets for having proceeding with the rescue effort despite the fact that there were no prisoners in the camp at the time of the raid.

We believe we owe it to our men and to their families to attempt such rescue operations even recognizing the risks involved.

We will continue to consider all attempts to resolve the prisoner of war problem including further possible rescue attempts. The later option becomes increasingly important as we continue to receive information that Americans apparently are dying in enemy prison camps.

Furthermore, the passage of time bears down on the problem. Let me cite a few statistics.

Today, there are 1,550 men who are listed as prisoners of war or missing in action. About one half are Army and Marine ground forces and air crewmen who are missing or captured in South Vietnam or Laos. The remainder are Air Force, Navy and Marine Corps airmen whose planes were shot down over North Vietnam during the extensive bombing raids three and four years ago.

Some of these men have been held prisoner by the enemy for more than six years. One man, believed to be a prisoner in South Vietnam, will pass in March his seventh year of captivity.

More than 300 of these brave Americans have been captured or missing longer than any U.S. serviceman was held prisoner during all of World War II.

It is not difficult to understand the severe emotional distress that results to the wives and children who have lived with uncertainty for so many years. Many children are now four and five years old and have never seen their fathers. At least four wives of these men have suffered accidental deaths and a number of others are seriously ill and even terminally ill.

In the past 20 months more than 300 wives and children have knocked on embassy doors in various parts of the world in a futile search for information on their loved ones. Some 100 relatives have had face-to-face meetings with North Vietnamese officials at Paris and in other foreign capitals.

Some have been subjected to a heavy barrage of enemy propaganda, and to a series of false promises. How tragic it has been that the enemy has chosen to exploit these relatives.

The plight of these families has reached the hearts of millions of Americans who have participated in letter writing campaigns and major civic efforts to express their commitment to the cause of justice for American prisoners of war.

This concern shown by so many people has been deeply gratifying and it has had some effect. Letters now flow more freely between prisoners in North Vietnam and their families. More packages from home are getting through to the prison camps, and Hanoi recently has sought to convince a very skeptical world that American prisoners are receiving proper treatment.

Even those nations and individuals sympathetic to the North Vietnamese Government have exhibited little patience for the enemy's cruel and inhuman treatment of our men and their families. These war critics have been hard pressed to justify the enemy's handling of American prisoners.

The International Committee of the Red Cross has voted, without dissent, a resolution supporting humane treatment of war prisoners. The United Nations has approved another resolution calling for humanitarian treatment of prisoners of war. In addition, the Congress of the United States has devoted considerable attention to the prisoner subject, passing a number of resolutions and holding an unprecedented joint session to hear a report by Colonel Frank Borman on his global trip as Special Emissary of the President on behalf of the prisoners of war.

We have had continued support from the various news media through newspaper editorials, magazine feature stories, and television news coverage.

One should not be deceived when viewing the limited number of highly controlled and censored interviews which Hanoi released during the Christmas season. They included only a brief glimpse of a very small number of men.

The interviews were carefully controlled. Only those who outwardly appeared healthy were shown, and only four questions were permitted. The questions had to be submitted in advance. Even then, the North Vietnamese found it necessary to censor some of the comments made by the prisoners.

The comments made were limited to superficial, broad generalities which really did not address the problem. There was no news about any of the other prisoners. In fact, those shown were among the small number who have been paraded before cameras from time to time.

The films themselves are a violation of the Convention which prohibits the exploitation of prisoners of war for propaganda purposes and exposing them to public curiosity.

The public support which you have shown today and which we have seen for so many months has served as strong encouragement and hope to the thousands of wives, parents and children; but their tragedy endures with little response by the enemy.

If the North Vietnamese and Viet Cong are truly providing humanitarian treatment for our men, why should they believe it necessary to release carefully controlled prisoner films? Why should they be afraid to permit ICRC inspection tems into the camps? Why should they continue to claim humane treatment when we know that men have been held in isolation for prolonged periods; when we know of instances where broken bones have been rebroken, where fingernails have been removed, where medical attention has been denied, and where proper diets have been ignored.

Communist authorities have referred to our prisoners of war and missing men as "just 1,550 men." They can't understand how we in America can be so concerned about "just 1,550 men."

What they forget is that our American way of life is founded on the value, dignity and freedom of every single human life. Our nation has a long history of voluntary efforts to defend the right to freedom. Millions of Americans have served their country around the world for this cause.

Thousands of Americans have served their country in Southeast Asia. Many have risked their lives. Many volunteered for duty knowing that they risked capture.

Today, we are here to defend helpless Americans who have made those sacrifices and who, as a result, are prisoners of war and missing in action.

Despite the physical hardship, the mental and emotional suffering, the long, long separation from loved ones, and the seemingly hopelessness of their situation, those Americans who have been released or escaped tell us that they never gave up hope. They have survived through a strong faith in God, an unending dedication to their country, and a devoted love of family. They have proven their faith in America. Have we proven our faith in them?

We in the Defense Department are deeply indebted to these servicemen for their dedication and sacrifice. We insist that everything possible be done to assure the proper treatment of our men in captivity, to obtain their eventual release, and while they are gone, to give every possible assistance to their wives, children and parents.

We appreciate your concern as expressed in this session today and hope you will join with us in our determination to resolve the plight of these men whose courage we so deeply admire and whose sacrifice we so greatly respect.

These men have served our country well. Their families have suffered long, but I can assure you that these brave men will not be forgotten.

EARTH WEEK

Mr. MONDALE. Mr. President, Earth Day last April was a nationwide success, dramatizing the environmental concern of the millions of Americans from grade school students to elderly citizens who participated.

Without a doubt, Earth Day marked a turning point in the environmental awareness of the whole country. Now the environmental issue is recognized from townhall to Congress as one of the gravest challenges we face.

But as the Senator from Wisconsin (Mr. NELSON), who originated and cosponsored Earth Day, has pointed out, stopping the incredible waste and environmetal destruction is going to require a sustained ethical, financial, political, and technological commitment on a scale unprecedented in this country's history.

To continue and strengthen the nationwide environmental effort and concern, Senator NELSON has proposed that the third week of April—the 19th to 25th—be designated Earth Week nationwide. He and Representative PAUL MCCLOSKEY, JR., the Earth Day cosponsors, have introduced a congressional resolution for the Earth Week. And the National Governors' Conference has unanimously adopted a resolution recommending that each Governor proclaim Earth Week in his State.

As Senator NELSON said in a recent Senate speech, the purpose is a continuing education effort, an occasion for the country to focus special attention for a week on the environmental accomplishments of the past year and to plan for the future.

In particular, he noted, an Earth Week would afford an opportunity for all the schools across the Nation to bring to culmination their environmental education efforts for the school year.

The proposal for Earth Week merits and is rapidly gaining support countrywide. I ask unanimous consent that three excellent editorials strongly endorsing this important proposal be printed in the RECORD. The editorials are from the Washington Post, the Denver Post, and the Milwaukee Journal.

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

[From the Washington (D.C.) Post, Jan. 27, 1971]

THE NEED FOR EARTH WEEK

Measured by the calendar, it is a long way to April and Earth Week, which this year will be from Monday, April 19 to Sunday, April 25. But it is not so far when measured by the urgency of pollution; hardly a day passes that another grim fact of environmental neglect, threat or abuse is not reported. Early in the new session of Congress, Sen. Gaylord Nelson and Rep. Paul McCloskey, Jr., last year's co-chairmen of Earth Week, will call for a congressional resolution recommending that the event be held annually. This is a worthy idea. In 1970, Earth Week was the cement that joined together the ecology efforts on 2,000 college campuses, 10,000 elementary and high schools and of some 2,000 local community groups.

A resolution by Congress setting aside a week for one cause or another often means little more than a fancy bow in a useless minuet. But the environment is not just another cause (even though many still put it down, as in an editorial comment in this week's Advertising Age about "the ecology kick"). It is a serious movement; those who doubt its power need only reflect on the SST debate and how the politicians probably would have handed over the funds if public awareness had not been aroused by this threat to the fragile environment.

A push by Congress to get behind Earth Week may be the kind of torch-like symbol that local groups need to set their ecological awareness on fire. It can be a way of getting the news media to make the environment a matter of daily coverage, not merely specialized reporting. In short, if we are going to celebrate such days as July Fourth, when the nation was born, why not a week of dedication and planning to make sure that the nation remains livable.

[From the Denver Post, Oct. 20, 1970]

LET'S HEAR IT FOR EARTH WEEK

One of the happy surprises of 1970—there haven't been many in that the lofty resolutions and high enthusiasm generated by Earth Day last April haven't dissolved into oblivion. The energetic commitment to a better environment that most skeptics chalked up as another all-American fad has proved to have staying power. It's even become good politics.

Now the man who started Earth Day wants to put it on the calendar. Sen. Gaylord Nelson, D-Wis., has introduced a joint resolution in the Senate that would designate the third week in April as Earth Week. Rep. Paul McCloskey, Jr., R-Calif., who served with Nelson as cochairman of Earth Day, has introduced the same measure in the House.

There's already a precedent for such a move. Last August, the National Governors' Conference unanimously adopted a resolution that each governor would declare the third week in April to be Earth Week in his respective state. But that won't have the status of congressional sanction.

A federal commemoration, Nelson told the Senate, would create "an opportunity for a regular assessment of progress from the community level up towards improving environmental quality."

Earth Day, he said, symbolized a new nationwide awareness of the growing ecological crisis, and a resolve to turn the tide. The challenge now, he declared, is to encourage continued efforts on all levels of American life.

Earth Week sounds to us like a fine idea. It would inspire more ambitious projects than the admirable but limited one-day crusade last spring, and it would keep the issue in the hands of the people, diluting the exploitive tendencies of lobbyists and politicians.

As long as we're celebrating the day Columbus discovered America, it makes sense to spend a week marking efforts toward preserving it.

[From the Milwaukee Journal, Oct. 15, 1970]

EARTH WEEK A GOOD IDEA

Considering how the first environmental "teach in" mushroomed into Earth Day last April, it is not too early to talk about a similar movement for 1971, nor too ambitious to suggest expanding it to Earth Week.

Wisconsin's Sen. Nelson has made such a proposal, along with Rep. Paul N. McCloskey, Jr. (R Calif.). The two were co-chairman last spring.

The first Earth Day was marked on 2,000 college campuses and in 10,000 elementary and high schools. Some 2,000 community groups were formed specifically for the cause. Earth Day activities prodded congressmen by the dozen to clamber aboard the environmental bandwagon. It injected environmental problems into politics and help set the stage for major legislative gains.

By all means, let's have an Earth Week. It is a logical step toward Giving Earth a Chance year round.

MODEL CRIMINAL JUSTICE REFORM ACT, S. 400

Mr. SAXBE. Mr. President, last Thursday, I, together with the Senator from Massachusetts (Mr. BROOKE), the Senator from Minnesota (Mr. MONDALE), and the Senator from Missouri (Mr. EAGLETON), introduced the Model Criminal Justice Reform Act (S. 400).

The bill, which was more than a year in the planning and drafting stage, is aimed at spurring comprehensive reforms in police professionalism, our courts, and our correctional institutions.

My staff, together with the staffs of Senators BROOKE, MONDALE, and EAGLETON, have prepared a section-by-section analysis of the bill. At this time, I should like to extend a grateful expression of thanks to those staff members who worked so diligently on the proposed legislation. A particular salute should go to Steven Engelberg (MONDALE), Alex Hewes and Richard Cohen (BROOKE), and James Murphy and Douglas Bennett (EAGLETON), as well as to my own staff.

I ask unanimous consent that a section-by-section analysis of S. 400 be printed in the RECORD.

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

ANALYSIS OF THE MODEL CRIMINAL JUSTICE REFORM ACT (S. 400)

TITLE I—GRANTS FOR CRIMINAL JUSTICE REFORM

Program authorized

Section 101. Authorizes Administrator of the Criminal Justice Reform Administration (CJRA) to make grants and to provide technical assistance to states and localities.

Eligibility of assistance

Section 102(a). To be eligible for assistance, a state or locality must establish within 4 years from the date of enactment the following with regard to their law enforcement personnel:

1. uniform standards for recruitment—statewide;

2. uniform educational requirements for advancements—statewide;

3. compensation appropriate for a professional based on the size of the community and the cost of living in that community;

4. uniform retirement system and a pension plan—both statewide;

5. to the extent possible, uniform promotional policies—statewide;

6. to the extent appropriate, standard operational procedures—statewide;

7. lateral entry amongst local law enforcement agencies and amongst federal, state and local agencies located within the state, with appropriate conditions on the period of initial service; and

8. a central facility offering short-term mandatory (statewide) training.

To be eligible, a state or locality must also establish whatever reforms are necessary including increases in court personnel to insure that the trials of all criminal offenses (excluding juvenile offenses) are commenced within 60 days from the date of arrest or charge, whichever occurs first. Provision must be made to insure that failure to commence trial, in the absence of exceptions spelled out initially by the Administrator, will result in a dismissal of the case with prejudice.

To be eligible, a state or locality must also establish

1. a system for classifying persons charged with or convicted of criminal offenses;

2. a range of adequately equipped and staffed correctional facilities to treat the various classifications of inmates assigned there, including community-based correctional centers;

3. a comprehensive vocational and educational program designed to accommodate the needs of each class of criminal offenders;

4. separate detention facilities for juveniles including shelter facilities outside the correctional system for abandoned, neglected, or run-away children;

5. standards applicable (statewide) for local jails and misdemeanant institutions to be enforced by the appropriate state corrections agency;

6. parole and probation services for felons, juveniles and adult misdemeanants who need or can profit from community treatment;

7. caseload standards for parole and probation officers based on the needs and problems of the offenders;

8. statewide job qualifications and compensation schedules for correctional officers and probation and parole officers, along with a mandatory system of in-service training; and

9. treatment and rehabilitation programs for persons suffering from alcoholism and drug abuse. These programs must be available both to inmates and as an alternative to incarceration;

To be eligible for assistance a state or locality must also have under study, by an appropriate and responsible group, the application and the propriety of the applica-

tion of their criminal laws to alcoholism, drug abuse, gambling, vagrancy and disorderly conduct and other related offenses. The state or locality must report the findings to the Administrator not later than 2 years after the approval of the state plan. A similar study of the consolidation of law enforcement agencies, suited to the particular needs of the State, is also mandated.

Section 102 (b). This requires the Administrator to classify the eligibility criteria of subsection (a) in the following manner:

1. Phase One—all requirements which the state can reasonably assure will be met without the enactment of legislation (ordinances where appropriate) or those which the Administrator determines can be met in a relatively short period of time.

2. Phase Two—all requirements which such state specifies will require the enactment of legislation (ordinances where appropriate) or those which the Administrator determines will require more time than is specified for Phase One.

Project applications approval

Section 103 (a). This section provides that grants may be made pursuant to an approved state plan and upon application by the state. The application must;

1. Contain assurances that the applicant will supervise the administration of the activities and services for which assistance under this title is sought,

2. set forth a program consistent with the requirements of section 102,

3. set forth policies and procedures that will insure that the federal money will only be spent on the cost of reform,

4. provide that, in the case of construction projects,

A) title will be in a state or local public agency;

B) consideration will be given to excellence of architectural design;

C) the requirements of section 305 will be complied with;

5. provide for appropriate fiscal control and fund accounting procedures,

6. provide for making an annual report and such other reports containing sufficient information to enable the Administrator to evaluate the effectiveness of the Act.

Section 103 (b) Provides that an application by a locality may be approved by a state only if it is consistent with this title and;

1. they meet the requirements of subsection (a); and

2. such state has on file a state criminal justice reform plan approved by the Administrator.

Section 103 (c) If approval is denied to a locality under subsection (b), the locality may file a written appeal within 10 days with the Administrator. If it is determined that the denial was unreasonable or not consistent with that states' criminal justice reform plan, the Administrator shall negotiate a resolution of the differences between such state and locality on which the denial was based.

Section 103 (d) Amendments of applications shall, except as the Administrator may otherwise provide, be subject to approval in the same manner as original applications.

State plans

Section 104. (a) Requires that a state desiring assistance under this title shall submit a state plan consistent with the appropriate regulations. Each plan must—

(1) provide for the administration of such plans by the chief executive of such State or by a public agency designated, established or created for the purposes of this act;

(2) set forth a comprehensive program which maintains the requirements of Section 102 including the assurances enabling the Administrator to determine the federal share for the cost of any portion of such program;

(3) with respect to any State project, service, or activity which is substantially similar to any such project, service, or activity for which a locality within such State is eligible under this title, set forth provisions identical to the provisions of the application required under section 103;

(4) set forth policies and procedures which assure that the federal funds will be used to pay the cost of reform beyond those funds that, in the absence of federal funds, would be made available by the state for the purposes for which the state plan is submitted;

(5) Provide for the appropriate fiscal control and fund accounting procedures;

(6) provide reasonable notice and an opportunity for a hearing to localities before an application is denied; and

(7) provide that the state will make periodic reports to the Administrator evaluating the effectiveness of the payments received and to enable the Administrator to perform his functions under the title. A state must also assure that it will keep records that are made accessible to the Administrator for the purpose of verifying such report.

Section 104 (b) requires the Administrator to approve a plan, initially and annually thereafter, which meets the requirements of subsection (a) of this section. He cannot disapprove a plan except after reasonable notice and an opportunity for a hearing to such State.

Regulations

Section 105. Requires the Administrator to issue the appropriate regulations. Under this section the Administrator shall consider the recommendations of each of the states and the purposes of this Act.

Financial assistance for planning comprehensive criminal justice reform plans

Section 106. (a) Authorizes the Administrator to pay 50% of the costs of planning and developing state plans and project applications under this title.

Section 106 (b) Financial assistance will be provided under this section only if—

(1) the chief executive of this state has approved such application, and

(2) the Administrator is convinced that sufficient administrative machinery exists through which the coordination of all related planning activities of localities can be achieved.

Technical assistance

Section 107. This section authorizes the Administrator to make arrangements, financial and otherwise, for technical assistance to states and localities in the planning, developing and administering of their programs.

State advisory council

Section 108. (a) Provides that any state desiring assistance under this title may establish a State Advisory Council;

Section 108 (b) Such Council shall

(1) be appointed by the chief executive of the state and be broadly representative of law enforcement personnel employed within the state, the criminal courts of the state, the correctional system of the state, and laymen with sufficient knowledge in the field;

(2) advise the chief executive of the state on the planning and administering policies that develop from the state plan;

(3) review and recommend to the chief executive of the state the action to be taken with respect to applications for grants to localities;

(4) evaluate programs, services and activities assisted under this title;

(5) submit through the chief executive of the state a report of its activities, recommendations and evaluations to the Administrator; and

(6) obtain such staff as may be necessary to carry out its functions under this section.

Section 108 (c) Authorizes the Administrator to pay all the reasonable and necessary costs of the State Advisory Councils which meet the requirements of this section;

Section 108. (d) Authorizes an appropriation not to exceed $10 million in any fiscal year for the purpose of carrying out the provisions of this section.

Payments

Section 109. (a) Requires the Administrator to pay to each state with an approved plan the federal share of the cost of such plan as determined by him.

Section 109. (b) The federal share of programs and projects covered by the state plan which are in Phase One under the provisions of section 102 (b) shall be 75 per centum for any fiscal year. The federal share for programs and projects covered by the state plan which are in Phase Two shall be 90 per centum for each fiscal year.

Section 109 (c) requires the Administrator to pay 75 percent of the technical assistance applications that have been approved under Section 107.

Section 109 (d) provides that payments under this section may be made in installments, in advance or by way of reimbursements, with necessary adjustments on accounts of overpayments or underpayments.

Section 109 (e) provides that grants made under this section pursuant to a state plan shall not exceed 25% of the aggregate amount of funds authorized to be appropriated under section 307.

Consultation

Section 110. In carrying out the provisions of this title, including the establishment of regulations under Section 105, the Administrator shall consult with the Attorney General and the heads of such other federal agencies as he determines will assist in carrying out the provisions of this Act.

TITLE II—THE ADMINISTRATION

Section 201. An independent agency within the executive branch of the government—to be known as the Criminal Justice Reform Administration—will be established.

It shall be headed by an Administrator and Deputy Administrator, each appointed by the President with the approval of the Senate.

Section 202. The Administration shall

(1) Make grants to states for comprehensive criminal justice reform programs.

(2) Provide technical and financial assistance for planning and administration of the program.

(3) Make known information gained as a result of the program.

(4) Cooperate with the Attorney General in carrying out his functions under the LEAA program.

(5) Prepare an annual report to the President including recommendations, where appropriate.

Section 203. The Administrator has authority to—

(1) Appoint and set the salary of personnel and consultants of the agency.

(2) Appoint advisory committees as may be desirable.

(3) Set rules and procedures to carry out the functions of the Administration.

(4) Utilize, with their consent, the services of other public and private agencies.

(5) Enter into agreements as may be necessary in the conduct of his functions.

(6) Request information from other federal agencies, which shall be directed to make services available to the greatest possible extent.

Section 204. The Administrator shall be paid at executive level four. Title 5, Section 5316(a)

TITLE III—GENERAL PROVISIONS

Section 301. Definitions.

Section 302. Withholding of grants. Administrator may withhold grants for so long

as, after reasonable opportunity for a hearing, he finds

(1) Failure to comply with any part of the state plan, or

(2) Failure to comply with any requirement set forth in the application of a locality, or

(3) Failure to comply with any applicable provision of the Act.

Section 303. Federal recovery of payments used for construction of facilities for the purpose of the Act shall be permitted within 20 years where the facility is no longer being used in accordance with the act.

Section 304. The Administrator and U.S. Comptroller General shall have power to review and audit any records of grant recipients.

Section 305. Fair labor standards shall be met in the construction of facilities under the Act.

Section 306. Nothing in the Act shall be construed to prevent the administration of any other provision of Federal law.

Section 307. Such sums as may be necessary to carry out the Act are authorized to be appropriated.

SECRETARY LAIRD'S TESTIMONY BEFORE THE ARMED SERVICES COMMITTEE

Mr. DOLE. Mr. President, Secretary of Defense Melvin Laird appeared before the Senate Committee on Armed Services on January 27 to report the current situation in Southeast Asia and on his recent trip to Paris and Indochina.

I believe his comments provide a clear and up-to-date picture of the state of U.S. programs and policies in Southeast Asia and their relationships to the larger issues of peace and security in the world under the Nixon doctrine.

Mr. President, I ask unanimous consent that Secretary Laird's remarks be printed in the RECORD.

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

STATEMENT OF SECRETARY OF DEFENSE MELVIN R. LAIRD, BEFORE THE SENATE ARMED SERVICES COMMITTEE, WEDNESDAY, JAN. 27, 1971

Mr. Chairman and Members of the Committee: It is a pleasure and privilege for me to appear before the Senate Armed Services Committee today in Executive Session to give you a report on my trip to Paris and Southeast Asia, to report on the current situation there, and to respond to any questions you may have.

I thought it would be appropriate to prepare these brief opening remarks to place our past and future activities in Indo-China in perspective, particularly as they relate to the goals of:

Reducing American casualties;

Continuing the withdrawal of Americans from Southeast Asia;

Accelerating Vietnamization;

Implementing the Nixon Doctrine;

Maintaining our obligations and interests in Asia as we seek to move toward a generation of peace.

I know that members of this Committee share my desire and that of our President to implement those policies that have the best chance of leading to a generation of peace through strength, partnership and a willingness to negotiate.

In the formal hearings on our FY 1972 Budget, I will want to discuss with you how the Department of Defense is moving to implement the President's program for peace, while at the same time assuring adequate defenses for our national security and adequate capabilities to meet our commitments and obligations around the world.

What we are witnessing today as we press forward with our program to terminate U.S. involvement in the war in Southeast Asia, is the Nixon Doctrine at work in a most effective way.

When President Nixon assumed office, Mr. Chairman, we established for Southeast Asia a fundamental objective: to reverse the process of ever-increasing American involvement in Southeast Asia and to begin a rapid reduction in 1) American casualties, 2) American military activities, 3) actual American presence in Asia, and 4) general American involvement in that war. We have been trying to achieve these goals in a way that can lead to lasting peace.

We have never swerved from that objective.

By any measurement of our overall activities in Southeast Asia since the start of Vietnamization, the thrust of American activity has been downward.

American casualties are down from peaks as high as five hundred a week to averages below fifty a week. We cannot and will not be satisfied until we reach our goal of no American casualties.

By next May, American troop strength in Vietnam will have been reduced to almost half the authorized troop strength at the time I became Secretary of Defense, and I am confident, as a result of my trip with Chairman Moorer, that we can bring home additional thousands of American military men.

As to American attack sorties in Indo-China during 1970, they were down almost 50% from peak 1968 levels, and even in Cambodia they are approximately half this month what they were seven or eight months ago.

American budget costs for SEA have also been cut approximately in half from peak war costs of 1968.

In short, American involvement by any measure—casualties, operations, manpower levels, budget—is significantly down. At the same time, security in Vietnam is markedly up, and Vietnam's neighbors are making determined efforts to defend themselves. That is what the Nixon Doctrine is all about.

I am sure that every member of this Committee supports our efforts to end U.S. combat involvement in IndoChina and to stop the loss of American lives there.

I think it is time, Mr. Chairman, for us to shift the discussion and debate over semantics and statistics to the larger and fundamental issues that are involved. These larger issues include moving away from war and toward peace; away from a wartime economy and toward a peacetime economy; away from lopsided budget priorities and toward a better balance in our use of national resources; and away from confrontation and toward negotiation and lasting peace in Asia and throughout the world.

Under the Nixon Doctrine and the President's Strategy for Peace, I am convinced that the United States is moving in the right direction and making significant progress in all these areas.

My trip earlier this month included meetings with our negotiators in Paris. I want to emphasize that the Administration continues to pursue negotiations vigorously in Paris. A negotiated setttlement would be the quickest way to end the war. I wish I could tell you that prospects are good for a negotiated solution to the war, but I must, unfortunately, report that a negotiated settlement does not appear to be in sight.

On the other hand, I am pleased to report that my visits to Thailand and Vietnam and my Staff's visit to Cambodia and Laos, reaffirmed what I have been discussing with this Committee and other Committees in Congress for the past 18 months, namely, that Vietnamization, the first crucial step in implementation of the Nixon Doctrine, is proceeding on schedule or ahead of schedule in all military respects.

Some have mistakenly labeled President Nixon's Vietnamization Program as merely a disguised retreat; others have called it a "myth."

Let me reiterate to members of this Committee that what we are doing today in Southeast Asia is an indispensable building block in President Nixon's Strategy for Peace. In essence, as the President has said repeatedly, we are not going to retreat from the responsibilities of leadership in the world. In designing and implementing our program for peace, we have tried to face the realities of the world in which we live. Our Vietnamization program and our activities in Indo-China reflect these realities which must be faced if we are to achieve the twin objectives of maintaining our obligations while ending American ground combat involvement in Asia and also reducing further the total American military presence in that part of the world.

As the President and I have made clear publicly and privately on many occasions, while we continue the reduction of American ground involvement in Indo-China, we will take whatever actions are necessary and appropriate—in compliance, of course, with Congressional actions—to hasten the end of U.S. involvement in the fighting with a minimum loss of American lives.

There will be some who will criticize the specific actions we will take, but I want to repeat that so long as I am Secretary of Defense, so long as I am responsible for the lives of our men and women in uniform, so long as I share responsibility for the safety of our nation and its interests, I will continue to recommend necessary and appropriate measures to achieve our foreign policy and national security objectives at the lowest possible cost in lives and resources. I know that I can continue to count on the understanding and support of this Committee and of this Congress in doing the job that I think all Americans want done—to continue our steady movement toward a generation of peace and an end to the killing, through the effective policy instruments of partership, strength, and negotiations.

The Cambodians understand that American ground combat forces and American advisors will not be introduced into their country. Our objective for the future is that the United States will not need to rely on its own manpower to achieve the objective of self-determination for our friends and allies in Asia, and to thwart Communist aggression in that part of the world. Under the Nixon Doctrine, we have, we will maintain, and we will use as necessary sea and air resources to supplement the efforts and the armed forces of our friends and allies who are determined to resist aggression, as the Cambodians are valiantly trying to do.

I can report to this Committee, as I reported to the President, that most of the leaders of Asian nations with whom I and members of my group talked, share this determination. They told us that with U.S. material assistance, such as that recently voted overwhelmingly by Congress for Cambodia, they want to do the defense job themselves to the maximum extent possible. I was heartened by their enthusiastic acceptance of the Nixon Doctrine in action, and I would simply say at this time that it is this spirt and determination on the part of our friends and allies that will form a crucial foundation of our Strategy of Realistic Deterrence for the 1970's.

In the coming weeks, the President in his Foreign Policy Report, the Secretary of State in his reports and I in my Defense Report will, of course, address the concepts and programs associated with the President's Strategy for Peace.

Finally, Mr. Chairman, I want to say again that I welcome this opportunity to visit and consult with this Committee and I am now prepared to answer your questions.

THE BIG THICKET NATIONAL PARK

Mr. SAXBE. Mr. President, I ask unanimous consent to have printed in the RECORD the text of statements prepared by the Senator from Texas (Mr. TOWER) and a copy of a bill which he introduced last week.

There being no objection, Senator TOWER's statement and the text of the bill were ordered to be printed in the RECORD, as follows:

Mr. TOWER. Mr. President, I would like to set forth in the RECORD a full text of the bill S. 378 which I introduced on January 27, 1971, regarding the establishment of a Big Thicket National Park in east Texas. My remarks at the time of introduction are also included for convenient reference.

STATEMENT OF SENATOR TOWER

Mr. President, I rise to offer a new approach to the establishment of a Big Thicket National Park in East Texas which I believe merits early approval by the Congress and the broad support of Texans.

Last year, the Senate approved legislation in this regard, but the bill was not considered by the House of Representatives. The legislation passed by the Senate had been offered by our former colleague, Senator Ralph Yarborough. But before Senate passage it was amended to limit the area of the proposed park to 100,000 acres. The original version of the bill had called for a park of at least 100,000 acres.

The new senator from Texas, Mr. Bentsen, has now re-introduced the bill in the form in which it passed the Senate last year.

Mr. President, that legislation leaves, in my opinion, much to be desired in terms of satisfying the realities of requirements for establishment of a Big Thicket National Park in East Texas.

I support the concept of a national park to preserve a portion of the ecologically unique areas of the Big Thicket so that future generations may enjoy them and so that scientists will not be deprived, through the encroachment of civilization, of the opportunity to observe and study this area.

At the same time, I recognize the need for increased recreational opportunities in East Texas. And I recognize that legislation passed by the Congress should not be so drawn as to stifle the East Texas economy by unreasonably hampering existing commercial operations.

Mr. President, I did not support the Big Thicket bill originally offered in the Senate because I thought it left too many unanswered questions. The bill did not specify a boundary for the proposed Big Thicket National Park. Also it failed to rectify the cross purposes of preservation and recreation. Additionally, I feel that a huge expanse of land larger than 100,000 acres would be detrimental to the economic growth and general welfare of East Texas.

After listening to many various park advocates for the past few years, I have been working during recent weeks to draw up a legislative proposal which would preserve the Big Thicket and simultaneously provide for increased recreational facilities in East Texas, all without undue economic hardship to existing industry.

Today, I am offering the result of that work.

My bill would authorize the Secretary of the Interior to establish a Big Thicket National Park of 81,472 well-defined acres in two adjacent parcels in Hardin, Polk and Liberty counties in East Texas.

One parcel has been known previously as the Profile Unit of the String of Pearls concept earlier put forward as a Big Thicket National Park. The String of Pearls concept however, composed of nine separate land parcels, has been generally discounted, I believe quite correctly, since the separate parcels would be extremely difficult to administer. It would be particularly difficult to enforce the preservation aspect of a national park composed of so many non-contiguous areas. Thus the basic preservation goal of the national park would be subverted.

The profile Unit begins near Saratoga in Hardin County and extends generally northward to touch, but not include, the Alabama-Coushatta Indian Reservation in Polk County. A section of this unit also juts into Liberty County.

The second parcel defined in my bill to be included in the park is a rough triangle of acreage touching the Profile Unite near Saratoga and having its remaining corners near the communities of Kountze and Sour Lake in Hardin County.

My discussions with East Texans indicate that a contiguous park composed of these two parcels will provide the protection required for a portion of the Big Thicket representative of the area and including most of the most ecologically unique areas.

The bill I am now offering also authorizes increased development of recreational areas in East Texas in conjunction with Lake Livingston, Sam Rayburn Reservoir and Toledo Bend Reservoir, and the four National Forests of East Texas: Sam Houston National Forest, Davy Crockett National Forest, Angelina National Forest and Sabine National Forest.

The bill specifies that the additional acreages for recreational areas plus the defined acreage for the Big Thicket National Park shall not exceed 100,000 acres.

It is my belief that the Secretary of the Interior should be allowed discretion in establishing the recreational areas in order to best meet the needs of East Texans. It may be that in some cases, a trade-off of National Forest land, administered by the Secretary of Agriculture, may be made with the Interior Department to most satisfactorily provide the national recreational areas authorized by my bill.

I am also hopeful that the State of Texas will cooperate to meet the growing recreational requirement for East Texas through the development of state parks within the area which will complement my proposed federal action.

Mr. President, I ask that my bill be referred to the Senate Interior and Insular Affairs Committee, the committee which took testimony last year regarding the establishment of a Big Thicket National Park and thus the committee with the most experience in this effort.

I am hopeful that the Committee will call early hearings on this measure and that the Interior Department and interested parties in Texas will move rapidly to prepare their advice and counsel on this legislation.

I stand ready to work with all interested parties to achieve the establishment of a Big Thicket National Park which will provide protection for an adequate expanse of the ecologically unique areas of the Big Thicket, and simultaneously provide for increased recreational opportunities, all without undue hardship on existing industry. I believe my bill would achieve these goals.

S. 378

A bill to authorize the establishment of the Big Thicket National Park in the State of Texas as a natural area, and to provide for recreational areas for public benefit adjacent to man-made reservoirs; Sam Rayburn, Toledo Bend, and Lake Livingston, in the State of Texas

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in order to preserve for the educational, inspirational, and recreational needs of this generation and future generations, certain unique natural and recreationally attractive areas in east Texas, the Secretary of the Interior is authorized to establish the Big Thicket National Park and Recreational Areas. The boundaries of the park and recreation areas shall be generally depicted on the map entitled "Big Thicket National Park and Great Lakes of Texas Recreational Areas", and copies of said map shall be on file and available for public inspection in the offices of the National Park Service, Department of Interior. The Secretary of the Interior may make minor revisions in the boundaries of the natural and recreational areas from time to time; however, the boundaries of such areas shall in no event encompass more than 100,000 acres.

SEC. 2. Definitions and Purposes.

a. Natural Areas. Preservation of the grandeur of the natural environment and ecological communities is paramount. Wilderness is recognized and respected. Human uses which would not impair the environment shall be accommodated.

Boundary Description. Being 81,472 acres of land, located in Polk, Liberty and Hardin Counties, State of Texas, and being more particularly described in Two Parcels as follows:

Parcel one: Being 63,292 acres of land, in Hardin County, Texas, and being all land located within an area which is bounded on the North by State of Texas Farm Road No. 770, on the East by State of Texas Highway No. 326, and on the South and West by State of Texas Highway No. 105; and being that area more commonly known as "Kountze, Sour Lake, Saratoga Triangle". Generally being a triangle created by the intersections of aforementioned State Farm Road 770 and State Highway 326 and 105.

Parcel two: Being 18,180 acres of land, located in Polk, Liberty and Hardin Counties, known as the "Big Thicket Profile Unit", and generally depicted on the drawing entitled "Boundary Map, Proposed Big Thicket National Monument" numbered NM BT 7101 and dated February 1967, which shall be on file and available for public inspection in the office of National Park Service, Department of Interior. The boundaries of this Unit have their beginning at the Alabama Coushatta Indian Reservation on the North, thence following the meandering of Big Sandy Creek, Menard Creek, and Pine Island Bayou, generally terminating near the intersection of State Farm Road No. 770 and State Highway No. 105, adjacent to Parcel No. 1—described as the Kountze, Sour Lake, Saratoga Triangle.

b. Recreational Areas. Emphasis is placed on active participation in outdoor recreation. Certain physical developments in natural areas might enhance and promote the full use of recreational resources available. Extended camping areas, boat launching improvements, and other facilities would aid in providing for full utilization of recreation potential and should be provided for.

Area Description: Being up to 18,528 acres of land within or adjacent to any or all of the following four National Forests, namely, the Sabine National Forest, the Angelina National Forest, the Davy Crockett National Forest, and the Sam Houston National Forest, or adjacent to any or all of the three water bodies associated with three of the aformentioned National Forests, namely, Lake Livingston, Sam Rayburn Reservoir, and Toledo Bend Reservoir.

SEC. 3. Within the boundaries of said parks and recreational areas, the Secretary of the Interior is authorized to acquire lands, waters, and interests therein by donation, purchase, or exchange. Property owned by the State of Texas or any political subdivision thereof may be acquired only by donation. Federal property within the boundaries may

be transferred to the jurisdiction of the Secretary of the Interior without consideration for purposes of the park and recreational areas.

SEC. 4. The Federal Government, through the Department of Interior, shall provide for payment in lieu of ad valorem taxes to political subdivisions in cases where such private-owned lands are removed from tax rolls in establishment of such parks and recreational areas such as not to unnecessarily burden existing taxpaying citizens within the affected jurisdictions. Such payment shall be arrived at by study of existing tax cost per acre, plus negotiation of increased increments at various intervals determined by said negotiation.

SEC. 5. In order to provide access to recreational facilities, and to provide for the interpretation of the ecology in the parks and recreational areas, the Secretary of the Interior is authorized to construct and maintain facilities and roads to and within the boundaries of said park and recreational area. The scenic roads and related facilities herein authorized shall be designed, constructed, and operated so as to avoid permanent adverse effects to the ecology of the park and adjacent areas. The scenic roads and related facilities authorized herein shall be administered as a part of the park and recreational areas, subject to special regulations as the Secretary may deem necessary to carry out the purposes of this section.

SEC. 6. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

NIXON BEHIND THE SCENES

Mr. BENNETT. Mr. President, I have just read a most thought-provoking and enlightening article on President Nixon, appearing in the latest Newsweek magazine.

The article, written in requested space by Secretary Elliot Richardson of the Department of Health, Education, and Welfare, illumines publicly the man I have known in private since 1950 when then-Senator Nixon and I were both freshmen in this body.

In my opinion, few men in public life are more distorted by the media than is President Nixon. I believe Secretary Richardson's excellent article sheds an interesting and truly revealing light on the Richard Nixon many of us have come to know well and admire greatly.

I ask unanimous consent that the article entitled "Nixon Behind the Scenes," from the February 1 issue of Newsweek, be printed in the RECORD.

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

NIXON BEHIND THE SCENES

(By Elliot Richardson)

In last week's issue of NEWSWEEK, Washington bureau chief Mel Elfin offered an appraisal of Richard Nixon at midpassage in his Presidency. The White House requested space in the magazine for a reply. The article was written by Secretary Richardson of Health, Education, and Welfare.

To those who do not know the President, or to those who accept the stereotype presented in NEWSWEEK last week, the leadership and compassion shown in the State of the Union address might have come as a surprise—and we can expect the customary interpretations of a "new" Nixon.

But to those who have come to know the real Nixon—as I have over the years, in working with him on foreign affairs and now again on human needs—his "New American Revolution" comes as no surprise at all.

Rather than apply facile labels to a complex and unconventional man, let me simply recount some of my own observations of him over the years.

JORDAN

The most essential quality of a modern President is one that no experience or training can teach: the courage that comes from strength of character.

Moments of high drama, played on a public stage, are not the only times that Presidential courage is needed. I believe future historians will judge the solution of the Jordanian crisis to be one of the high-water marks of the Nixon Presidency.

The story cannot now be told in full. But with Syrian tanks rolling across Jordan's border, with one of the men who holds the key to peace in the Middle East on the brink of disaster, with Israel poised for attack and with both superpowers being drawn toward confrontation, the President of the United States did exactly what Presidents are supposed to do: he took personal charge of the situation, lived with it day and night, used the levers of power calmly and surely and—always behind the scenes—displayed the courage that averts wars.

Because there was no widespread public fear beforehand, there were few accolades and no widespread sense of relief afterward. Which is just as well—the American public and the world public do not need any emotional roller-coaster rides at this time. But the "Middle East war of 1970" is not in the history books largely because of the courage and skill of the American President.

THE EISENHOWER YEARS

I recall a time back in 1958, when I worked in HEW in the Eisenhower Administration and when there was a desperate need for more school construction and more college buildings. We had a plan for Federal subsidy of the debt service on new facilities for education, which would not have had great immediate impact on the budget but that would commit the government to a generation of support—and that would get more schools built quickly.

We had exactly one ally in the Cabinet—Vice President Nixon. He saw that problem in terms of school children and college students in the 1960s and 1970s, and he volunteered to take up what had been conceded to be a losing cause.

At a Cabinet meeting where the decision was to be made, the Budget Bureau presented its objections. I was sitting back against the wall, with my resignation in my pocket, and with that sinking feeling that comes when you see heads nodding away thousands of schools.

The Vice President knew that direct confrontation would freeze the opposition. Little by little, in the course of the meeting, he chipped away at the objections, letting the subject be changed, coming back to it later on another tack, never argumentative, always reasonable.

Finally, President Eisenhower said, "I don't see where there can be any strong objection to this, either philosophically or in terms of money. Let's go ahead with it." The pencil the Vice President was holding snapped in his hand, and I reached in my pocket and crumbled up my resignation.

WELFARE REFORM

Recently, after his speech to the White House Conference on Children—a moving and heartfelt speech—he called me to discuss how else he could show his personal commitment to welfare reform. At 4 in the morning that day, he told me, he had gotten out of bed to add to his speech his memories of his own childhood—how his family may have been poor, but they never felt poor, because they were never subjected to the demeaning indignities of the present welfare system. He could not understand why some people still felt his heart was not in welfare reform—because he knew what it did to human beings, and he has a deep, even a fierce, personal commitment to changing the system. That's why I am certain we are going to get it changed, and soon.

SALT

Our position at the Strategic Arms Limitation Talks was discussed at a series of National Security Council meetings. The President had been given voluminous option books, weighing the implications of each consideration, including the detailed misgivings of some of his military advisers about making a comprehensive proposal—they preferred, instead, a series of individual steps.

I cannot think of a more complex decision that could confront any President, or one with more far-reaching ramifications. The fact that he did his homework was apparent in his questioning. He encouraged argument. He listened a lot. He took his time, thinking about it both alone and aloud with advisers for months. And then, on a sheet of paper with a series of "approve-disapprove" choices, we saw his decision. He incorporated his own modifications and additions and settled on a comprehensive arms-limitation presentation.

Perhaps it will succeed; perhaps only part of it will be accepted, since it is not presented in an all-or-nothing way. But every man who worked on it knows that the one man who is elected to decide has decided on the basis of thinking it through.

SENSITIVITY

In 1956, in the midst of the mini-dump-Nixon campaign in which Christian Herter was pushed forward as a possible replacement, I was asked by Governor Herter to help draft a speech for him nominating Nixon.

After I had something on paper, I showed it to be the then-Vice President and asked if he found it suitable. Politely, he replied: "This says everything that needs to be said." I started to leave with the speech unchanged, but it occurred to me that the Vice President's answer was a little restrained. I asked him if there were other things he would like to have said.

Then, and not until then, he opened up to give me a short and unforgettable lesson in speechwriting. He showed me how to put myself in the shoes of the speaker, standing in front of a live audience of thousands—a political audience that wanted to express itself from time to time. It was a far better speech for his editing, but it would not have been unless he had been invited to edit.

BIAFRA

We were discussing what to do about starvation in Biafra. There was a definite danger in straining our relations with Nigeria, then in the final stages of its civil war. The President weighed the problem of Nigerian displeasure against the need of the hungry Ibos; the deciding factor was the humanitarian feelings of the American people. The President owed it to his fellow citizens to make the kind of response that was rooted in the American character: the President's reaction could not be the "correct" diplomatic reaction, it had to be the gut American reaction.

I have seen the President at work, and worked with him. I know that the qualities he has displayed to me over the years are not "new." And they are once again reflected in his speech to the joint session of the Congress last Friday.

In his State of the Union address, the President of the United States revealed himself to be a calmly rational revolutionary—in the sense that the men who founded this nation were revolutionaries.

Without the bravado and fury one associates with a revolution, Richard Nixon outlined a fresh approach to two of the overriding concerns of the American people: the need for the Federal government to do more for the poor and the sick, and the need for

each American to have much more of a say in the decisions that affect his life.

That definition of the American character—the evocation of the American spirit—is what Presidents must constantly strive to do. That is what we saw last week in the State of the Union. That is the overriding theme President Nixon repeatedly returns to, in talks on campuses and discussions with his Cabinet and staff.

This is how he put it, off the cuff and off the record, early last week: "There was running through the theme of that constitutional convention, even among the Federalists, let alone the Jeffersonians, the idea that it was important to keep the government close to the people, that people had to have a part of the action, that every person did count, that the individual was what was important. That is what we have lost sight of. So, now we come to a point 190 years later.

"We are setting forth before the country a whole new approach to government, one which we trust will be good for the next two years when adopted, or the next four years or six years, or through the balance of the '70s, but beyond that it will do as well for this country for the next 100 years as the present system did for the past 190 years.

"This is a great goal. That is one that should inspire us. It is one that should lift us, and it is one also that should build for all of us the strength we are going to need to withstand the barbs of our critics."

When a President speaks that way to the men around him and when you see how fervently he means what he says, you understand why he inspires such loyalty and commitment in the men around him. It needs to be transmitted more widely, which is the hardest task of all, but I believe it will be done.

CONGRESSIONAL POWER UNDER THE CONSTITUTION

Mr. PROXMIRE. Mr. President, last Friday, I discussed the objections to ratifying the Genocide Convention concerning legal protection of persons that might be tried by an international tribunal for the crime of genocide. At the same time, I also discussed the question of extradition, fully explained by George H. Aldrich, Deputy Legal Adviser to the Department of State.

Today, I would like to concern myself with an examination of the constitutional basis of support for U.S. ratification of the Genocide Convention, and whether such support alters in any way the power of Congress under the Constitution. These two points have been the topic of much criticism and objection of the U.S. potential ratification of the Genocide Convention. I hope to show that these criticisms and objections are wholly unfounded.

The McMahon Subcommittee, in 1950, heard from the then Under Secretary of State Dean Rusk, who made some key points concerning the Genocide Convention.

He pointed out that in the history of the Convention in the United Nations, the members of that international organization have twice declared that genocide is a matter of international concern and that genocide is a crime under international law. All have declared that international cooperation is needed to stop this practice and that States have a duty to stop such practices within their own borders. Thus, genocide is a subject within the constitutional power of the Federal Government—the Congress—to define and punish offenses against the law of nations. Article I, section 8, clause 10, U.S. Constitution.

Under Secretary Rusk also noted that:

The Genocide Convention does not represent the first instance in which the United States has cooperated with other nations to suppress criminal or quasi-criminal conduct which has become a matter of international concern.

Among the other treaties referred to are those agreements relating to the protection of submarine cables—1884—the preservation and protection of fur seals in the North Pacific—1911—suppression of the slave trade and slavery—1926—the suppression of the abuse of opium and other drugs—1912—all of which call for the punishment of those who commit a crime defined in the treaty.

I would like to turn to the excellent testimony of Solicitor General Philip B. Perlman pertaining to the constitutional basis for support for the U.S. ratification of the Genocide Convention:

(I) The treaty power. In our view the United States has complete authority to enter into the Genocide Convention. The treaty power is being invoked, and "that the treaty power of the United States extends to all proper subjects of negotiation between our government and the governments of other nations is clear (*Geofrey* v. *Riggs*, 133 U.S. 258, 266 (1890); *Asakura* v. *Seattle*, 265 U.S. 332, 341 (1924). The treaty making power is broad enough to cover all subjects that properly pertain to our foreign relations * * * (*Santovincenzo* v. *Egan*, 284 U.S. 30, 40 (1931)."

The contention advanced by some of the critics of the Convention that these subjects must be exclusively "foreign" or "international" or "external" overlooks the whole history of treaty-making which has, from the first, dealt with matters having direct impact on subjects intimately of domestic and local concern.

To cite at some length from his testimony, we can see that:

Genocide is . . . a subject appropriate for action under the treaty-making power seems to us an inescapable conclusion. The historical background of the Genocide Convention indicates the view of the representatives in international affairs of practically all the governments of the world on the appropriateness and desirability of an international agreement to "outlaw the world-shocking crime of genocide." This government has shared in this view; in fact, has taken a leading part in shaping the convention.

Mr. Perlman next addressed himself to the question of constitutional limitations on the treaty power:

It is accurate to say that the treaty power extends to all proper subjects of negotiation with other governments, and that genocide or the Genocide Convention appears to be such a proper subject of negotiation. However, it has been suggested by critics of the convention that the treaty power is not without limitations, and that the convention or parts of it may conflict with these. The arguments are grounded principally in a statement contained in the case of Geofroy v. Riggs (133 U.S. 258, 267 (1890)):

"The treaty power, as expressed in the Constitution, is in terms unlimited except by those restraints which are found in that instrument against the action of the Government or of its departments, and those arising from the nature of the Government itself and that of the States. It would not be contended that it extends so far as to authorize what the Constitution forbids, or a change in the character of the Government or in that of one of the States, or a cession of any portion of the territory of the latter without its consent. * * * But with these exceptions, it is not perceived that there is any limits to the questions that can be adjusted touching any matter which is properly the subject of negotiations with a foreign country."

The constitutional restraints or limitations suggested by this statement appear to be of two kinds—express prohibitions, and those implied from the nature of Government and the States. As a matter of fact the Supreme Court may have whittled down the breadth of the suggestion, in its later opinion in *Asakura* v. *Seattle* (265 U.S. 332, 341 (1924)) when it said:

The treaty-making power of the United States is not limited by any express provision of the Constitution, and though it does not extend "so far as to authorize what the Constitution forbids," it does not extend to all proper subjects of negotiations between our Government and other nations.

In *Missouri* v. *Holland* (252 U.S. 416 (1920)), the Supreme Court specifically eliminated the 10th amendment to the Constitution as a possible limitation on the treaty power. What Mr. Justice Holmes had to say for the court on the existence of limitations on the treaty power generally is also of importance:

Acts of Congress are the supreme law of the land only when made in pursuance of the Constitution, while treaties are declared to be so when made under the authority of the United States. It is open to question whether the authority of the United States means more than the formal acts prescribed to make the convention. We do not mean to imply that there are no qualifications to the treaty-making power; but they must be ascertained in a different way. It is obvious that there may be matters of the sharpest exigency for the national well-being that an act of Congress could not deal with but a treaty followed by such an act could, and it is not lightly to be assumed that, in matters of requiring national action, "a power which must belong to and somehow reside in every civilized government" is not to be found. * * * The case before us must be considered in the light of our whole experience and not merely in that of what was said 100 years ago. (252 U.S. at 433).

It is significant, in this respect, that no treaty of the United States has been held unconstitutional.

I would like here to delve into the question of the express power of Congress to define and punish offenses against the law of nations and whether this is a limitation on the treaty power. Again referring to Solicitor General Perlman's testimony, we find:

An argument is made by those who oppose the Genocide Convention as a whole that Article 1, section 8, clause 10, of the Constitution, confers on Congress the power "to define and punish piracies and felonies committed on the high seas, and offenses against the law of nations; and that for the President and the Senate to bind this country to a treaty obligating the United States to punish an offense under international law (per. art. I of the Convention) is a usurpation of the legislative power, particularly if the treaty is self-executing.

In order not to obscure the real argument with assumptions that are not factual, it should be observed at once that article V of the Convention specifically contemplates domestic legislative action, in particular to prescribe penalties since none is provided. This part of the convention, requiring as it does legislative action, is not self-executing under the principles laid down by the Supreme Court, Foster v. Neilson (2 Pet. 253 (U.S. 1829)); and for the United States to enact the necessary legislation to give effect to the provisions of the convention "in accordance with . . . (its) Constitution(s)" (convention art. V.), and to try guilty persons "by a competent tribunal of the State in the territory of which the act was committed" (convention art. VI), requires action by Congress prescribing the offenses punishable and conferring criminal jurisdiction on the courts of the United States. (As regards self-execution, see the excellent analysis prepared by the senior Senator from New York, Jacob Javits, on page 220–221 of the Genocide Convention, May 22, 1970.)

This is not to say that Congress may not, in its discretion, use the definitions of the offenses under international law, in this case as contained in the convention, just as it has validity provided punishment for the crime of privacy "as defined by the laws of nations" (United States v. Smith, 5 Wheat. 157 (U.S. 1820)).

Thus, as the result of the situation created by the very terms of the convention itself, there is removed from consideration any notion that the treaty, if accepted, will bypass the Congress, or will in itself legislative Federal criminal laws (p. 30–31, Hearings).

Last, Mr. President, I would like to concern myself with the relationship of State jurisdiction in criminal jurisprudence to the genocide convention.

Again I turn to the testimony of Philip Perlman before the McMahon Subcommittee on Genocide in 1950:

"The passage from the case of Geofroy V. Riggs which speaks of restraints arising from the nature of Government and the States, and restraint against change in the character of the Government or in that of one of the States, is used as another argument for the existence of a constitutional limitation on the treaty power. It is argued against the convention as a whole that to impose a new body of treaty law which will become the domestic law of the United States is a change in the structure of the relation of the States and the Federal Government, and that to deprive the States of a field of criminal jurisprudence and place it in Federal jurisdiction as to be in violation of the Constitution.

If there were matters of criminal jurisdiction confided to the States so vital to their existence that a change by the Genocide Convention would destroy our dual system of government, conceivably the problem suggested might be more than hypothesis. The fact is quite the opposite. Congress is invested by the Constitution with the power to provide criminal sanctions for offenses against the law of nations, Constitution, article I, section 8, clause 10. It has had that power since 1789, and the States expressly committed that field of jurisprudence to the Federal government. It is therefore of little or no consequence in comparing the effect of the exercise of Federal criminal jurisprudence upon residual State criminal jurisdiction that Congress may exercise its power to punish genocide pursuant to the authority provided in article I, section 8, clause 10, of the Constitution, or pursuant to both sources of power. It is wholly unwarranted to say that, because another offense has been added to the list of the few now punishable as offenses against the law of nations, the States have been deprived of a field of criminal jurisprudence. This area of the field they never possessed.

Last year, in hearings before the subcommittee presided over by the Senator from Idaho (Mr. CHURCH), Rita E. Hauser, U.S. Representative to the United Nations Commission of Human Rights, pointed out that "ratification of the Genocide Convention is a proper exercise of the treaty power." The convention flows from the provisions of the U.N. Charter on human rights by which an international organization was established but which also comprises a code of conduct binding to all members. The scope of treaties since 1945 has been diverse; genocide is a matter of concern to all states and one requiring common treatment. Massive horror anywhere affects all the world and is usually associated at some point with threats to or breaches of international peace and security. The fact that 75 states have entered into a treaty on genocide in and of itself makes the subject one of international concern. And, if genocide is a matter of international concern, then the United States has the constitutional power to enter into a treaty on the subject. In addition, the Constitution grants to the Congress in article I, section 8, power to define and punish "offenses against the law of nations." The world community by its widespread ratification of the Genocide Convention has defined genocide as a crime against the law of nations.

I strongly urge the Senate to consider the Genocide Convention not only a body of international law, but a building block of a world order, of a faith in the government of law and not of men. This convention is neither the first nor will it be the last convention we evaluate. It is my fervent hope that it is one of a long line of international law which will rid this earth not only of the scourge of genocide, but war, famine, repression, and barbaric government.

I again urge the ratification of this convention.

THE TOLL OF THE AIR WAR IN CAMBODIA

Mr. CHURCH. Mr. President, as American air operations above Cambodia expand, many thousands of peasants are added to the list of helpless victims of the widening Indochina war. In a perceptive column, Mr. Marquis Childs points this tragedy out:

The voiceless, defenseless peasants in the jungle and the rice paddies have no protection from the destruction rained down from the skies. Even the choice of defection from the Vietcong, if they should want to defect, is denied them, since the bombs and the napalm know no political distinctions.

More and more, U.S. conduct in Indochina is being seriously questioned by many American citizens. Mr. Childs concludes his column by raising this issue:

One of the serious charges leveled against the "good" Germans, the solid middle class, under the Nazis was their professed ignorance of or indifference to the systematic extermination of the Jews. Will the time come when we, the Americans, suffer in world opinion the charge of shutting our eyes to mass suffering and something like extermination?

I ask unanimous consent that Mr. Childs' column, entitled "Cambodia Air War: The Toll Grows," be printed in the RECORD.

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

CAMBODIA AIR WAR: THE TOLL GROWS

(By Marquis Childs)

The expanded air war in Cambodia, contradicting the President's pledge of June 30, is adding new thousands of helpless victims to the awful toll of the conflict in Indochina. The voiceless, defenseless peasants in the jungle and the rice paddies have no protection from the destruction rained down from the skies. Even the choice of defection from the Vietcong, if they should want to defect, is denied them, since the bombs and the napalm know no political distinctions.

The plight of thousands—probably over the five years of the bombing hundreds of thousands—of men, women and children is a grim side of the war to which most of us shut our eyes. When to this is added the hapless state of several hundred thousands of refugees, together with the destruction of one-fifth to one-fourth of the productive land by defoliation, a whole people is seen to be nearing a point of no return.

As was shown in World War II, bombing is notoriously hit-or-miss, despite the charts and maps of highly organized areas. Where the targets are jungle trails and vaguely defined villages on indeterminate maps, it is a rigged form of Russian roulette.

The ultimate form of this deadly roulette is the free-fire zone. In Laos, and perhaps now also in Cambodia, such a zone is an open target where bombs may be unloaded indiscriminately.

So devastating is the impact of the suffering civilians seen at firsthand that Americans working in Vietnam were moved recently to speak out. Forty-six doctors, teachers, nurses, social workers—some with U.S. government agencies, others with voluntary groups—wrote President Nixon and United Nations Secretary General U Thant. The letter is a deeply disturbing document that got far too little attention.

It points to repeated violations of the Geneva and other conventions, including the charter of the Nuremberg Tribunal, covering the conduct of war. The letter quotes from a paper of the Military Assistance Command describing the effects on the Communist troops of the bombing of two Vietcong hospitals in the Queson mountains south of Danang. "The two-hospital finds could seriously hurt the NVA (North Vietnamese) and VC (Vietcong) operating in the Queson area by almost eliminating any chance of intensive medical care."

Article 19 of the Geneva Convention of 1949 states that "fixed establishments and mobile medical units of the medical service" shall under no circumstances be attacked but shall at all times be respected and protected.

"Nearly a third of the people of South Vietnam and Laos have been moved from their homes," the letter says. "Most of them are the victims of forced transfers by the allied military or saturation bombing or are farm people who have seen their land become unproductive because of the defoliation."

It is, to be sure, a guerrilla war—a war of unmitigated cruelty, the booby trap, the land mine. The inhumane treatment of American prisoners of war violates the Geneva Convention on many scores. But, presumably, someday this conflict will end and the question is what will happen to a people ground down so close to the survival line by years of war.

Sen. Edward M. Kennedy's subcommittee on refugees has been almost the only focus of concern for the plight of helpless civilians showing how empty is the official American rhetoric out of Vietnam about refugees

resettled in supposedly pacified areas have been underwritten by the General Accounting Office.

One of the serious charges leveled against the "good" Germans, the solid middle class, under the Nazis was their professed ignorance of or indifference to the systematic extermination of the Jews. Will the time come when we, the Americans, suffer in world opinion the charge of shutting our eyes to mass suffering and something like extermination

This is not willful extermination, as with the Nazis, but in theory is the prosecution of a war. In the GI term the victims are gooks, faceless Asian peasants. But they are also human beings as capable of suffering and sorrow as though their skins were white.

TRADE POLICY FOR THE 1970'S

Mr. BENNETT. Mr. President, in a speech given by Mr. Harold B. Scott, Deputy Assistant Director of the Bureau of International Commerce on January 11, he sets forth considerations for a new trade policy for the 1970's. Mr. Scott outlined several new ideas, which I found to be interesting, informational, and deserving of our attention.

I ask unanimous consent that the speech be printed in the RECORD.

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

TRADE POLICY FOR THE SEVENTIES—A NECESSARY COMPONENT OF A COMPREHENSIVE U.S. FOREIGN ECONOMIC POLICY

With the increasing complexity of world affairs, U.S. foreign economic policy is attracting worldwide attention. In addition to our traditional preoccupations with the chronic problems of international monetary policies; the role in international affairs of the multinational corporations and a possible international convention governing their activities; the increasingly fierce competition for access to the world's resources of raw material and a viable economic role for the less-developed countries, there is now emerging a new awareness of the need to reexamine traditional U.S. trade policy.

The rush of events and the swiftness of their impact on the entirety of our international interests both political and economic, and both at home and abroad, compel a reassessment. It is still too early to forecast the position on which we shall finally settle, but for those who can look on this subject objectively (and there are few who achieve such Olympian detachment), 1970 was an interesting year.

Of course the Trade Bill was the catalyst which brought to the surface not only the most urgent trade problem (import policy) which now troubles our businessmen and government, but also this debate revealed a surprising depth of emotion. Strong and differing views abound. This is a healthy and overdue development; further I believe we are seeing only the beginning.

In the press, the speechmaking, Congressional hearings, and executive lunchrooms, there has been a strong tendency to relate the solutions to our present problems to past history. The Trade Bill has been likened to the Smoot-Hawley high tariff era of 1930 and staunch advocates of open borders recall with affection the days of the Kennedy Round. While, of course, there is much to be gained from an examination of trade policy history, circumstances today are quite different and we should take a fresh look at all aspects of trade policy with full realization that policies which stood us in good stead during the post-war years today may be obsolete. Also, I suggest that the traditional cliche of free trade versus protectionism is no longer applicable to today's problems. Such shibboleths have lost clear definition.

Because the controversy surrounding the Trade Bill really deals with only import policy, it limits the debate's focus and obliterates larger issues. Therefore, we badly need the time and forum for a lively and complete debate of all the major foreign economic issues. The Commission on International Trade and Investment appointed by the President should provide this. From this and similar studies, there should emerge a much better understanding of the full problem, its underlying causes, and finally the realization that new solutions on a scale far larger and more enduring than is presently being contemplated are necessary.

Let's very briefly dispose of history in this limited area of trade. During the post World War II years, the United States enjoyed unchallenged economic supremacy both in terms of the size of our base and our technology. We offered the world better products at better value and there was no one to challenge us seriously on either count. Also, we had developed unique marketing skills which further enhanced our near monopolistic position. Under such circumstances, we developed a voracious appetite for new markets, large or small, developed or otherwise. This so-called free trade policy served well our expansionist objectives. During this same period, we also enjoyed a clear superiority in capital resources. When we could not reach a market via export, we had the capital to invest in plant and marketing facilities; the multinational companies, a new and powerful economic concept, came into being, grew and prospered. Here again the United States was preeminent.

In this golden era our trade account showed large surpluses and until recently our balance of payments, unencumbered by the heavy military obligations of Vietnam, posed no serious monetary problem. The world moved with us towards freer trade. We encouraged the formation of the Common Market. Through our AID programs we built infrastructures, first in the war devastated industrialized countries and then in the developing areas. We watched with pride the emergence of Japan as an economic power—a tribute, we thought, to our enlightened military occupation. The Kennedy Round of tariff reductions marked a new high water mark of the freer trade era.

In the late 1950's, the first signs of difficulty developed in balance of payments, and with it came a vague awareness that all was not well with our foreign economic policies. The problem, of course, was principally due to the drain on the economy occasioned by the high cost of Vietnam; unaware at that time of either the duration or the depth of problem, quite naturally we reacted tentatively—first, by exhorting the business community to place greater emphasis on exports and later by imposing restrictions (first voluntary and later obligatory) on the amount and rate of overseas investment.

Imperceptibly, in the early 1960's, and with increasing rapidity in recent years, difficulties in the trade account revealed a deeper and more fundamental problem—a loss of competitive advantage. The U.S. businessman, who formerly considered the home market his private preserve and other world markets virtually his for the taking, now finds himself in hotter competitive water. Abroad, the U.S. share of world markets has declined from 21.0% in 1960 to 18.4% in 1969. At home, the rate of imports increases significantly, and inflation is not the only reason. The vast U.S. market once considered so large, so complex, and requiring such extraordinary commitments of talent and money, as to be beyond the reach of all but a handful of powerful foreign companies has now responded to overseas ingenuity and energy to the point where some industries find themselves genuinely imperiled. To survive they need either protection or a total overhaul in terms of technology, traditional management/labor concepts and profit expectations. Whatever the solution, adequate time for adjustment is essential. At present, the labor intensive industries such as shoes and textiles are the most affected. There is evidence, however, that in the foreseeable future many other industries will feel foreign competitive pressure. The Japanese, for example, have embarked upon a program to produce large and advanced civil aircraft. Computer technology in Europe is well advanced and in time can be expected to rival ours. Japan and Russia also have ambitious plans for advanced computer production—and so it goes.

With this background let's now examine some of the underlying causes common both to the relative deterioration of our participation in world markets and the surge of certain import categories:

The technological advantage so frequently discussed in terms of U.S. supremacy is fast disappearing. Both Japan and Europe have or shortly will achieve parity.

The "Japanese phenomenon" combines low labor cost with high technology, a formidable competitive advantage.

The development of new attitudes in the United States toward international trade has lagged behind events. Since the U.S. earns only approximately 4 percent of its GNP from trade, neither the government nor the business community attaches as high a priority to exporting as is done in competing countries. Our overall policies, both public and private, have generally been formed without consideration of the impact they may have on our ability to export. Conversely, our competitors, who generally derive much more of their GNP from trade, take great care to frame their policies so as to facilitate their trade. The obvious result is that U.S. exporters are put at a disadvantage. There is a growing awareness of this problem, and the Government is seeking to create a more competitive environment for exporters through such proposals as the Domestic International Sales Corporation and the effort to remove the Export Import Bank from the Federal Budget.

Businessmen must also readjust their perspectives; despite their strong international interest, they still remain primarily oriented in terms of product and traditional management concepts to the U.S. market. Few have awareness that in many vital areas other nations have devised "better mousetraps," particularly in intangible procedures and concepts. For example, how many of our corporate executives have an in-depth knowledge of the Japanese system and have decided whether or not they could usefully emulate parts of the Japanese system.

Until recently the United States has not recognized its vital need for more trade as concomitant support to both its international and domestic objectives, as have all other developed nations.

Britain for balance of payments reasons;

Japan as an urgent aspect of renascent national status;

Germany because its economic appetites cannot be satisfied within its confining home market.

Nations that rely heavily on international trade long ago learned the importance of close collaboration between business and government so as to achieve maximum advantage in overseas dealings. We in the United States have not yet fully learned this lesson. We can benefit a breat deal by closer collaboration and by adopting such of those policies as are compatible with our overall economic structure.

There is only beginning realization in the United States of the greatly increased speed of change and its critical effects. We have not yet adjusted our decision-making machinery accordingly, but we are making an effort to improve our performance in this area.

To this description of trade problems, I add two other foreign economic problems uninvolved in the Trade Bill debate over import policy but still critically important:

While we accept among ourselves that we do have a serious balance of payments problem we are reluctant to accept suggestions from foreign sources that we give greater visibility to our awareness of this problem. We would do well to realize that as the Common Market and Japan grow and we approach economic parity, it is desirable to have a common dialogue on matters of mutual concern in order to create the vital sense of participation so necessary to healthy international trade.

Probably most important of all is the relative capability of the United States to continue its world leadership role.

In formulating policy if we accept as fact that the dominant role of the United States is diminishing (and I think this may be beneficial for the world as a whole), then we must be intensively realistic in terms of our trade and investment policies. We have no choice as to whether or not we wish to compete, we cannot avoid it. But in so doing we must recognize realities both at home and abroad and build our policies on the world as it is, not as we would have it in our dreams. While the United States must continue working with other trading nations to further the realization of freer trade and investment, it can no longer afford the handicap of a double standard—one set of rules for the United States and a more relaxed code of conduct for the nations it competes with.

In accepting as fact that the United States does indeed have serious balance of payments problems, we must face this challenge head on by committing ourselves to working toward its solution by increasing exports; accordingly, our trade policy must provide a special environment for exports substantially equal to that of other nations. Specifically they need—

Via the private sector, adequate export financing at competitive rates of interest and continuation of the revitalized role played by the Export-Import Bank. As I mentioned before, we are getting a start on this problem by trying to move the Export-Import Bank out of the Budget.

Competitive taxation of export earnings. The DISC proposal is a good start in this direction.

Closer teamwork between government and business to pursue an aggressive trade development policy. We are currently looking for the best means of achieving this goal.

Once we create adequate motivation to export, I am confident U.S. business can do the job effectively.

As to imports, what is important is acceptance of the fact that if we are to maintain an integrated economic base, industries suddenly affected by massive imports must be given adequate time to adjust so as to compete or diversify. We do not seek a built-in system of protection or subsidy that breeds inefficiency.

A clear and consistent trade policy should recognize that the trade and investment activities of the multinational companies are strongly interrelated. Not only is their continued growth an important element of basic U.S. economic strength but also their activities contribute very substantially to our exports. Therefore, continuing restrictions on the rate of our overseas investments or international convenants restricting the activities of multinationals works to the detriment of our international economic growth.

Similarly related is the question of monetary adjustment. If only from the standpoint of maintaining our trade negotiating strengths, we must solve our balance of payments problems ourselves. Too often we read suggestions that the best solution to the U.S. balance of payments problem is a revaluation upwards of the currencies of our major competitors. If we persist in such suggestions, the U.S. will weaken its legitimate and pressing claims in other important trade and investment areas.

To restate in summary, events are moving swiftly. Both government and business must show great flexibility in adjusting policies to meet changing circumstances. We must face candidly the fact that in world markets, including the United States, our products are losing share of market. Government must continue to develop policies that provide competitive climate for exports and investments. Given such appropriate climate, business must accept the challenge to compete. Government and business must work together as an effective team. Once our strengths are effectively harnessed there is no question that we can do the job.

AMENDMENT OF RULE XXII OF THE STANDING RULES OF THE SENATE

The PRESIDENT pro tempore. The period for the transaction of routine morning business having expired, the Chair lays before the Senate the pending business, which the clerk will state.

The assistant legislative clerk read as follows:

A resolution (S. Res. 9) amending rule XXII of the Standing Rules of the Senate with respect to the limitation of debate.

The PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Alabama (Mr. ALLEN) to postpone until the next legislative day the consideration of the motion to proceed to the consideration of Senate Resolution 9.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

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

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. ERVIN. Mr. President, I rise to support the motion of the distinguished Senator from Alabama (Mr. ALLEN) that consideration of the motion of the distinguished Senator from Kansas (Mr. PEARSON) to take up the proposed change in rule XXII be postponed until the next legislative day.

Mr. President, Mark Twain is reputed to have said:

Truth is precious. Use it sparingly.

But on this occasion I do not propose to take Mark Twain's advice. Instead, I expect to be rather extravagant in the use of truth, both in the amount of the dosage which I should like to give to the Senate and also in the number of words which I expect to employ in administering it.

I expect to look to history, despite the fact that some of my brethren have said we should not look back to the words of Jefferson or Washington or the other great men of the past.

Indeed, I sometimes suspect that some of my brethren entertain the opinion expressed by the late Henry Ford when he was sued for libel. He stated that he considered history to be bunk; and when asked who Benedict Arnold was, he confused him with a popular writer of the day, Arnold Bennet, and said he was a novelist.

Mr. President, I am not the only person who has some veneration for history. The founder of the Democratic Party, Thomas Jefferson, said, on one occasion:

History informs us of what bad government is.

One of my purposes in looking back to history is to let Senators know what some may have forgotten. In times past, we have had some bad government in our great Republic.

The great French philosopher Lamartine said:

History teaches everything, even the future.

One of the reasons I expect to look backward to history is that we may know from the history of the past what the future may be.

The great German philosopher Von Schlegel emphasized that point. He said:

A historian is a prophet looking backward.

The reason I wish to look back to history is in the hope that we might avoid the misfortune which George Santayana predicts for those who ignore the lessons of history. He said:

Those who cannot remember the past are condemned to repeat it.

So I look to the past—that is, to history—because I want the Senate to look to the future and appreciate what the result might be, if the Senate should repudiate all of its history since 1789, and change rule XXII so that Senators can be silenced in the hope that impatient men and organizations will get their way.

When the rulers of the Nation ignore the lessons of history, they condemn the Nation to repeat the mistakes of the past.

I wish our country to have a great future. I wish my seven little grandchildren and their contemporaries to enjoy life in a nation which has institutions that safeguard the people against governmental tyranny. Every time a new Congress comes to Washington, we repeat the performance we are witnessing concerning rule XXII. I am convinced that there is no popular demand abroad in our land for a change in rule XXII. I think that the effort which is made every 2 years by those who seek to change the rule and to destroy the only thing that makes the Senate a distinctive legislative body comes from a few organizations dominated by impatient and, I fear, sometimes intemperate men. If it were not for such organizations, dominated by impatient, and, as I fear, sometimes intemperate men, the Senate could proceed immediately to its work whenever a new Congress convenes, and not be engulfed by a demand that it destroy a landmark which makes the Senate the greatest deliberative body on the face of the earth and the only legislative body now remaining in our precarious world which allows a minority a reasonable opportunity to debate and convert itself into a majority.

We live in a rather dangerous age for America, because we have abroad in our land many men who give their allegiance to what may be called the cult of conformity. For some strange reason, those men no longer put value on such things as the right of any American to dissent

from the views of the majority. If they had their way, they would compel every American to quit thinking his own thoughts and to adopt theirs, and they would compel every American to conform his actions to their wishes rather than to his own honest convictions.

We sometimes see the cult of conformity accepted among men in high places. The impatient organizations which demand that the Senate lay aside its work every 2 years and discuss a proposed change in rule XXII apparently suffer under the delusion that if they could find some way to keep Senators from pointing out the folly of some of the notions they entertain, they could induce the Senate to put their ideas of conformity into law and impose them upon all the American people. They suffer under a delusion, because I think the reason Members of the Senate will not vote for their proposals is that Senators recognize that the proposals are unwise. Senators will possess the power to make other Senators think that the notions of these impatient men in the cult of conformity are unwise, so long—and only so long—as the Senate retains rule XXII in its present form and thereby secures to the minority of the Senate an opportunity to enlighten their colleagues and the country at large with respect to the unwisdom of proposals for legislation made by impatient and, as I have said, intemperate men and organizations.

As I have stated, there is a controversy about rule XXII every time a new Congress meets.

I have been much intrigued by the reasons given in times past, during my service in the Senate, by those who seek a change in this rule.

When I first came to the Senate the proponents of change in rule XXII said that we should change the rule because the southerners thwarted the will of the Senate. I do not claim to be an expert in mathematics, but I have not been able to comprehend how anyone can delude himself into believing that 22 southerners can thwart the will of 78 other Senators. As a matter of fact, rarely do 22 southerners stand together on this proposition or any other. Usually several secede from the Confederacy. The charge that a few sinful southerners who never number more than 22 can thwart the will of 78 other Senators is preposterous. It always makes me think of the story which I have told before in the course of these discussions.

I think all Senators have enjoyed at times seeing the cartoons which depict Jiggs and his wife Maggie. On one occasion one of these cartoons showed Jiggs and Maggie on a visit to Spain. They were walking along the streets of Madrid when Maggie became irritated with Jiggs and proceeded to visit her irritation upon his person. It happened that a few days before Jiggs had learned about the existence of a society in Spain called the Kazooks. The Kazooks were composed of married men who had developed some idea of forming a self-protective organization to guard themselves against injury at the hands of their wives. Jiggs had become a member of this organization. Each Kazook had taken a blood oath to come to the relief of any brother Kazook when that brother was threatened by his wife and gave the word of distress, "Kazook." On this occasion when Maggie started to vent her irritation upon Jiggs, Jiggs remembered this fine and great organization which he had joined, so he gave the word of distress, "Kazook." The cartoon then showed about a thousand fellow Kazooks come running to Jiggs' assistance. The cartoon then depicted the fact that Maggie took her umbrella and laid all the Kazooks out. The last picture in the cartoon on that occasion showed Jiggs in the hospital, all bandaged up, and philosophizing thus:

The idea behind this Kazook Society is pretty good, but the trouble with the society is it hasn't got enough members.

That is one trouble about the southern Members of the Senate. I think it would be a good thing for the country if there were more of them in the Senate, provided they entertained the same sound views on all subjects that I do. I am bound to confess, however, they do not all do that.

When I first came to the Senate the excuse was that rule XXII had to be destroyed, that the freedom of debate that has existed in the U.S. Senate since George Washington was inaugurated as President, had to be abolished, to keep 22 sinful southerners from thwarting the will of all other Senators. That excuse became somewhat threadbare when a person used only a little mathematics, so the proponents of rules change abandoned that insupportable contention as the basis for demanding a rules change.

And well they should, because the Senate obtained cloture under rule XXII and enacted every conceivable law which tends to reduce the erstwhile States of the old Confederacy to the status of conquered provinces.

The next thing the proponents of rules change did was to come in at the beginning of a session of a new Congress with a very eloquently phrased document saying that the rules of the Senate had to be changed, particularly rule XXII, because the rules of the Senate were conceived by the minds and written by the hands of men who were sleeping in "the tongueless silence of the dreamless dust." The proponents of rules change evidently came to the conclusion that there was no wisdom on earth until the present generation arrived.

I may be guilty of some heresy in saying this, but I happen to entertain the view that there was a considerable amount of wisdom on this earth before my colleagues and I reached this earth or reached the U.S. Senate; but the proponents of rule changes came in at the opening of the particular Congress to which I refer with the demand that the rules of the Senate be rewritten, and particularly rule XXII, because they were conceived by the minds and written by the hands of dead men.

This movement did not get very far in that particular Congress, because, after some days of debate, it slowly began to dawn upon certain Members of the Senate that the Ten Commandments were brought down off Mount Sinai by Moses, and that Moses had been sleeping the everlasting sleep on the top of Mount Nebo for many generations. So that conviction, which came to Members of the Senate as the debate progressed, tended to weaken the contention that the rules of the Senate had to be changed merely because some of them had been written by men who had passed into the Great Beyond.

Then, after some days of debate, it occurred that those who embrace most of the great religions of the earth, and particularly Christianity, received their religious doctrines from the Man of Galilee and His successors, such as St. Paul and St. Peter and the rest of the Apostles and Disciples. It dawned upon the Senate, after some days of debate, that the Man of Galilee, St. Paul, St. Peter, and the rest of the apostles and disciples, had vanished from human life, in their physical persons, many centuries ago. The realization of that truth tended to minimize the appeal of those who urged that rule XXII ought to be changed, and that other rules of the Senate ought to be rewritten because they had been conceived by the minds and written by the hands of men now dead.

It was further called to the attention of the Senate, during the debates on that occasion, that the barons who exacted Magna Carta from King John at Runnymede in about the year 1215 had also descended into the "tongueless silence of dreamless dust" many generations and centuries ago; and even those who did not like documents such as the Senate rules, which had been conceived in the minds and written by the hands of men now dead, had to concede that there were some things in Magna Carta that they were not willing to rewrite, or to alter.

As the debate on that occasion continued, the contention that the rules of the Senate had to be rewritten because they were conceived in the minds and written by the hands of men now dead became even weaker. It suddenly dawned upon the proponents of rule changes in that session that Thomas Jefferson, the author of the Declaration of Independence, as well as all the men who framed the Constitution of the United States, were likewise sleeping in the "tongueless silence of dreamless dust." So the effort to rewrite the rules of the Senate, and particularly rule XXII, because they were written in part by the hands of men now dead, lost its driving force; and the majority of the Senate decided that perhaps, after all, the Ten Commandments, the Gospel, Magna Carta, the Declaration of Independence, the Constitution, and the rules of the Senate had much virtue in them notwithstanding that the hands which wrote those great documents or those great rules originally had tumbled into dust in the grave.

The next argument that was made to justify a change in the rules was that rule XXII prevents majority rule. This argument is based fundamentally on the proposition that the way the Government ought to be conducted is not on the basis of debate, not by reason, not by

adherence to principles, not by correctly appraising the welfare of the American people, but by counting the number of noses on one side and the number of noses on the other side of a proposition.

So the proponents of rules changes say, "We want majority rule. We want to count the noses on this side of the question and the noses on the other side of the issue and decide the issue on that basis, without adequate debate, without reasoning together, without determining an intellectual conclusion on which side wisdom lies and on which side folly is to be found."

Mr. President, the Founding Fathers were great students of the history of men's bitter struggle for the right of self-rule. They know that man had wrested every right he had in this area—the right of freedom, the right of freedom of speech, the right of freedom of religion, the right of self-government—from tyrants. Anyone who reads the Constitution of the United States and studies the speeches and writings of the men who framed that immortal document, and anyone who studies the debates which raged around the ratification of that document by the States, and anyone who reads "The Federalist" knows that the Founding Fathers were seeking to establish a government to preserve liberty and prevent tyranny.

We are told on the floor of the Senate by some of the proponents of the proposed rule change that our Government does not work fast enough, that it does not pass laws fast enough, and that it is not efficient enough. Those who make these assertions overlook one thing which was well known to the Founding Fathers, and that is that if we want an efficient government, we must have a dictatorship. If the Founding Fathers had been concerned primarily with establishing an efficient government, they would not have established a House of Representatives and a Senate; they would have established only one legislative body. One legislative body can pass a law a great deal faster than two legislative bodies.

This is particularly true if the one legislative body had rules similar to those of the House where it is virtually impossible for any Member to speak for more than 5 minutes on any issue and where sometimes bills are passed under a closed rule which forbids any Representative of the 435 Representatives, who are supposed to represent 200 million people, from even proposing an amendment to a proposed law.

However, the Founding Fathers knew that any one legislative body can make mistakes. Therefore they created the Senate, in order that the Senate might remedy the mistakes in legislation committed by the House, and they created the House, in the hope that the House might cure any errors which the Senate might make in legislation.

Some days ago the able and distinguished senior Senator from Texas (Mr. TOWER) called to our attention the historic incident when Jefferson returned from France and had a conversation with George Washington, who was the Presiding Officer of the Constitutional Convention. George Washington and Thomas Jefferson were drinking coffee on that occasion. Thomas Jefferson, in accordance with the fashion of the day, had poured some of his coffee into the saucer to cool it.

Thomas Jefferson asked George Washington why the Convention had created the Senate, instead of reposing all legislative power in the House of Representatives. George Washington replied: "The Convention created the Senate in order that it might do the same thing that your saucer is doing. You are cooling off your hot coffee in your saucer. The Constitutional Convention created the Senate in order that the hot legislation passed by the House might be cooled before it is poured down the throats of the people of America."

A few days ago a very distinguished Member of this body who had been reelected to it after having served with distinction as the Vice President of the United States—namely, my good friend, the distinguished junior Senator from Minnesota (Mr. HUMPHREY)—was interviewed by Chuck Quinn on the program entitled "New Faces in the Senate."

In the course of that interview the junior Senator from Minnesota (Mr. HUMPHREY) said this:

> But I think you have to take into consideration that the Senate and the House are not only political institutions; they are human institutions. The Senate has a personality of its own, no matter who occupies the chair of the Senate; it's one of the truly great American institutions. When we speak of free speech, we speak of freedom of choice. I think the Senate symbolizes all of this. Actually, Senators are very individualistic.

The distinguished junior Senator from Minnesota put his finger on the thing for which those of us who oppose any change in rule XXII are fighting.

We are desirous of keeping the Senate as a unique institution where Senators have a right, in the words of the Senator from Minnesota, to be different and in which even a minority of Senators have a right to free speech. We wish to preserve the Senate as the only legislative body on the face of our precarious world in which a minority of the Members have an opportunity to speak for a reasonable period of time and thus to convert itself into a majority.

I wish to quote further from the interview with the distinguished Senator from Minnesota by Chuck Quinn, to which I have alluded. I quote these additional remarks of the Senator from Minnesota:

> If I were to teach again a course in government, I would say if you really want to know the kind of manners and rules of conduct that you ought to have to assure the meaning of the first amendment, particularly as it comes to free speech, and the rights to redress for your grievances, the freedom of the press, the freedom to assemble . . . the Senate of the United States represents that in its fullest measure. And in that alone, it's worthwhile. If nothing else, that would make it a very worthwhile American institution.

Those of us who oppose any change in rule XXII are fighting to keep the Senate the kind of body which the Senator from Minnesota (Mr. HUMPHREY) rightly praises as a legislative body fulfilling most adequately the provisions of the first amendment which guarantee to Americans freedom of speech, freedom of religion, freedom of the press, and freedom to assemble and petition Government for a redress of grievances.

I would like to read to the Senate, and particularly to the present occupant of the Chair (Mr. STEVENSON), a very wise statement made by a great American, Adlai E. Stevenson, who served the American people as Vice President under Grover Cleveland. Vice President Stevenson said:

> It must not be forgotten that the rules governing this body are founded deep in human experience; that they are the result of centuries of tireless effort in legislative halls to conserve, to render stable and secure the rights and liberties which have been achieved by conflict. By its rules the Senate wisely fixes the limits of its own powers. Of those who clamor against the Senate, and its methods of procedure, it may truly be said; "They know not what they do." In this chamber alone are preserved, without restraint, two essentials of wise legislation and of good government—the right of amendment and of debate. Great evils often result from hasty legislation; rarely from the delay which follows full discussion and deliberation. In my humble judgement, the historic Senate—preserving the unrestricted right of amendment and of debate, maintaining intact the time-honored parliamentary methods and amenities which unfailingly secure action after deliberation—possesses in our scheme of government a value which cannot be measured by words.

Mr. President, that is the end of the quotation by Vice President Adlai E. Stevenson. To the view expressed by Vice President Adlai E. Stevenson, the Senator from North Carolina says a hearty "Amen," and takes pride in the fact that some of the ancestors of Vice President Adlai E. Stevenson resided in North Carolina. Many of his relatives who still reside there are personally known to the Senator from North Carolina as outstanding North Carolinians.

Now, with respect to majority rule, anyone who reads the Constitution of the United States discovers that there are many provisions in the Constitution which forbid a majority to take action. For example, the Constitution provides that each House, that is, the Senate and the House of Representatives, may expel a Member. It declares, however, they cannot expel a Member by less than a two-thirds majority.

The Constitution also provides that the House of Representatives may impeach a President or other civil officer of the Federal Government for treason, bribery, or for other high crimes and misdemeanors; that power to determine the truth or falsity of the impeachment charges is reposed in the Senate, and the Senate cannot convict a President or other civil officer of the Federal Government of the charges embraced in the impeachment charges by the House except by a two-thirds majority. Moreover, the Constitution provides that Congress cannot submit proposed constitutional amendments to the States except by a two-thirds majority.

The Constitution also provides that the President can negotiate treaties, but that such treaties shall have no binding force unless they are approved by a two-

thirds vote of the Senate. The Constitution also provides that each House may make rules for its own proceedings. Under this Constitutional provision the Senate makes rules for its proceedings which, under the rules, continue from Congress to Congress unless they are changed, in accordance with the provisions of the rules.

Now, I have heard it asserted on the floor of the Senate that a majority of the Senate can change the rules of the Senate at the opening of a new Congress.

With all due respect to those who profess allegiance to this doctrine, I say it is without validity. This is true because the Senate has exactly the same power to change its rules on the last day of the session that it has on the first day of the session. The power of the Senate under the Constitution is exactly the same in this respect each moment during a session of Congress. And I challenge any human being on the face of this earth to point out any provision of the Constitution which provides to the contrary.

If the Senate can change its rules by a majority vote on the first day of the session, it can change them by majority vote on every day of the session, and is without constitutional power to adopt any rules which would prevent a majority acting at any time on any subject, without any notice to anybody.

Going back to the question of majority rule, in a book entitled "The Essential Lippmann," the editors set forth some observations which the great journalist and commentator, Walter Lippmann, had to say on this subject. I read from pages 217, 218, 219, and 220 of that book. Mr. Lippmann said this:

> It is generally assumed that it is rather undemocratic and disreputable to carry on a filibuster in the United States Senate. The filibuster is, of course, a weapon of the minority. It is a device for prolonging the debate in order to prevent the majority from voting to pass a bill, and those who feel that democracy means that any majority should be able to do whatever it chooses whenever it chooses naturally condemn the filibuster.
>
> They are, I think, mistaken. It can be shown, I feel sure, that the filibuster under the present rules of the Senate conforms with the essential spirit of the American Constitution, and that it is one of the very strongest practical guaranties we possess for preserving the rights which are in the Constitution.

Then Mr. Lippmann points out that where a strong majority of the Senate really wants to put an end to debate, it can do so. Then he adds these remarks:

> Behind this more or less technical justification of the filibuster there is a much more substantial justification. Democracy, as we have always understood it in America, has never meant the unrestricted rule of the majority. Our whole Constitutional system is based on a conscious and deliberate rejection of that principle, and the insistence, in place of it, upon the principle that it is not the bare current majority but the great ultimate majority, the majority which is formed after there has been plenty of time for debate, which is sovereign in this democracy. . . .
>
> Thus there is no guarantee in the Constitution—of freedom of conscience, of the press or even of the prohibition of human slavery—which a great majority of the voters cannot repeal. The final power is in the people and they can, if they decide, amend the Constitution in order to establish a complete despotism. But they cannot do it as the German Reichstag did five years ago when by majority vote it consented to commit suicide. American liberty is ever so much more strongly entrenched, and the majority of the moment cannot vote away the democratic system or the Constitutional rights of the individual.
>
> That can be done in America only if there is an overwhelming majority and then only after the minority has had time to make a thorough appeal to the conscience of the people. That is what is meant by the checks and balances of the American Constitution. That is why we have a Constitution which limits the power of Congress, of the President, of state legislatures and of governors. That is why the Constitution is interpreted by an independent judiciary. That is why this Constitution cannot be amended until an enormous and deliberate majority speaking through two-thirds of both houses of Congress and three-quarters of the states consents to the amendment. And that is why in one of these houses, the Senate, we have the jealously guarded tradition of unlimited debate, and why a majority of the Senate is very reluctant to apply cloture and stop debate.
>
> No frame of government can absolutely guarantee human liberty. But the American system, whatever its other faults may be, is the most ingeniously and elaborately contrived mechanism on earth to make it difficult to abolish liberty in a gust of popular passion.
>
> If we ask ourselves how we are to know when a minority is justified in using the mechanism to obstruct the majority, the answer is, I think, clear enough. Only a minority with deep convictions facing a majority with weak convictions can under the present rules conduct a filibuster.

That is the end of the present quotation from Mr. Lippmann. I would like to emphasize his statement that the American system is the most ingeniously established and elaborately contrived mechanism on earth to make it difficult to abolish liberty in a gust of popular passion. With all due deference to the advocates of a change in rule XXII, I am compelled to say that, either consciously or unconsciously, they seek to destroy the one thing which makes it possible for a minority of the Senate to effectively fight any effort to abolish liberty in a gust of popular passion.

Two days ago I remarked that, in their ultimate results, there is virtually no difference between cloture by a majority and cloture by a three-fifths majority. I say that for the reason that the President of the United States has power which beggars description to work his will on a substantial majority of legislators in the Congress of the United States. He can influence some of them by agreeing to appoint their friends to Federal judgeships, to Cabinet posts, or to other high offices. Moreover, the President of the United States has the power to dictate the terms of all contracts whereby Federal money is to be expended for public purposes.

I am compelled to say that by reason of this tremendous power over the public funds, the President of the United States has the power to obtain the support of some Senators, by allocating the expenditure of public funds to the States which they have the honor to represent. By these methods, I state my honest conviction, and I state it with reluctance, that an activist President would have very little difficulty in converting a simple 51 majority of the Senate to a three-fifths majority, and thus take control of the Senate of the United States, which is the last legislative body on the face of the earth where a substantial minority can put an end to the tyranny of the majority, or limit the powers of the President.

I read further from the statement of Walter Lippmann:

> In the American system of government the right of "democratic decision" has never been identified with majority rule as such. The genius of the American system, unique I believe among the democracies of the world, is that it limits all power—including the power of the majority. Absolute power, whether in a king, a president, a legislative majority, a popular majority, is alien to the American idea of "democratic decision."
>
> The American idea of a democratic decision has always been that important minorities must not be coerced. When there is strong opposition, it is neither wise nor practical to force a decision. It is necessary and it is better to postpone the decision—to respect the opposition and then to accept the burden of trying to persuade it.
>
> For a decision which has to be enforced against the determined opposition of large communities and regions of the country will, as Americans have long realized, almost never produce the results it is supposed to produce. The opposition and the resistance, having been overridden, will not disappear. They will merely find some other way of avoiding, evading, obstructing, or nullifying the decision.
>
> For that reason it is a cardinal principle of the American democracy that great decisions on issues that men regard as vital shall not be taken by the vote of the majority until the consent of the minority has been obtained. Where the consent of the minority has been lacking, as for example in the case of the prohibition amendment, the "democratic decision" has produced hypocrisy and lawlessness.
>
> This is the issue in the Senate. It is not whether there shall be unlimited debates. The right of unlimited debates is merely a device, rather an awkward and tiresome device, to prevent large and determined communities from being coerced.
>
> The issue is whether the fundamental principle of American democratic decision—that strong minorities must be persuaded and not coerced—shall be altered radically, not by Constitutional amendment but by a subtle change in the rules of the Senate.
>
> The issue has been raised in connection with the civil rights legislation. the question is whether the vindication of these civil rights requires the sacrifice of the American limitation on majority rule. The question is a painful one. But I believe the answer has to be that the rights of Negroes will in the end be made more secure, even if they are vindicated more slowly, if the cardinal principle—that minorities shall not be coerced by majorities—is conserved.
>
> For if that principle is abandoned, then the great limitations on the absolutism and the tyranny of transient majorities will be gone, and the path will be much more open than it now is to the demagogic dictator who, having aroused a mob, destroys the liberties of the people.

As I stated a few moments ago, there is no longer any necessity to change rule XXII in order to obtain the enactment of civil rights bills. Those who advocate such bills have secured cloture on virtually all recent occasions, and have enacted every conceivable civil rights bill that

can be devised by the mind of man. Hence the question now is whether minorities—liberal minorities, conservative minorities, minorities of taxpayers, minorities of farmers, or any other minorities of Americans—are going to be denied what Walter Lippmann calls the democratic decision process, and are to be coerced by transient majorities. It can no longer be considered a southern weapon, except insofar as southerners seek to preserve its benefits for other Senators and the country.

On one occasion, a great Senator from Missouri, Senator James Reed, had something to say in respect to majorities. He pointed out the dangers of unchecked and unbridled majority rule, and he gave us this trenchant resume concerning what majorities have done in times past.

He said:

The majority crucified Jesus Christ.

The majority burned the Christians at the stake.

The majority drove the Jews into exile and to the ghetto.

The majority established slavery.

The majority chained to stakes and surrounded with circles of flames martyrs through all the ages of world's history.

The majority jeered when Columbus said the world was round.

The majority threw him into a dungeon for having discovered a new world.

The majority said that Galileo must recant or that Galileo must go to prison.

The majority cut off the ears of John Pym because he dared advocate the liberty of the press.

I shall subsequently quote remarks by a wise Frenchman on the question of the wisdom of the majority.

The Founding Fathers did two things to preserve liberty and to prevent tyranny. They used what is properly called the doctrine of the separation of governmental powers in the Constitution. They also inserted in the Constitution what we know as the system of checks and balances. Why did the Founding Fathers do that when they drafted our Constitution and created the Government of the United States? They did it because they had read the history of man's long and bitter struggle to escape from governmental tyranny, and they had found this lesson written in letters of blood on each page of history: "Government itself is the deadliest foe of liberty."

The Founding Fathers separated the powers of government in a twofold manner. In the first place, they separated the powers of government between the Federal Government and the States by assigning to the Federal Government the powers necessary to be exercised on a national level, and by preserving to the States the powers which in equity and in good conscience ought to be exercised on the local level. They employed the doctrine of the separation of powers in the second sense by separating the powers of the Federal Government among the executive department, the legislative department, and the judicial department of the Federal Government.

In their wise efforts to establish a government under which men could remain free, and enjoy a government of laws rather than of men, they also inserted in the Constitution what we call the system of checks and balances.

The Constitution provides that all the legislative power of the Federal Government is vested in Congress, but the Founding Fathers wanted to put some check on possible abuses in legislation by Congress, so they vested in the President the power to veto measures. Then, in order to put a counter check upon the President and thus prevent the President from vetoing wise legislation as distinguished from foolish legislation, the Founding Fathers inserted in the Constitution the provision that Congress could override Presidential vetoes by a two-thirds vote.

Another illustration of the system of checks and balances placed in the Constitution by the Founding Fathers to prevent governmental tyranny is found in the provisions which say that the President is the Commander in Chief of the Army and the Navy, but that Congress shall have control of the power of the purse and make appropriations for the Army and Navy, but that no appropriation made by Congress for the Army or the Navy shall endure for more than 2 years.

The purpose of that provision was to prevent a President from being able to become a dictator by complete control of the Armed Forces of the Nation.

I could go on at great length to point out how careful the Founding Fathers were to draw a Constitution which would prevent oppression of the people by any governmental power.

One of the finest documents on government, particularly on the American system of government, was written by a Frenchman who visited America and acquired a very profound knowledge of our system of government, and who already possessed a profound knowledge of human nature. I refer to Alexis de Tocqueville's book "Democracy in America." This is a book which contains some very sage advice for those of us who believe the Founding Fathers were wise in recognizing that the most important thing they could do for the benefit of their fellow Americans was to establish a system of government which would be devoted primarily to the preservation of liberty, rather than efficient government.

We talk about majority rule, which, as I have said, in the eyes of those who disagree with us who think we should debate public questions, is regarded as a counting of noses rather than the use of human reason and human powers of persuasion. Such majority rule is fraught with danger. De Tocqueville, on page 259 of volume 1 of his "Democracy in America," said this concerning the fact that majorities cannot safely be trusted:

A majority taken collectively is only an individual, whose opinions, and frequently whose interests, are opposed to those of another individual, who is styled a minority. If it be admitted that a man possessing absolute power may misuse that power by wronging his adversaries, why should not a majority be liable to the same reproach? Men do not change their characters by uniting with one another; nor does their patience in the presence of obstacles increase with their strength.

That is a very sage observation. I am very much impressed by what the writer said, that the impatience of men does not increase with their power. I believe there are reasons to believe that some of the fine Members of the Senate are somewhat impatient.

They wish to put their reforms into effect before the sun goes down and are willing to destroy the only thing that makes the Senate a distinctive legislative body in order to do so.

That is why the Founding Fathers sought to set up a government which would prevent the tyranny of the majority. They had studied the history of man's long struggle for the right of self-government, and they had found, as a result of reading, that no man or set of men on this earth can be safely trusted with unlimited governmental powers.

I have been reading from the book entitled "Democracy in America," written by Alexis de Tocqueville. I will read another passage on the same subject. He is discussing the unlimited power of the majority. I now read from page 260:

Unlimited power is in itself a bad and dangerous thing. Human beings are not competent to exercise it with discretion. God alone can be omnipotent, because His wisdom and His justice are always equal to His power. There is no power on earth so worthy of honor in itself or clothed with rights so sacred that I would admit its uncontrolled and all-predominant authority. When I see that the right and the means of absolute command are conferred on any power whatever, be it called a people or a king, an aristocracy or a democracy, a monarchy or a republic, I say there is the germ of tyranny, and I seek to live elsewhere, under other laws.

In my opinion, the main evil of the present democratic institutions of the United States does not arise, as is often asserted in Europe, from their weakness, but from their irresistible strength. I am not so much alarmed at the excessive liberty which reigns in that country as at the inadequate securities which one finds there against tyranny.

Here one of the securities against tyranny is rule XXII of the U.S. Senate, which provides that the votes of two-thirds of the membership of the Senate are required to silence those who wish to speak for the welfare of their country. The proponents of the rule change seek to destroy the last remaining security to guard the liberty of America.

Although a Member of the Senate is not supposed to speak in a disparaging manner about the House of Representatives, I cannot forbear thinking that we have in the House of Representatives an illustration of how gag rules impede intelligent action.

In the House a system of rules has grown up under which it is almost impossible for the average Member to get an opportunity to make a speech. When he does get the opportunity to make a speech, ordinarily he cannot speak for more than 5 minutes. Under what is called the closed rule, a Member cannot even get the right to offer an amendment to a bill. The more power that is given to an individual the more power he wants, and the less liberty he is willing to give to other people.

As I have stated previously, cloture by 60 percent is only one step on the road to a system of cloture under which 51 percent of the Senate would deprive the

other 49 percent of the Senate of their right to represent their States in the Senate.

Stating this proposition in another way, if the proposal embraced in the resolution of the distinguished Senator from Idaho and the distinguished Senator from Kansas were to be adopted, Senators representing 30 States in this Union could absolutely deny Senators representing the other 20 States any effective means for representing those 20 States in the Senate.

I stated at the outset of my remarks that I thought that, in the last analysis, there is no pronounced demand from the country at large for any change in the Senate rules; on the contrary, the demand comes, every time a new Congress assembles, from three to four organizations which are dominated by very impatient and, as I have said, sometimes intemperate men.

In other words, they want to impose their will upon the American people before the sun goes down. We are in a peculiar situation in America today. We used to have legislative bodies which passed laws to regulate the external actions of people when such external actions injured other people. We have today in the United States an almost overpowering demand from these impatient organizations for the passage of laws which would impose on all men the legal duty that they think thoughts similar to what they are thinking, and to commit such acts as those who are pressing for the changes want them to commit. They would destroy freedom of speech and freedom of thought for everyone who disagrees with them. In other words, they belong to the cult of conformity. Some of the men have tremendous power. Not only can we not trust men with unlimited governmental power; we cannot trust men with unlimited power to control the Government—at least, we cannot do so safely.

I shall read one more extract from page 269 of De Tocqueville's book entitled "Democracy in America." It relates to the dangers of majorities. De Tocqueville said:

> If ever the free institutions of America are destroyed, that event may be attributed to the omnipotence of the majority.

I want to repeat that:

> If ever the free institutions of America are destroyed, that event may be attributed to the omnipotence of the majority.

I have discussed three of the reasons advanced for asking for rule changes. The first was that a rule change is needed because there is a danger that a few sinful southerners, who at most never constitute more than 20 percent of the membership of the Senate, are controlling the other 80 percent. As a matter of mathematics, that contention is without foundation.

Then I discussed their contention that the rules of the Senate should be changed because some rules of the Senate, like the Ten Commandments, the Bible, Magna Carta, the Declaration of Independence, the Constitution, and George Washington's Farewell Address to the American people, were written by men whose hands have crumbled into dust in the grave.

The third reason given for a change was that rule XXII prevents majority rule in the Senate.

There was another argument, which was made a few years ago. It was said that the Senate was like a kind of governmental atom, sailing aimlessly upon the sea of chaos. It was said that the Senate, like the House of Representatives, had no rules at the beginning of a new Congress; that the Senate is not a continuing body; that actually it had no rules and had to adopt rules at the beginning of a new Congress.

If I may change the metaphor, the proponents of a change in the rules were saying, in effect, that the Senate was like Josh Billings' mule: It "didn't kick according to no rules"; and the reason why the Senate could not act was, like Josh Billings' mule, that the Senate had no rules. This is what we were accustomed to hearing at the beginning of every new Congress.

There were several weeks of debate, during which those who proposed rule changes did most of the speaking. They said that since the Senate had no rules, the majority of the Senate had constitutional power to change the rules or to adopt rules at the beginning of a Congress, but did not have that power at any other time in a Congress. Of course, as I have remarked, that argument had no validity, for two reasons. In the first place, the Senate came into existence in 1789. It adopted rules in 1789. It has had the rules ever since 1789, and those rules have been changed on several occasions—four in number, as I recall.

The Senate has always proceeded according to those rules at the beginning of each new Congress, as well as at the latter stages of each Congress. So the proponents of a rule change who said the Senate had no rules were confronted with the fact that the Senate had had rules long before they were born, and that the Senate had always regarded those rules as continuing from session to session.

Another obstacle confronted those who advanced this argument. They argued that the Senate could change its rules by a majority vote at the beginning of each session, but not later in the session. It is an obvious absurdity that the Constitution of the United States changes its meaning from the first part of a session to other stages of a session. The constitutional truth is that the Senate is empowered to make the rules of its own proceedings, and this provision of the Constitution applies at the beginning of a session and during every day of the session. So far as the Constitution itself is concerned, it applies when there is no session of Congress, because the Constitution does not change from day to day, as the advocates of this very fantastic proposal contend.

I shall discuss another reason that is given for the proposed rule change. Some of the proponents stand upon the floor of the Senate and say that the reason why a change is needed in rule XXII is that under the rule the Senate cannot give any consideration to so-called civil rights bills. There is a great deal of propaganda in the world. Those who advocate changes in the rule have been listening to their own propaganda for so long that they have actually reached the point where they accept it.

Their propaganda reminds me of a custom we have in the rural areas of North Carolina. At certain times of the year, it is customary in North Carolina for people whose relatives are buried in the little country cemeteries to meet and clear out the weeds which have grown up. It happened on one occasion that a man, somewhat like the Senator from North Carolina, who was somewhat opposed to too strenuous physical work, attended a gathering at a little country churchyard to assist in removing the weeds from the cemetery. Being opposed to strenuous physical labor, he hired a boy named George to go along with him and do his work for him. George was down on the ground, pulling the weeds off the grave. All at once he burst into laughter.

The man who had employed him said, "George what are you laughing about?"

George said, "I am laughing about the funny words written on this tombstone."

George's boss said, "I don't see any funny words written on the tombstone."

George said, "Boss, just look there at what it says. It says, 'Not dead but sleeping.'"

The boss said, "I don't see anything funny in that."

George said, "He ain't foolin' nobody but himself."

When the proponents of this rule change tell us that it is necessary to change the rule in order to have civil rights bills considered, they are fooling nobody but themselves.

This is true because Congress has enacted into law virtually every proposed civil rights bill which could be conceived in the mind of the most imaginative Member of Congress.

Mr. President, I have thus far today discussed the reasons assigned by the proponents of the proposed rule change to justify their position. I respectfully submit that for the reasons I have already stated none of those arguments made in favor of the rules changes is valid. I shall now devote myself to showing that the history of our country shows the advisability of having safeguards which will prevent hasty and impatient and intemperate action by those in positions of authority. It is my purpose to refer to American history for a striking illustration of the desirability, nay, the necessity, of protecting the people of this Nation against impatient and intemperate actions on the part of their officials.

Rule XXII of the Senate is one of the few restraints left. Many of the great Senators of the past have stated that no good legislation has ever been prevented by the rule of the Senate permitting free debate, but that, on the contrary, much bad legislation has been prevented by this rule.

I call attention to a similar rule that is in the Constitution of the United States. First I wish to read from section 4 of article II of the Constitution these words:

The President, Vice President and all civil officers of the United States, shall be removed from office on impeachment for, and conviction of, treason, bribery, or other high crimes and misdemeanors.

It will be noted that this paragraph in the Constitution sets forth three conditions, and three conditions only, for which a President, a Vice President, or a civil officer of the United States can be impeached. They are: treason, bribery, or other high crimes and misdemeanors.

The other provisions of the Constitution relating to impeachment are found in subsections 6 and 7 of section 3 of article I of the Constitution. I read subsection 6 of section 3 of article I:

The Senate shall have the sole power to try all impeachments. When sitting for that purpose, they shall be on oath or affirmation. When the President of the United States is tried, the Chief Justice shall preside: And no person shall be convicted without the concurrence of two-thirds of the Members present.

Subsection 7 of section 3 of article I reads as follows:

Judgment in cases of impeachment shall not extend further than to removal from office, and disqualification to hold and enjoy any office of honor, trust, or profit under the United States: but the party convicted shall nevertheless be liable and subject to indictment, trial, judgment, and punishment, according to law.

I shall later discuss these constitutional provisions in more detail. At present, however, I wish to emphasize that the provision of subsection 6 of section 3 of article I of the Constitution, which prescribes that "no person shall be convicted without the concurrence of two-thirds of the Members present," is the only thing which saved the United States at one of the most crucial hours of its history from witnessing a total blackout of constitutional government.

In speaking for the retention of rule XXII in its present form, I say it is not beyond the realm of possibility that the two-thirds provision of rule XXII may serve like subsection 6, section 3, article I of the Constitution, and some day again prevent a total blackout of constitutional government in the United States.

The scene which I propose to discuss in this connection was enacted in this very Senate Chamber. If it had not been for the two-thirds provision of subsection 6, section 3, article I, and the courage of a handful of Senators, constitutional government in the United States would have been destroyed on the very floor of the Senate.

In order to discuss this subject, I shall have to go back a little into American history. On one occasion on this continent and in this Nation a terrible fratricidal war occurred, in which thousands of the flower of the youth of our land, both in the South and in the North, died. My study of American history has convinced me that that terrible war and its carnage would never have occurred if it had not been for intemperate and impatient men in the North and impatient and intemperate men in the South. If ever there was an event which ought to teach all Americans the virtue of patience, it was that terrible war and the terrible carnage it caused.

One of the great men in American history was Abraham Lincoln. I often wonder what would have happened to Lincoln, after Lee's surrender, if he had not fallen by an assassin's bullet. I suspect that perhaps he would have been more maligned at the hands of Members of Congress and at the hands of the American press than any other man in our history. Sometimes a tragic event, such as Lincoln's assassination, spares the man who suffers such an event from great future tragedy. Abraham Lincoln was a merciful man. He was a man who loved his fellow men.

After the surrender of Lee at Appomattox, the question naturally arose as to what was to be done to adjust the relations between the Union and the 11 Confederate States. Lincoln had a very fine plan for the rebuilding of the relationship between the Union and the 11 so-called Confederate States. I shall read a brief statement of his plan from page 804 of the Concise Dictionary of American History, which was edited by Wayne Andrews and published by Charles Scribner's Sons:

In his proclamation of December 8, 1863, President Lincoln offered pardon, with certain exceptions, to those who would take oath to support the Constitution of the United States and abide by Federal laws and proclamations touching slaves. When oath-takers equal in number to one-tenth of the State's voters in 1860 should "re-establish" a government in a seceded commonwealth, Lincoln promised executive recognition of such government without commitment as to congressional recognition. Both the "plan" and the whole southern policy of Lincoln were denounced as far too lenient, and there followed a storm of controversy with the Radical Republicans who by their control of Congress prevented any settlement of this vital question during Lincoln's life. The hopeless deadlock between President and Congress was seen in the Radical Wade-Davis bill which Lincoln killed by a pocket veto. After this Lincoln issued a proclamation (July 8, 1864) explaining that he could not accept the Radical plan as the only method of reconstruction and was promptly answered by Wade and Davis in a truculent manifesto.

It would be quite interesting to know why Lincoln pocket-vetoed the Wade-Davis bill. Those who advocate majority rule on the spur of the moment and in haste ought to ponder the Wade-Davis bill which Lincoln denounced and vetoed.

Now I read a very brief description of the provisions of that bill, from the "Encyclopedia of American History," by Richard B. Morris, on page 246:

The Wade-Davis bill, which was passed by Congress on the 4th of July, 1864, represented the congressional blueprint for reconstruction. It required a majority of the electorate in each Confederate State to take an oath of past as well as future loyalty as a condition precedent to restoration.

That condition precedent to restoration, under the Wade-Davis bill, would have prevented any of the 11 Southern States from again being admitted to their rights as States of the Union, because that bill required the taking of an oath of both present loyalty and past loyalty; and a majority of the people of the Southern States could not have truthfully taken such an oath. This is very well illustrated by the situation in the State of North Carolina. In 1860, North Carolina had a total population of approximately 629,000, counting all the men, women, and children, and both the white people and the Negro people. Out of that population, North Carolina had sent into the Confederate Army 125,000 of its men and boys—a number far in excess of the total electorate of that State. Under that condition of the Wade-Davis bill, it would have been impossible for any more than a very negligible part of the electorate of North Carolina to have taken the oath required by the terms of the bill as a condition precedent to readmission as part of the Union. In fact, the bill was designed to prevent any of the Southern States from being readmitted to the Union.

Mr. President, a moment ago, when I said that perhaps the assassin's bullet spared Lincoln from much abuse and suffering, I had in mind the fact that even during his lifetime he was maligned by the authors of the Wade-Davis bill and by the other supporters of that bill for his wise action in vetoing it.

After the assassin's bullet felled Lincoln, Andrew Johnson, the Vice President during Lincoln's administration, who was a native of Tennessee, succeeded Lincoln to the Presidency. At that time there was in existence what was known as the Joint Committee on Reconstruction. It was composed of six Senators and nine Members of the House of Representatives, and was dominated by Thaddeus Stevens, a Member of the House of Representatives from the State of Pennsylvania. That Joint Committee acquired domination over Congress; and it was not long before the Joint Committee found itself able to ride roughshod over Members of the Senate and Members of the House of Representatives who did not agree with its plans.

Some day, Mr. President, history will recognize that Andrew Johnson was one of the truly great men of America. When he became President of the United States, he undertook to carry into effect Lincoln's plan for the so-called reconstruction of the Confederate States. Andrew Johnson made a slight modification in the plan, in that he added a provision that those who had been disqualified as electors in those States by the Lincoln plan for reconstruction of the States should include those who owned $20,000 or more in property. But Andrew Johnson did a superb job in carrying out that plan, which, in effect, provided that the persons residing in those States who were qualified to vote by State laws should establish a State government, should outlaw the debts incurred by the Confederate States for war purposes, and should approve the laws and the amendment abolishing slavery.

Andrew Johnson was privileged to act, by reason of the fact that Congress was not in session at the time he assumed the Presidency and at the time he undertook to put into effect Lincoln's plan for reconstruction, and before Congress assembled in December 1865, all of the 11 Southern States, except Texas, had reorganized their State governments in accordance with the presidential plan of reconstruction and were maintaining law and order within the borders of their

States and were operating civil courts for the trial of civil and criminal cases. The last Confederate soldier had laid down his arms and returned to peaceful pursuits. The people of the Southern States were looking forward to resuming their old place in the Union.

But Congress met. Congress immediately entered into a controversy with Andrew Johnson, claiming that the Congress, and not the President, had the power to reconstruct the governments in the Southern States.

About that time the Supreme Court of the United States entered the picture by handing down the most courageous decision ever rendered by that body. I refer to the decision in Ex parte Milligan (4 Wall. 2 (1866)).

Ex parte Milligan was a case which involved a civilian who was a resident of the State of Indiana. He had been tried before a military commission created by President Lincoln as Commander in Chief of the Army. Milligan had been convicted of treason and other charges and had been sentenced to death. Milligan's attorneys filed a petition in the circuit court for habeas corpus, contending that the courts of Indiana were open for the trial of criminal cases that Milligan was not within the jurisdiction of the military commission, and that Milligan was surrounded by the protection of the constitutional provisions which required indictment by a grand jury and conviction by a petit jury before he could be punished for the charges preferred against him.

Milligan was defended in the Supreme Court of the United States on the review of the habeas corpus proceeding by Jeremiah Black, one of the greatest lawyers of America. The opinion of the Supreme Court in Ex parte Milligan was written by one of the greatest judges our Nation has ever known—Judge Davis, an Associate Justice of the Supreme Court. He was known not only for his great legal learning and his devotion to constitutional government, but also for his great courage, which never failed him.

Before reaching the main body of his opinion, Judge Davis set out some of the facts. Incidentally, his opinion is reported in 4 Wallace. The case begins at page 1 and runs through to page 142. The opinion of Judge Davis covers only a portion of those pages. It begins on page 107 and ends on page 131. It is an opinion which every person who believes in constitutional government ought to read and reread.

Beginning on page 118, Judge Davis said:

> The controlling question in the case is this: Upon the facts stated in Milligan's petition, and the exhibits filed, had the military commission mentioned in it, jurisdiction, legally, to try and sentence him? Milligan, not a resident of one of the rebellious States, or a prisoner of war, but a citizen of Indiana for 20 years past, and never in the military or naval service, is, while at his home, arrested by the military power of the United States, imprisoned, and, on certain criminal charges preferred against him, tried, convicted, and sentenced to be hanged by a military commission, organized under the direction of the military commander of the military district of Indiana. Had this tribunal the legal power and authority to try and punish this man?
>
> No graver question was ever considered by this court, nor one which more nearly concerns the rights of the whole people; for it is the birthright of every American citizen when charged with crime, to be tried and punished according to law. The power of punishment is, alone through the means which the laws have provided for that purpose, and if they are ineffectual, there is an immunity from punishment, no matter how great an offender the individual may be, or how much his crimes may have shocked the sense of justice of the country, or endangered its safety. By the protection of the law human rights are secured; withdraw that protection, and they are at the mercy of wicked rulers, or the clamor of an excited people. If there was law to justify this military trial, it is not our province to interfere; if there was not, it is our duty to declare the nullity of the whole proceedings. The decision of this question does not depend on argument or judicial precedents, numerous and highly illustrative as they are. These precedents inform us of the extent of the struggle to preserve liberty and to relieve those in civil life from military trials. The founders of our government were familiar with the history of that struggle; and secured in a written constitution every right which the people had wrested from power during a contest of ages. By that Constitution and the laws authorized by it this question must be determined. The provisions of that instrument on the administration of criminal justice are too plain and direct, to leave room for misconstruction or doubt of their true meaning. Those applicable to this case are found in that clause of the original Constitution which says, "That the trial of all crimes, except in case of impeachment, shall be by jury;" and in the fourth, fifth, and sixth articles of the amendments. The fourth proclaims the right to be secure in person and effects against unreasonable search and seizure; and directs that a judicial warrant shall not issue "without proof of probable cause supported by Oath or affirmation." The fifth declares "that no person shall be held to answer for a capital or otherwise infamous crime, unless on presentment by a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger, nor be deprived of life, liberty, or property, without due process of law." And the sixth guarantees the right of trial by jury, in such manner and with such regulations that with upright judges, impartial juries, and an able bar, the innocent will be saved and the guilty punished. It is in these words: "In all criminal prosecutions the accused shall enjoy the right to a speedy and public trial by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining Witnesses in his favor; and to have the Assistance of Counsel for his defence." These securities for personal liberty thus embodied, were such as wisdom and experience had demonstrated to be necessary for the protection of those accused of crime. And so strong was the sense of the country of their importance, and so jealous were the people that these rights, highly prized, might be denied them by implication, that when the original Constitution was proposed for adoption it encountered severe opposition; and, but for the belief that it would be so amended as to embrace them, it would never have been ratified.

I now come to the portion of this opinion which I think contains the greatest judicial language ever uttered on this continent. Judge Davis continued:

> Time has proven the discernment of our ancestors; for even these provisions, expressed in such plain English words, that it would seem the ingenuity of man could not evade them, are now, after the lapse of more than 70 years, sought to be avoided. Those great and good men foresaw that troublous times would arise, when rulers and people would become restive under restraint, and seek by sharp and decisive measures to accomplish ends deemed just and proper; and that the principles of constitutional liberty would be in peril, unless established by irrepealable law. The history of the world had taught them that what was done in the past might be attempted in the future. The Constitution of the United States is a law for rulers and people, equally in war and in peace, and covers with the shield of its protection all classes of men, at all times, and under all circumstances. No doctrine, involving more pernicious consequences, was ever invented by the wit of man than that any of its provisions can be suspended during any of the great exigencies of government. Such a doctrine leads directly to anarchy or despotism, but the theory of necessity on which it is based is false; for the Government, within the Constitution, has all the powers granted to it, which are necessary to preserve its existence; as has been happily proved by the result of the great effort to throw off its just authority.

Then, after discussing the fact that men in naval and military service were subject to trial by military courts rather than by juries in civil courts, Judge Davis says:

> All other persons, citizens of States where the courts are open, if charged with crime, are guaranteed the inestimable privilege of trial by jury. This privilege is a vital principle, underlying the whole administration of criminal justice; it is not held by sufferance, and cannot be frittered away on any plea of State or political necessity. When peace prevails, and the authority of the Government is undisputed, there is no difficulty of preserving the safeguards of liberty; for the ordinary modes of trial are never neglected, and no one wishes it otherwise; but if society is disturbed by civil commotion—if the passions of men are aroused and the restraints of law weakened, if not disregarded—these safeguards need, and should receive, the watchful care of those instructed with the guardianship of the Constitution and laws. In no other way can we transmit to posterity unimpaired the blessings of liberty, consecrated by the sacrifices of the Revolution.

Judge Davis then proceeded and showed that in the military trial Milligan had been denied his constitutional rights to be indicted by a grand jury before he could be put on trial, and his constitutional right to a trial by jury, and held that his trial before a military commission was a nullity under our Constitution.

As I speak in favor of the retention of rule XXII, which is one of the safeguards erected not for the benefit of individual Senators but, as former Senator Joe O'Mahoney said, "for the benefit of our country," I cannot help thinking that we ought to heed the words of Judge Davis when he said:

> Those great and good men—

Who drew up our Constitution—and the same applies to the great men who wrote the rules of the Senate—

foresaw that troublous times would arise, when rulers and people would become restive under restraint, and seek by sharp and decisive measures to accomplish ends deemed just and proper.

As I have said, in my judgment this was the greatest decision ever handed down by the Supreme Court of the United States. It proclaims a great constitutional principle. It was written by a judge of the highest legal learning, of the greatest character, and of the stanchest courage.

When this decision was handed down the Joint Committee on Reconstruction and the other radicals in the Congress of the United States, and a considerable portion of the American press, heaped vituperation upon the Supreme Court of the United States. As a result of this decision the radicals, in control of the Congress, concluded that the Supreme Court of the United States had entered into a conspiracy with the President, Andrew Johnson, to thwart the will of the radicals.

They came to that conclusion because the purpose in the minds of the radicals was to destroy the State governments which had been erected in the Southern States under the Presidential plan of reconstruction and to establish military government in the South.

So, in July 1866 the radicals in Congress enacted a law for the purpose of keeping President Johnson from filling any vacancy on the Supreme Court. At that time there was one existing vacancy, and President Johnson had designated as his appointee for the vacancy Henry Stanbery, one of the greatest lawyers this country has ever known. When the bill was brought up in the Congress, one of the Representatives, who was piloting the bill through the House, was asked if the bill was intended to keep Stanbery from becoming a member of the Supreme Court. He frankly said, "Yes; and to prevent further appointments from being made by President Johnson."

The bill would have reduced the number of judges on the Supreme Court Bench by two, so as to take care of the then existing vacancy and those which might occur in the future during Johnson's Presidency.

Not only did the radicals in Congress make this proposal to prevent President Johnson from filling vacancies on the Supreme Court, but they began to demand that the Supreme Court be reorganized. They threatened to take away all of the appellate jurisdiction of the Supreme Court, and some of them went so far as to threaten to abolish the Supreme Court by constitutional amendment.

The radicals in Congress had such complete control over Congress that they would undoubtedly have been able to carry out their threat, so far as Congress was concerned, to enact a proposed constitutional amendment, by a two-thirds vote, with a view to abolishing the Supreme Court of the United States.

It is not altogether surprising that some of the members of the Supreme Court began to lose their courage. The court handed down only two other courageous opinions in this period. One was the decision in the case of *Cummings* v. *Missouri*, (4 Wallace 277 (1867), and the other was the decision in Ex Parte Garland (4 Wallace 533 (1867)).

The first of these decisions involved the law of the State of Missouri. The legislature of that State had enacted a law providing that no man could practice his profession unless he was able to take an oath to the effect that he had never aided the Confederacy in any way.

It is a rather strange thing that the Missouri law was applied to a preacher. Cummings was a preacher, and he undertook to preach the gospel. For some reason, the legislature of Missouri thought it was better for sinners to go to the devil than to be brought to the Lord through the agency of a minister who could not take an oath that he had not aided the Confederacy in any manner. It is a rather strange conception that the State legislature could ever reach the conclusion that a man ought not to be able to preach the gospel of Christ if he had had anything to do with the Confederacy. The legislature of Missouri had evidently forgotten something of the record of Saul of Tarsus, who became Paul, the great apostle to the gentiles.

The other case involved one of the great lawyers of this Nation, Augustus H. Garland, who was noted for his appearances in many cases before the Supreme Court of the United States.

In those two cases, the Supreme Court, which had not been frightened entirely away from courageous action by radicals in Congress, held that the law of Missouri and a Federal statute enacted by Congress which attempted to apply the same rule to attorneys were ex post facto laws and therefore unconstitutional, and, I might add the Supreme Court also adjudged these statutes to be unconstitutional as bills of attainder.

But thereafter too much courage was not exhibited by the members of the Supreme Court, with the possible exception of Judge Davis, Judge Grier, and one or two others, because, as Benjamin R. Curtis, a great lawyer from Massachusetts, wrote about this time:

The Congress, with the acquiescence of the country, has subdued the Supreme Court as well as the President.

In other words, the radicals in Congress had threatened to impeach members of the Supreme Court or to rob them of their jurisdiction, and even to abolish the Court by a constitutional amendment, because they were displeased with the courage the Court had displayed in Ex parte Milligan, in Cummings against Missouri, and in Ex parte Garland. That was the way they dealt with the Supreme Court.

Just to elaborate on that particular point, let me say that the radicals in Congress took control of the Congress and rode roughshod over those Members of Congress who dared to oppose them. They subdued the Supreme Court to such an extent that it practically withdrew from the constitutional field insofar as the Southern States were concerned. They prevented the Southern States from defending themselves by denying them representation in the Senate and in the House of Representatives. Then they undertook to enact laws under which they would take charge, through military forces, of local government in any of the Southern States except Tennessee. Tennessee was allowed representation in the Senate and in the House, while the other 10 Southern States were denied such representation, because Tennessee had ratified the 14th amendment and the other 10 Southern States had rejected the 14th amendment.

In March 1867 the radicals, who controlled Congress, passed the most monstrous legislation ever passed in American history.

I refer to the so-called Reconstruction Acts under which all Southern States, except Tennessee, were placed under military government. Also at that time a statute was enacted which was directed against President Johnson. I refer to the Tenure of Office Act.

President Johnson had inherited, as a part of Lincoln's Cabinet, the Secretary of War, Edwin M. Stanton, who proved himself to be in alliance with the radicals in Congress and unfaithful to his chief, the President.

The radicals in Congress were afraid that President Johnson would do what any person in his situation desired to do, and remove Stanton from office as Secretary of War. Therefore, Congress passed the Tenure of Office Act, which provided in substance that the President could not remove from office any appointee whose appointment had been confirmed by the Senate. Andrew Johnson felt that this act was unconstitutional, and he removed Stanton from his post as Secretary of War. That act on his part was the chief cause of his later impeachment by the House of Representatives, controlled as it was, by the radicals.

I come now to the Reconstruction Acts, which I consider the most monstrous and unconstitutional legislation ever enacted in this Nation.

I should like to read from a book written by one of my former teachers of history, Dr. J. G. de Roulhac Hamilton, entitled "Reconstruction in North Carolina." The book was published at Columbia University in 1914. But before I read a passage from that book, I wish to state that the 10 Southern States, when they were represented by legislatures elected by voters possessing constitutional qualifications, that is, qualifications prescribed by State law, all rejected the 14th amendment.

I now read from pages 216 to 219 of "Reconstruction in North Carolina":

The fate of the 14th amendment, when submitted to the North Carolina Legislature, has been noticed.[1] It met with rejection in all the other Southern States except Tennessee. When Congress met in December 1866 enough of the Southern States had rejected the amendment to show the prevailing opinion in the South, and consequently the question at once arose as to what policy should be adopted. The uncertainty in regard to this became less as the

[1] Cf. supra, p. 187.

remaining Southern States in turn rejected the amendment. Consequently, in February 1867 it became a determined fact that the State governments, as organized by the President, should be superseded by others organized under military authority; that the political leaders of the Southern States should be disqualified from taking part in the reorganization of the governments; and that the right of suffrage should be extended to the Negro by national legislation, in utter defiance of the constitutional right of the individual States in the matter.

I digress from a reading of the text to say that in North Carolina there had been an election in 1865, conducted under the Presidential plan for reconstruction, and the State government had been reestablished by its people, with officers coming largely from those North Carolinians who had opposed secession from the Union. The State Legislature of North Carolina, like the State legislatures of other Southern States, had ratified the 13th amendment prohibiting slavery, and had outlawed the Confederate debt, and it also accepted in good faith all the other conditions prescribed der the Presidential plan for reconstruction.

This Government had been in existence for approximately 2 years when the first of the Reconstruction acts was passed.

I now resume my reading from Reconstruction in North Carolina," by Dr. Hamilton:

In pursuance of this determination, the act of March 2, 1867, "to provide for a more efficient government of the rebel States," was passed. It was vetoed by the President, but was passed over the veto on the same day. Declaring in the preamble that no legal State governments or adequate protection for life or property existed in the 10 "rebel" States, the act provided that these States should be divided into 5 military districts, each under an officer of the army of not lower rank than brigadier general, and made subject to the military authority of the United States. North Carolina and South Carolina formed the second district. The commander of each district was required to protect all persons in their rights and to suppress insurrection, disorder, and violence. In the punishment of offenders, he was authorized to allow the civil tribunals to take jurisdiction, or if he deemed it necessary, to organize military commissions for the purpose. All interference with such tribunals by the State authorities was declared void and of no effect. It was further provided that the people of any of the said States should be entitled to representation whenever they should have framed and ratified a constitution in conformity with the Constitution of the United States. This constitution must be framed by a convention elected by the male citizens of the State, regardless of race, color, or previous condition, with the exception of those disfranchised for participation in rebellion or for felony. Those persons on whom disabilities would be imposed by the proposed 14th amendment were disqualified from holding a seat in the convention and from voting for delegates. The constitution thus framed, and containing the provision that all persons whom the act of Congress made electors should retain the electoral franchise, must then be approved by Congress. Whenever representatives should be admitted, the portion of the act establishing military governments would become inoperative so far as concerned the State in question. Until the completion of this reconstruction, the existing civil governments were declared provisional and liable at any time to modification or abolition.

On March 23, a supplementary act was passed. The original act left the whole matter of the initiation of reconstruction very indefinite. The supplementary act provided that the district commanders should cause a registration to be made of all male citizens who could take a required oath as to their qualifications as electors. The election of delegates to a convention should then be held by the commanders. For the sake of giving at least an appearance of following the will of the people, the act provided that the question of holding a convention should be submitted to them at the same time. Unless a majority of the registered voters took part in the election and a majority in favor of holding the convention resulted, no convention should be held. Provision was made for boards of election composed only of those who could take the ironclad oath. Finally, it was provided that a majority of those registered must take part in the voting on the ratification of the Constitution in order to make it valid. This act was also vetoed by President Johnson and promptly repassed by the required majorities.

In July, Congress met again. In the meantime Attorney General Stanbery had sent to the President an interpretation of the act, which closely restricted the power of the military commanders. At once another supplementary act was passed, as an authoritative interpretation of the former acts. It gave the commanders full power to make any removals from office that they might see fit, and authorized the boards of registration to go behind the oath of an applicant for registration whenever it seemed to them necessary. District commanders, the boards of registration, and all officers acting under either were relieved from the necessity of acting in accordance with the opinion of any civil officer of the United States. The executive and judicial officers referred to in the imposition of disabilities were declared to include the holders of all civil offices created by law for the administration of justice or for the administration of any general law of a State. An extension of time for registration was authorized, and also a revision of the lists of registered voters before the election. This act, as was now the customary thing, had to be passed over the President's veto.

Such was the most important legislation enacted for the restoration of the South. Questions of precedent and of constitutional law were alike disregarded in their passage, and justification found for all.

Mr. President, I have read a synopsis from Dr. Hamilton's book, setting forth the provisions of the Reconstruction Acts. These acts provided for military government in the South. They provided that the South should be garrisoned. A garrison was stationed in my hometown until 1874, if my recollection of history serves me right. I have heard older men in my county tell how they had to file through the ranks of soldiers of the army of occupation in order to vote in 1868, and saw their leaders, on whose advice they had relied in times past, sit on rail fences and not vote because they were not allowed to hold office.

The gentleman in charge of each of those five military districts was given the power to decide whether civilians should be tried by military commissions or in civil courts. They were given the power to remove from office any of the State or local officials who had been placed in office under Presidential reconstruction. They were given charge of the election machinery of those States and charge of the elections and of registration of voters They were even excused by act of Congress from paying any attention to any advice they received from any civil authorities at the National or State level.

Of course, those States tried to get an interpretation of the Reconstruction Acts and to get a decision from the Supreme Court of the United States as to their constitutionality. The first of these attempts was made on April 5, 1867, when three great lawyers, Robert J. Walker, Augustus H. Garland, and William H. Sharkey, applied to the Supreme Court for leave to file a bill in equity to enjoin "Andrew Johnson, a citizen of the State of Tennessee and President of the United States, and his officers and agents appointed for that purpose, and especially E. O. C. Ord, assigned as military commander of the district * * * from executing or in any manner carrying out the acts of March 2 and 25, 1867."

The Supreme Court refused to allow those attorneys, who were representing the State of Mississippi, to file such a bill in equity in the Supreme Court; and that first attempt to secure a decision in regard to the constitutionality of the Reconstruction Acts failed. On April 15 the Supreme Court held that it would not permit a bill in equity to be filed, because it did not wish to pass on the delicate issue as to the power of the Court to control Executive acts; and, therefore, the Court denied the leave sought.

A few days later another application was made to the Supreme Court for permission to file a bill in equity to challenge the constitutionality of the Reconstruction acts; and the Supreme Court granted that application. However, after argument, a few days later the Court entered a decision dismissing the suit—on the ground that it called for adjudication, not of the rights of persons or property, but of rights of a political character affecting the sovereignty or corporate existence of a State; and the Court said it had no jurisdiction over such a controversy.

Then it appeared possible that by a curious twist of fate a case which did reach the Supreme Court of the United States would require the Court to pass on constitutionality under a statute which the Radicals had had passed in Congress on February 5, 1867, for the benefit of Federal officials and so-called loyal persons in the South. That statute was so phrased that it gave the Federal circuit courts jurisdiction in all cases in which any person was restrained or deprived of his liberty, in violation of the Constitution or in violation of any treaty or law of the United States. It happened that at that time there was in Vicksburg, Miss., an editor, named McCardle, who had published in his newspaper an editorial criticizing the military government then in vogue in Mississippi and in other Southern States. The Radicals in Congress had no respect for the right of freedom of speech, which was supposed to be secured by the first amendment of the Constitution to persons who disagreed with them; and McCardle was arrested, at the instance of the military authorities, for speaking ill of them. He was imprisoned, and was held for trial before a military commission. He applied to the circuit court for habeas corpus for his release, on the ground that his arrest and detention under the Re-

construction acts violated the Constitution. When the circuit court refused to grant him his liberty, he appealed to the Supreme Court of the United States. He was asserting a constitutional right as a person; and the Supreme Court of the United States clearly had jurisdiction of his case, and the case clearly made it necessary—if the Supreme Court was to discharge any judicial function whatever—for it to rule on the constitutionality of the Reconstruction acts. That situation sent a good deal of fear into the hearts of the Radicals who then controlled Congress, because I think their actions showed time and time again that they were conscious of the unconstitutionality of the Reconstruction acts. So the Radicals introduced in Congress a bill which provided that in any case involving the constitutionality of an act of Congress, unless two-thirds of the judges of the Supreme Court agreed that the act was unconstitutional, the Court could not hand down such a decision. That bill was defeated because of the terrible criticism it received at the hands of the American bar.

So, at the instance of Thaddeus Stevens, the radicals then introduced in the Senate a bill which forbade the Supreme Court of the United States to take jurisdiction of any case in law or equity which arose out of the Reconstruction acts. That bill also caused a violent reaction in the press and among the lawyers of the North, and the bill was laid aside.

Finally, the McCardle case was argued before the U.S. Supreme Court, and the Supreme Court took it under advisement. When that happened, the radicals saw it was necessary for them to take some drastic action immediately. As I have pointed out, McCardle had done nothing except exercise his right of free speech, and he was applying for a writ of habeas corpus to free him from his imprisonment—which he claimed was illegal and unconstitutional—under the Reconstruction acts. He was seeking the greatest right of all—the right to secure the liberty of a person against unlawful imprisonment—that had ever been developed in any legal system on the face of the earth.

So what did the radicals in Congress do in their attempt to keep the Supreme Court of the United States from handing down a decision as to the constitutionality of the Reconstruction acts under which McCardle was arrested and held for trial, before a military tribunal, for exercising the right of freedom of speech and for condemning something which ought to have been condemned? The radicals in Congress succeeded in having passed a statute which robbed the Supreme Court of the United States of its jurisdiction to review habeas corpus proceedings brought under the act of 1867.

Mr. President, in that connection, a certain amount of criticism can justly be leveled at the Supreme Court of the United States, because the Court had heard arguments in that case and had taken the case under advisement before that measure was brought up in Congress, and the bill was passed through the House, in the first instance, by a sneak action, in which a Member of the House obtained unanimous consent to have the House take up a bill, then on the calendar, which had no relationship to this matter. It was taken up, following a statement that it was an innocuous bill, but then the bill was amended so suddenly in that way that scarcely any other Member of the House knew what had happened. The bill was then passed by both Houses of Congress, but was vetoed by President Johnson, and it was passed over President Johnson's veto, in the course of a heated debate in which the opponents of the bill—such as Senator Reverdy Johnson and others—correctly characterized the bill, and in no uncertain terms condemned the action of the radicals in having it passed.

So the Supreme Court missed a glorious opportunity to hand down a decision on that act. On the contrary, apparently the majority of the Court postponed action so that Congress could act, thus enabling the Court to escape making a decision. That statement does not apply to some of the judges, because some of them wanted to take action.

The bill was passed by the Congress while the impeachment trial of Andrew Johnson was in progress in this very Senate Chamber. The greatest exhibition of courage of the most sublime character ever given by any President of the United States was given by Andrew Johnson at that time. He was actually being tried at the instigation of the radicals who controlled Congress in an impeachment proceeding which could have resulted in his removal from office and his inability ever to occupy another office under the Federal Government. Despite that fact, Andrew Johnson signed a magnificent statement vetoing the act of Congress which would have robbed the Supreme Court of jurisdiction to review the McCardle decision. He said in his great veto message:

> It will be justly held by a large portion of the people as an admission of the unconstitutionality of the act on which its judgment may be forbidden or forestalled, and may interfere with their willing acquiescence in its provisions, which is necessarily harmonious and efficient execution or any law.

In other words, at the very time when his political life was at stake in the impeachment proceeding, that President, a man who had fewer opportunities in life than any other man who has attained that high office, had the courage to veto the bill which most of his judges had assisted in passing through the Congress.

Some time ago I said that I favored the retention of the two-thirds requirement of rule XXII, because the history of the Nation showed that at one time the constitutional provision requiring a two-thirds vote to remove a President had prevented the total blackout of constitutional government in the United States.

Let us stop and think a moment of that impeachment proceeding. The Members of Congress who were controlled by the radicals knew that Andrew Johnson had not done anything to merit impeachment. They knew that Andrew Johnson had not been guilty of treason. On the contrary, they knew that Andrew Johnson had been trying to save the Constitution and constitutional government from destruction at their hands. They knew that Andrew Johnson had not been guilty of bribery. They knew that Andrew Johnson had not committed any high crime or misdemeanor. They knew that the only offense of which Andrew Johnson was guilty was his fidelity to the oath which he had taken to uphold the Constitution of the United States. They knew that the only thing they really had against Andrew Johnson was that he had vetoed acts of Congress which were entirely inconsistent with the Constitution and which were absolutely repugnant to free government in the United States.

Those were tragic days. The greatest tragedy lies in the fact that they showed that partisans will yield to temptation in times of stress and turmoil. This entire tragic story illustrates beyond any doubt that if liberty is to be preserved in our Nation, there must be some safeguards which will restrain impatient and intemperate acts on the part of those in authority in times of stress, strain, and turmoil.

Despite the fact that all of the Members of the House of Representatives knew that Andrew Johnson had not committed treason, bribery, or any high crime or misdemeanor as grounds for impeachment under the Constitution, the House of Representatives, by an overwhelming majority, impeached him on false charges, the main charge being that he had violated the Tenure-of-Office Act. Incidentally, at this point, I add that Andrew Johnson made repeated efforts to obtain a decision from the Supreme Court of the United States as to the validity and constitutionality of the Tenure-of-Office Act. He was unable to obtain such a decision because, as Benjamin R. Curtis has said, the radicals had subdued the Supreme Court, at least temporarily.

Andrew Johnson was the only public official in our Nation who was able to stand between a radical Congress and a complete blackout of constitutional government in the United States.

So he was impeached because he was resisting the radical Congress and its unconstitutional measures. They reasoned that if they could get rid of Andrew Johnson and remove him from office, he would be succeeded, in all probability, by Senator Wade, one of the chief leaders of the radicals, who would do the will of the radicals.

Impeachment proceedings were brought against Andrew Johnson in the House of Representatives. He was tried in the Senate Chamber. In all human probability, Chief Justice Salmon P. Chase, as the Presiding Officer at the impeachment trial of Andrew Johnson, sat in the seat now occupied by the Presiding Officer, the distinguished Senator from Ohio (Mr. SAXBE).

Chief Justice Chase was a man of rare ability. As Chief Justice he did many things which manifested his courage. He presided over the impeachment trial of Andrew Johnson in an extremely fair and legal manner. However, I feel that he missed greatness by a narrow margin, because of his ambition to be Pres-

ident of the United States. On rare occasions he had a tendency to fail to match his great ability with what was right. He yielded to the temptation to trim his sails to fit the political winds.

The trial occurred in this Senate Chamber.

Subsection 6 of section 3 of article I of the Constitution saved this Nation from a most disgraceful event. That was because it provides that when the Senate of the United States sits as a court of impeachment the person being impeached cannot be convicted without the concurrence of two-thirds of the Members present. In other words, the constitutional requirement for conviction in case of impeachment is identical with the requirement for cloture under rule XXII of the Senate.

Andrew Johnson was saved from impeachment by the vote of one Senator, because those voting for his conviction lacked one vote of having the constitutionally required two-thirds majority.

One of the most eloquent of American Presidents, President Kennedy, has written a very fine chapter in his book entitled "Profiles in Courage," on one of the Senators who voted with the minority. President Kennedy wrote of Edmund G. Ross. It has always seemed to me there was another Senator who voted with the minority who deserved great credit. I think the other Senator was James W. Grimes, a Member of the Senate who had a stroke of paralysis and who had himself carried into this Chamber in order that he might vote against the unjust impeachment of a President of the United States who was standing between a radical Congress and complete destruction of constitutional government in America.

At the risk of being somewhat tedious, I shall read what President Kennedy said about this trial and particularly what he said about Senator Edmund G. Ross. It is a stirring chapter. It is a stirring chapter because it deals with a man who had the courage to vote with the minority for what was right in the face of what was probably the greatest popular demand for an unjust act that this country has ever witnessed.

President Kennedy said:

> In a lonely grave, forgotten and unknown, lies "the man who saved a President," and who as a result may well have preserved for ourselves and posterity constitutional government in the United States—the man who performed in 1868 what one historian has called the most heroic act in American history, incomparably more difficult than any deed of valor upon the field of battle—but a U.S. Senator whose name no one recalls: Edmund G. Ross of Kansas.

Mr. President, I digress from President Kennedy's statement for a moment to say that if the radical Congress had been successful in the conviction of Andrew Johnson and had removed him from office, this would have set a precedent for other partisans and other radicals in the control of the Congress to follow, and we might have seen constitutional government in this country become as unstable as it is in many other parts of the Americas.

I resume the reading of the President's article:

> The impeachment of President Andrew Johnson, the event in which the obscure Ross was to play such a dramatic role, was the sensational climax to the bitter struggle between the President, determined to carry out Abraham Lincoln's policies of reconciliation with the defeated South, and the more radical Republican leaders in Congress, who sought to administer the downtrodden Southern States as conquered provinces which had forfeited their rights under the Constitution. It was, moreover, a struggle between executive and legislative authority. Andrew Johnson, the courageous if untactful Tennessean who had been the only southern Member of Congress to refuse to secede with his State, had committed himself to the policies of the Great Emancipator to whose high station he had succeeded only by the course of an assassin's bullet. He knew that Lincoln prior to his death had already clashed with the extremists in Congress, who had opposed his approach to reconstruction in a constitutional and charitable manner and sought to make the legislative branch of the Government supreme. And his own belligerent temperament soon destroyed any hope that Congress might now join hands in carrying out Lincoln's policies of permitting the South to resume its place in the Union with as little delay and controversy as possible.
>
> By 1866, when Edmund Ross first came to the Senate, the two branches of the Government were already at each other's throats, snarling and bristling with anger. Bill after bill was vetoed by the President on the grounds that they were unconstitutional, too harsh in their treatment of the South, an unnecessary prolongation of military rule in peacetime or undue interference with the authority of the executive branch. And for the first time in our Nation's history, important public measures were passed over a President's veto and became law without his support.
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> But not all of Andrew Johnson's vetoes were overturned; and the radical Republicans of the Congress promptly realized that one final step was necessary before they could crush their despised foe (and in the heat of political battle their vengeance was turned upon their President far more than their former military enemies of the South). That one remaining step was the assurance of a two-thirds majority in the Senate—for under the Constitution, such a majority was necessary to override a Presidential veto. And more important, such a majority was constitutionally required to accomplish their major ambition, now an ill-kept secret, conviction of the President under an impeachment and his dismissal from office.
>
> The temporary and unstable two-thirds majority which had enabled the Senate radical Republicans on several occasions to enact legislation over the President's veto was, they knew, insufficiently reliable for an impeachment conviction. To solidify this bloc became the paramount goal of Congress, expressly or impliedly governing its decisions on other issues—particularly the admission of new States, the readmission of Southern States and the determination of senatorial credentials. By extremely dubious methods a pro-Johnson Senator was denied his seat. Over the President's veto Nebraska was admitted to the Union, seating two more anti-administration Senators. Although last minute maneuvers failed to admit Colorado over the President's veto (sparsely populated Colorado had rejected statehood in a referendum), an unexpected tragedy brought false tears and fresh hopes for a new vote, in Kansas.
>
> Senator Jim Lane, of Kansas, had been a conservative Republican sympathetic to Johnson's plans to carry out Lincoln's reconstruction policies. But his frontier State was one of the most radical in the Union. When Lane voted to uphold Johnson's veto of the civil rights bill of 1866 and introduced the administration's bill for recognition of the new State government of Arkansas, Kansas had arisen in outraged heat. A mass meeting at Lawrence had vilified the Senator and speedily reported resolutions sharply condemning his position. Humiliated, mentally ailing, broken in health and laboring under charges of financial irregularities, Jim Lane took his own life on July 1, 1866.
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> With this thorn in their side removed, the radical Republicans in Washington looked anxiously toward Kansas and the selection of Lane's successor. Their fondest hopes were realized, for the new Senator from Kansas turned out to be Edmund G. Ross, the very man who had introduced the resolutions attacking Lane at Lawrence.
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> There could be no doubt as to where Ross' sympathies lay, for his entire career was one of determined opposition to the slave States of the South, their practices and their friends. In 1854, when only 28, he had taken part in the mob rescue of a fugitive slave in Milwaukee. In 1856, he had joined that flood of antislavery immigrants to "bleeding" Kansas who intended to keep it a free territory. Disgusted with the Democratic Party of his youth, he had left that party, and volunteered in the Kansas Free State army to drive back a force of proslavery men invading the territory. In 1862, he had given up his newspaper work to enlist in the Union Army, from which he emerged a major. His leading role in the condemnation of Lane at Lawrence convinced the Radical Republican leaders in Congress that in Edmund G. Ross they had a solid member of that vital two-thirds.
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> The stage was now set for the final scene—the removal of Johnson. Early in 1867, Congress enacted over the President's veto the tenture-of-office bill which prevented the President from removing without the consent of the Senate all new officeholders whose appointment required confirmation by that body. At the time nothing more than the cry for more patronage was involved, Cabinet members having originally been specifically exempt.
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> On August 5, 1867, President Johnson—convinced that the Secretary of War, whom he had inherited from Lincoln, Edwin M. Stanton, was the surreptitious tool of the Radical Republicans and was seeking to become the almighty dictator of the conquered South—asked for his immediate resignation; and Stanton arrogantly fired back the reply that he declined to resign before the next meeting of Congress. Not one to cower before this kind of effrontery, the President one week later suspended Stanton, and appointed in his place the one man whom Stanton did not dare resist, General Grant. On January 13, 1868, an angry Senate notified the President and Grant that it did not concur in the suspension of Stanton, and Grant vacated the office upon Stanton's return. But the situation was intolerable. The Secretary of War was unable to attend Cabinet meetings or associate with his colleagues in the administration; and on February 21, President Johnson, anxious to obtain a court test of the act he believed obviously unconstitutional, again notified Stanton that he had been summarily removed from the office of Secretary of War.
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> While Stanton, refusing to yield possession, barricaded himself in his office, public opinion in the Nation ran heavily against the President. He had intentionally broken the law and dictatorially thwarted the will of Congress. Although previous resolutions of impeachment had been defeated in the House, both in committee and on the floor, a new resolution was swiftly reported and adopted on February 24 by a tremendous vote. Every single Republican voted in the affirmative, and Thaddeus Stevens of Pennsylvania—the crippled, fanatical personification of the extremes of the radical Republican movement, master of the House of Representatives, with a mouth like the thin

edge of an ax—warned both Houses of the Congress coldly: "Let me see the recreant who would vote to let such a criminal escape. Point me to one who will dare do it and I will show you one who will dare the infamy of posterity."

With the President impeached—in effect, indicted—by the House, the frenzied trial for his conviction or acquittal under the Articles of Impeachment began on March 5 in the Senate, presided over by the Chief Justice. It was a trial to rank with all the great trials in history—Charles I before the High Court of Jutice, Louis XVI before the French Convention, and Warren Hastings befor the House of Lords. Two great elements of drama were missing: the actual cause for which the President was being tried was not fundamental to the welfare of the Nation; and the defendant himself was at all times absent.

But every other element of the highest courtroom drama was present. To each Senator the Chief Justice administered an oath "to do impartial justice (including even the hotheaded Radical Senator from Ohio, Benjamin Wade, who as President pro tempore of the Senate was next in line for the Presidency). The chief prosecutor for the House was Gen. Benjamin F. Butler, the "butcher of New Orleans," a talented but coarse and demagogic Congressman from Massachusetts. (When he lost his seat in 1874, he was so hated by his own party as well as his opponents that one Republican wired concerning the Democratic sweep, "Butler defeated, everything else lost.") Some 1,000 tickets were printed for admission to the Senate galleries during the trial, and every conceivable device was used to obtain one of the four tickets allotted each Senator.

From the 5th of March to the 16th of May, the drama continued. Of the 11 articles of impeachment adopted by the House, the first 8 were based upon the removal of Stanton and the appointment of a new Secretary of War in violation of the Tenure of Office Act; the 9th related to Johnson's conversation with a general which was said to induce violations of the Army Appropriations Act; the 10th recited that Johnson had delivered "intemperate, inflammatory, and scandalous harangues * * * as well against Congress as the laws of the United States"; and the 11th was a deliberately obscure conglomeration of all the charges in the preceding articles which had been designed by Thaddeus Stevens to furnish a common ground for those who favored conviction but were unwilling to identify themselves on basic issues. In opposition to Butler's inflammatory arguments in support of this hastily drawn indictment, Johnson's able and learned counsel replied with considerable effectiveness. They insisted that the Tenure of Office Act was null and void as a clear violation of the Constitution; that even if it were valid, it would not apply to Stanton, for the reasons previously mentioned; and that the only ways that a judicial test of the law could be obtained was for Stanton to be dismissed and sue for his rights in the courts.

I digress at this point to say that since that time the Supreme Court has held in many cases that a President has the constitutional power to remove from office any person he appoints to an office, regardless of whether that persons' appointment has been confirmed by the Senate. So the position of Johnson's lawyers in the impeachment proceedings that the Tenure of Office Act was unconstitutional has been confirmed many times.

I continue to read:

But as the trial progressed, it become increasingly apparent that the impatient Republicans did not intend to give the President a fair trial on the formal issues upon which the impeachment was drawn, but intended instead to depose him from the White House on any grounds, real or imagined, for refusing to accept their policies. Telling evidence in the President's favor was arbitrarily excluded. Prejudgment on the part of most Senators was brazenly announced. Attempted bribery and other forms of pressure were rampant. The chief interest was not in the trial or the evidence, but in the tallying of votes necessary for conviction.

Twenty-seven States (excluding the unrecognized Southern States) in the Union meant 54 Members of the Senate, and 36 votes were required to constitute the two-thirds majority necessary for conviction. All 12 Democratic votes were obviously lost, and the 42 Republicans knew that they could afford to lose only 6 of their own Members if Johnson were to be ousted. To their dismay, at a preliminary Republican caucus, six courageous Republican indicated that the evidence so far introduced was not in their opinion sufficient to convict Johnson under the articles of impeachment. "Infamy," cried the Philadelphia Press. The Republic has "been betrayed in the house of its friends."

But if the remaining 36 Republicans would hold, there would be no doubt as to the outcome. All must stand together. But one Republican Senator would not announce his verdict in the preliminary poll—Edmund G. Ross, of Kansas. The Radicals were outraged that a Senator from such an anti-Johnson stronghold as Kansas could be doubtful. "It was a very clear case," Senator Sumner, of Massachusetts, fumed, "especially for a Kansas man. I did not think that a Kansas man could quibble against his country."

From the very time Ross had taken his seat, the radical leaders had been confident of his vote. His entire background, as already indicated, was one of firm support of their cause. One of his first acts in the Senate had been to read a declaration of his adherence to radical Republican policy, and he had silently voted for all of their measures. He had made it clear that he was not in sympathy with Andrew Johnson personally or politically; and after the removal of Stanton, he had voted with the majority in adopting a resolution declaring such removal unlawful. His colleague from Kansas, Senator Pomeroy, was one of the most radical leaders of the anti-Johnson group. The Republicans insisted that Ross' crucial vote was rightfully theirs and they were determined to get it by whatever means available. As stated by DeWitt in his memorable "Impeachment of Andrew Johnson." "The full brunt of the struggle turned at last on the one remaining doubtful Senator, Edmund G. Ross."

When the impeachment resolution had passed the House, Senator Ross had casually remarked to Senator Sprague of Rhode Island, "Well, Sprague, the thing is here; and, so far as I am concerned, though a Republican and opposed to Mr. Johnson and his policy, he shall have as fair a trial as an accused man ever had on this earth." Immediately the word spread that "Ross was shaky." "From that hour," he later wrote, "not a day passed that did not bring me, by mail and telegraph and in personal intercourse, appeals to stand fast for impeachment, and not a few were the admonitions of condign visitations upon any indication even of lukewarmness."

"Throughout the country, and in all walks of life, as indicated by the correspondence of Members of the Senate, the condition of the public mind was not unlike that preceding a great battle. The dominant party of the Nation seemed to occupy the position of public prosecutor, and it was scarcely in the mood to brook delay for trial or to hear defense. Washington had become during the trial the central point of the politically dissatisfied and swarmed with representatives of every State of the Union, demanding in a practically united voice the deposition of the President. The footsteps of the anti-impeaching Republicans were dogged from the day's beginning to its end and far into the night, with entreaties, considerations, and threats. The newspapers came daily filled with not a few threats of violence upon their return to their constituents."

Ross and his fellow doubtful Republicans were daily pestered, spied upon and subjected to every form of pressure. Their residences were carefully watched, their social circles suspiciously scrutinized and their every move and companions secretly marked in special notebooks. They were warned in the party press, harangued by their constituents, and sent dire warnings threatening political ostracism and even assassination. Stanton himself, from his barricaded headquarters in the War Department, worked day and night to bring to bear upon the doubtful Senators all the weight of his impressive military associations. The Philadelphia Press reported "a fearful avalanche of telegrams from every section of the country," a great surge of public opinion from the "common people" who had given their money and lives to the country and would not "willingly or unavenged see their great sacrifice made naught."

The New York Tribune reported that Edmund Ross in particular was "mercilessly dragged this way and that by both sides, hunted like a fox night and day and badgered by his own colleague, like the bridge at Arcola now trod upon by one army and now trampled by the other." His background and life were investigated from top to bottom, and his constituents and colleagues pursued him throughout Washington to gain some inkling of his opinion. He was the target of every eye, his name was on every mouth and his intentions were discussed in every newspaper. Although there is evidence that he gave some hint of agreement to each side, and each attempted to claim him publicly, he actually kept both sides in a state of complete suspense by his judicial silence.

But with no experience in political turmoil, no reputation in the Senate, no independent income and the most radical State in the Union to deal with, Ross was judged to be the most sensitive to criticism and the most certain to be swayed by expert tactics. A committee of Congressmen and Senators sent to Kansas, and to the States of the other doubtful Republicans, this telegram: "Great danger to the peace of the country and the Republican cause if impeachment fails. Send to your Senators public opinion by resolutions, letters, and delegations." A member of the Kansas Legislature called upon Ross at the Capitol. A general urged on by Stanton remained at his lodge until 4 o'clock in the morning determined to see him. His brother received a letter offering $20,000 for revelation of the Senator's intentions. Gruff Ben Butler exclaimed of Ross, "There is a bushel of money. How much does the damned scoundrel want?" The night before the Senate was to take its first vote for the conviction or acquittal of Johnson, Ross received this telegram from home:

"Kansas has heard the evidence and demands the conviction of the President.

"D. R. ANTHONY AND 1,000 OTHERS."

And on that fateful morning of May 16 Ross replied:

"TO D. R. ANTHONY AND 1,000 OTHERS": I do not recognize your right to demand that I vote either for or against conviction. I have taken an oath to do impartial justice according to the Constitution and laws, and trust that I shall have the courage to vote according to the dictates of my judgment and for the highest good of the country.

"E. G. ROSS."

That morning spies traced Ross to his breakfast; and 10 minutes before the vote was taken his Kansas colleague warned him

in the presence of Thaddeus Stevens that a vote for acquittal would mean trumped up charges and his political death.

But now the fateful hour was at hand. Neither escape, delay or indecision was possible. As Ross himself later described it: "The gallaries were packed. Tickets of admission were at an enormous premium. The House had adjourned and all of its members were in the Senate chamber. Every chair on the Senate floor was filled with a Senator, a Cabinet Officer, a member of the President's counsel or a Member of the House." Every Senator was in his seat, the desperately ill Grimes, of Iowa, being literally carried in.

It had been decided to take the first vote under that broad 11th article of impeachment, believed to command the widest support. As the Chief Justice announced the voting would begin, he reminded "the citizens and strangers in the galleries that absolute silence and perfect order are required."

But already a deathlike stillness enveloped the Senate Chamber. A Congressman later recalled that, "Some of the Members of the House near me grew pale and sick under the burden of suspense"; and Ross noted that there was even "a subsidence of the shuffling of feet, the rustling of silks, the fluttering of fans, and of conversation."

The voting tensely commenced. By the time the Chief Justice reached the name of Edmund Ross 24 "guilties" had been pronounced. Ten more were certain and one other practically certain. Only Ross' vote was needed to obtain the 36 votes necessary to convict the President. But not a single person in the room knew how this young Kansan would vote. Unable to conceal the suspense and emotion in his voice, the Chief Justice put the question to him: "Mr. Senator Ross, how say you? Is the respondent Andrew Johnson guilty or not guilty of a high misdemeanor as charged in this article?" Every voice was still; every eye was upon the freshman Senator from Kansas. The hopes and fears, the hatred and bitterness of past decades were centered upon this one man.

As Ross himself later described it, his "powers of hearing and seeing seemed developed in an abnormal degree.

"Every individual in that great audience seemed distinctly visible, some with lips apart and bending forward in anxious expectancy, others with hand uplifted as if to ward off an apprehended blow * * * and each peering with an intensity that was almost tragic upon the face of him who was about to cast the fateful vote. Every fan was folded, not a foot moved, not the rustle of a garment, not a whisper was heard. * * * Hope and fear seemed blended in every face, instantaneously alternating, some with revengeful hate * * * others lighted with hope. The Senators in their seats leaned over their desks, many with hand to ear. It was a tremendous responsibility, and it was not strange that he upon whom it had been imposed by a fateful combination of conditions should have sought to avoid it, to put it away from him as one shuns, or tries to fight off, a nightmare. I almost literally looked down into my open grave. Friendships, position, fortune, everything that makes life desirable to an ambitious man were about to be swept away by the breath of my mouth, perhaps forever. It is not strange that my answer was carried waveringly over the air and failed to reach the limits of the audience, or that repetition was called for by distant Senators on the opposite side of the Chamber."

Then came the answer again in a voice that could not be misunderstood—full, final, definite, unhesitating, and unmistakable: "Not guilty." The deed was done, the President saved, the trial as good as over and the conviction lost. The remainder of the roll-call was unimportant, conviction had failed by the margin of a single vote and a general rumbling filled the Chamber until the Chief Justice proclaimed that "on this article 35 Senators having voted guilty and 19 not guilty, a two-thirds majority not having voted for his conviction, the President is, therefore, acquitted under this article."

A 10-day recess followed, 10 turbulent days to change votes on the remaining articles. An attempt was made to rush through bills to readmit six southern States, whose 12 Senators were guaranteed to vote for conviction. But this could not be accomplished in time. Again Ross was the only one uncommitted on the other articles, the only one whose vote could not be predicted in advance. And again he was subjected to terrible pressure. From "D. R. Anthony and others," he received a wire informing him the "Kansas repudiates you as she does all perjurers and skunks." Every incident in his life was examined and distorted. Professional witnesses were found by Senator Pomeroy to testify before a special House committee that Ross had indicated a willingness to change his vote for a consideration. (Unfortunately this witness was so delighted in his exciting role that he also swore that Senator Pomeroy had made an offer to produce three votes for acquittal for $40,000.) When Ross, in his capacity as a committee chairman, took several bills to the President, James G. Blaine remarked: "There goes the rascal to get his pay." (Long afterward Blaine was to admit: "In the exaggerated denunciation caused by the anger and chagrin of the moment, great injustice was done to statesmen of spotless character.")

Again the wild rumors spread that Ross had been won over on the remaining articles of impeachment. As the Senate reassembled, he was the only one of the seven "renegade" Republicans to vote with the majority on preliminary procedural matters. But when the second and third articles of impeachment were read, and the name of Ross was reached again with the same intense suspense of 10 days earlier, again came the calm answer, "Not guilty."

Why did Ross, whose dislike for Johnson continued, vote "Not guilty"? His motives appear clearly from his own writings on the subject years later in articles contributed to Scribner's and Forum magazines:

In a large sense, the independence of the executive office as a coordinate branch of the Government was on trial. If * * * the President must step down * * * a disgraced man and a political outcast * * * upon insufficient proofs and from partisan considerations, the office of President would be degraded, cease to be a coordinate branch of the Government, and ever after subordinated to the legislative will. It would practically have revolutionized our splendid political fabric into a partisan Congressional autocracy. This Government had never faced so insidious a danger * * * control by the worst element of American politics. If Andrew Johnson were acquitted by a nonpartisan vote * * * America would pass the danger of partisan rule that intolerance which so often characterizes the sway of great majorities and makes them dangerous.

Mr. President, I do not think that one could emphasize too much the tragic historic event which shows how a two-thirds requirement for conviction in impeachment cases saved the United States, by a single vote of a stouthearted Senator, from a total blackout of constitutional government. If Edmund G. Ross had voted for the impeachment of Andrew Johnson, his act would have resulted in a two-third majority of the Senate, converting the United States from a constitutional republic into a dictatorship such as all too often has triumphed in certain Latin American countries.

I resume the reading of President Kennedy's article:

The "open grave" which Edmund Ross had foreseen was hardly an exaggeration. A Justice of the Kansas Supreme Court telegraphed him that "the rope with which Judas Iscariot hanged himself is lost, but Jim Lane's pistol is at your service." An editorial in a Kansas newspaper screamed:

"On Saturday last Edmund G. Ross, U.S. Senator from Kansas, sold himself, and betrayed his constituents, stultified his own record, basely lied to his friends, shamefully violated his solemn pledge * * * and to the utmost of his poor ability signed the death warrant of his country's liberty.

Mr. President (Mr. PACKWOOD), I digress to remark that, instead of signing a death warrant of his country's liberty, as this editorial charged, Edmund G. Ross saved constitutional government in America and merits immortality for so doing. Those of us who oppose changing the two-thirds requirement of rule XXII are fighting for the preservation of constitutional government in America no less than Edmund G. Ross fought for it when he voted "not guilty" to the impeachment charges preferred against one of America's greatest Presidents, Andrew Johnson.

I resume reading from President Kennedy's article which continues the quotation from the editorial from the Kansas newspaper.

This Act—

That means the act of Edmund Ross, in being true to his oath to give Andrew Johnson a fair trial—

was done deliberately, because the traitor, like Benedict Arnold, loved money better than he did principle, friends, honor and his country, all combined. Poor, pitiful, shriveled wretch, with a soul so small that a little pelf would outweigh all things else that dignify or ennoble manhood."

Ross' political career was ended. To the New York Tribune, he was nothing but "a miserable poltroon and traitor." The Philadelphia Press said that in Ross "littleness" had "simply borne its legitimate fruit," and that he and his fellow recalcitrant Republicans had "plunged from a precipice of fame into the groveling depths of infamy and death."

I digress to remark that the writer of that editorial has passed into complete obscurity while every man who loves stouthearted men acclaims the courage which prompted Edmund G. Ross to cast the vote which prevented a total blackout of constitutional government in this Nation.

I return to President Kennedy's article.

The Philadelphia Inquirer said that "They had tried, convicted, and sentenced themselves." For them there could be "no allowance, no clemency."

Comparative peace returned to Washington as Stanton relinquished his office and Johnson served out the rest of his term, later—unlike his Republican defenders—to return triumphantly to the Senate as Senator from Tennessee. But no one paid attention when Ross tried unsuccessfully to explain his vote, and denounced the falsehoods of Ben Butler's investigating committee, recalling that the general's "well-known groveling instincts and proneness to slime and uncleanness" had led "the public to insult the brute creation by dubbing him 'the beast.'" He clung unhappily to his seat in the Senate until the expiration of his term, frequently referred to as "the traitor Ross," and complaining that his fellow Congressmen, as well as citizens on the street, considered association

with him "disreputable and scandalous," and passed him by as if he were "a leper, with averted face and every indication of hatred and disgust."

Neither Ross nor any other Republican who had voted for the acquittal of Johnson was ever reelected to the Senate, not a one of them retaining the support of their party's organization. When he returned to Kansas in 1871, he and his family suffered social ostracism, physical attack, and near poverty.

Who was Edmund G. Ross? Practically nobody. Not a single public law bears his name, not a single history book includes his picture, not a single list of Senate "greats" mentions his service. His one heroic deed has been all but forgotten. But who might Edmund G. Ross have been? That is the question—for Ross, a man with an excellent command of words, an excellent background for politics, and an excellent future in the Senate, might well have outstripped his colleagues in prestige and power throughout a long Senate career. Instead, he chose to throw all of this away for one act of conscience.

But the twisting course of human events eventually upheld the faith he expressed to his wife shortly after the trial: "Millions of men cursing me today will bless me tomorrow for having saved the country from the greatest peril through which it has ever passed, though none but God can ever know the struggle it has cost me." For 20 years later Congress repealed the Tenure of Office Act, to which every President after Johnson, regardless of party, had objected; and still later the Supreme Court, referring to "the extremes of that episode in our Government," held it to be unconstitutional. Ross moved to New Mexico, where in his later years he was to be appointed Territorial Governor. Just prior to his death when he was awarded a special pension by Congress for his service in the Civil War, the press and the country took the opportunity to pay tribute to his fidelity to principle in a trying hour and his courage in saving his Government from a devastating reign of terror. They now agreed with Ross' earlier judgment that his vote had "saved the country from * * * a strain that would have wrecked any other form of government."

Those Kansas newspapers and political leaders who had bitterly denounced him in earlier years praised Ross for his stand against legislative mob rule: "By the firmness and courage of Senator Ross," it was said, "the country was saved from calamity greater than war, while it consigned him to a political martyrdom, the most cruel in our history. Ross was the victim of a wild flame of intolerance which swept everything before it. He did his duty knowing that it meant his political death. It was a brave thing for Ross to do, but Ross did it. He acted for his conscience and with a lofty patriotism, regardless of what he knew must be the ruinous consequences to himself. He acted right."

* * * * *

I could not close the story of Edmund Ross without some more adequate mention of those six courageous Republicans who stood with Ross and braved denunciation to acquit Andrew Johnson. Edmund Ross, more than any of those six colleagues, endured more before and after his vote, reached his conscientious decision with greater difficulty, and aroused the greatest interest and suspense prior to May 16 by his noncommittal silence. His story, like his vote, is the key to the impeachment tragedy. But all seven of the Republicans who voted against conviction should be remembered for their courage. Not a single one of them ever won reelection to the Senate. Not a single one of them escaped the unholy combination of threats, bribes, and coercive tactics by which their fellow Republicans attempted to intimidate their votes; and not a single one of them escaped the terrible torture of vicious criticism engendered by their vote to acquit.

William Pitt Fessenden, of Maine, one of the most eminent Senators, orators and lawyers of his day, and a prominent senior Republican leader, who admired Stanton and disliked Johnson, became convinced early in the game that "the whole thing is a mere madness."

The country has so bad an opinion of the President, which he fully deserves, that it expects condemnation. Whatever may be the consequences to myself personally, whatever I may think and feel as a politician, I will not decide the question against my own judgment. I would rather be confined to planting cabbages the remainder of my days. Make up your mind, if need be, to hear me denounced a traitor and perhaps hanged in effigy. All imaginable abuse has been heaped upon me by the men and papers devoted to the impeachers. I have received several letters from friends warning me that my political grave is dug if I do not vote for conviction, and several threatening assassination. It is rather hard at my time of life, after a long career, to find myself the target of pointed arrows from those whom I have faithfully served. The public, when aroused and excited by passion and prejudice, is little better than a wild beast. I shall at all events retain my own self-respect and a clear conscience, and time will do justice to my motives at least.

The radical Republicans were determined to win over the respected Fessenden, whose name would be the first question mark on the call of the roll, and his mail from Maine was abusive, threatening, and pleading. Wendell Phillips scornfully told a hissing crowd that "it takes 6 months for a statesmanlike idea to find its way into Mr. Fessenden's head. I don't say he is lacking; he is only very slow."

Fessenden decided to shun all newspapers and screen his mail. But when one of his oldest political friends in Maine urged him to "hang Johnson up by the heels like a dead crow in a cornfield, to frighten all of his tribe," noting that he was "sure I express the unanimous feeling of every loyal heart and head in this State," Fessenden indignantly replied:

"I am acting as a judge * * * by what right can any man upon whom no responsibility rests, and who does not even hear the evidence, undertake to advise me as to what the judgment, and even the sentence, should be? I wish all my friends and constituents to understand that I, and not they, am sitting in judgment upon the President. I, not they, have sworn to do impartial justice. I, not they, am responsible to God and man for my action and its consequences."

On that tragic afternoon of May 16, as Ross described it, Senator Fessenden "was in his place, pale and haggard, yet ready for the political martyrdom which he was about to face, and which not long afterward drove him to his grave."

The first Republican Senator to ring out "not guilty"—and the first of the seven to go to his grave, hounded by the merciless abuse that had dimmed all hope for re-election—was William Pitt Fessenden of Maine.

John B. Henderson, of Missouri, one of the Senate's youngest Members, had previously demonstrated high courage by introducing the 13th amendment abolishing slavery, simply because he was convinced that it would pass only if sponsored by a slave-state Senator, whose political death would necessarily follow. But when the full delegation of Republican Representatives from his State cornered him in his office to demand that he convict the hated Johnson, warning that Missouri Republicans could stomach no other course, Henderson's usual courage wavered. He meekly offered to wire his resignation to the Governor, enabling a new appointee to vote for conviction; and, when it was doubted whether a new Senator would be permitted to vote, he agreed to ascertain whether his own vote would be crucial.

But an insolent and threatening telegram from Missouri restored his sense of honor, and he swiftly wired his reply: "Say to my friends that I am sworn to do impartial justice according to law and conscience, and I will try to do it like an honest man."

John Henderson voted for acquittal, the last important act of his senatorial career. Denounced, threatened, and burned in effigy in Missouri, he did not even bother to seek reelection to the Senate. Years later his party would realize its debt to him, and return him to lesser offices, but for the Senate, whose integrity he had upheld, he was through.

Peter Van Winkle, of West Virginia, the last doubtful Republican name to be called on May 16, was, like Ross, a "nobody"; but his firm "not guilty" extinguished the last faint glimmer of hope which Edmund Ross had already all but destroyed. The Republicans had counted on Van Winkle—West Virginia's first U.S. Senator, and a critic of Stanton's removal; and for his courage, he was labeled "West Virginia's betrayer" by the Wheeling Intelligencer, who declared to the world that there was not a loyal citizen in the State who had not been misrepresented by his vote. He, too, had insured his permanent withdrawal from politics as soon as his Senate term expired.

The veteran Lyman Trumbull, of Illinois, who had defeated Abe Lincoln for the Senate, had drafted much of the major reconstruction legislation which Johnson vetoed, and had voted to censure Johnson upon Stanton's removal.

But, in the eyes of the Philadelphia Press, his "statesmanship drivelled into selfishness," for, resisting tremendous pressure, he voted against conviction. A Republican convention in Chicago had resolved "That any Senator elected by the votes of Union Republicans, who at this time blenches and betrays, is infamous and should be dishonored and execrated while this free government endures."

Mr. President, I digress from reading the article of President Kennedy to remark that free government would not have continued to endure in the United States had it not been for the requirement of the Constitution requiring the affirmative vote of two-thirds of Members of the Senate before any President of the United States could be convicted upon impeachment charges and removed from office.

I resume the reading of President Kennedy's argument:

And an Illinois Republican leader had warned the distinguished Trumbull "not to show himself on the streets in Chicago; for I fear that the representatives of an indignant people would hang him to the most convenient lamppost."

But Lyman Trumbull, ending a brilliant career of public service and devotion to the party which would renounce him, filed for the record these enduring words:

"The question to be decided is not whether Andrew Johnson is a proper person to fill the Presidential office, nor whether it is fit that he should remain in it. Once set, the example of impeaching a President for what, when the excitement of the House shall have subsided, will be regarded as insufficient cause, no future President will be safe who happens to differ with a majority of the House and two-thirds of the Senate on any measure deemed by them important. What

then becomes of the checks and balances of the Constitution so carefully devised and so vital to its perpetuity? They are all gone. I cannot be an instrument to produce such a result, and at the hazard of the ties even of friendship and affection, till calmer times shall do justice to my motives, no alternative is left me but the inflexible discharge of duty."

Joseph Smith Fowler, of Tennessee, like Ross, Henderson, and Van Winkle, a freshman Senator, at first thought the President impeachable. But the former Nashville professor was horrified by the mad passion of the House in rushing through the impeachment resolution by evidence against Johnson "based on falsehood," and by the "corrupt and dishonorable" Ben Butler, "a wicked man who seeks to convert the Senate of the United States into a political guillotine." He refused to be led by the nose by "politicians, thrown to the surface through the embers of the departing revolution." Threatened, investigated, and defamed by his fellow Radical Republicans, the nervous Fowler so faltered in his reply on May 16 that it was at first mistaken for the word "guilty." A wave of triumph swept the Senate—Johnson was convicted, Ross's vote was not needed. But then came the clear and distinct answer: "not guilty."

His reelection impossible, Fowler quietly retired from the Senate at the close of his term 2 years later, but not without a single statement in defense of his vote: "I acted for my country and posterity in obedience to the will of God."

James W. Grimes, of Iowa, one of Johnson's better and influential foes in the Senate, became convinced that the trial was intended only to excite public passions through "lies sent from here by the most worthless and irresponsible creatures on the face of the earth" (an indication, perhaps, of the improved quality of Washington correspondents in the last 87 years).

Unfortunately, the abuse and threats heaped upon him during the trial brought on a stroke of paralysis only 2 days before the vote was to be taken, and he was confined to his bed. The Radical Republicans, refusing any postponement, were delightedly certain that Grimes would either be too sick in fact to attend on May 16, or would plead that his illness prevented him from attending to cast the vote that would end his career. In the galleries, the crowd sang "Old Grimes is dead, that bad old man, we ne'er shall see him more." And in the New York Tribune, Horace Greeley was writing: "It seems as if no generation could pass without giving us one man to live among the warnings of history. We have had Benedict Arnold, Aaron Burr, Jefferson Davis, and now we have James W. Grimes."

But James W. Grimes was a man of great physical as well as moral courage, and just before the balloting was to begin on May 16, four men carried the pale and withered Senator from Iowa into his seat. He later wrote that Fessenden had grasped his hand and given him a "glorified smile. * * * I would not today exchange that recollection for the highest distinction of life." The Chief Justice suggested that it would be permissible for him to remain seated while voting—but with the assistance of his friends, Senator Grimes struggled to his feet and in a surprisingly firm voice called out "not guilty."

Burned in effigy, accused in the press of "idiocy and impotency," and repudiated by his State and friends, Grimes never recovered—but before he died he declared to a friend: "I shall ever thank God that in that troubled hour of trial, when many privately confessed that they had sacrificed their judgment and their conscience at the behests of party newspapers and party hate, I had the courage to be true to my oath and my conscience. Perhaps I did wrong not to commit perjury by order of a party; but I cannot see it that way. I became a judge acting on my own responsibility and accountable only to my own conscience and my Maker; and no power could force me to decide on such a case contrary to my convictions, whether that party was composed of my friends or my enemies."

Mr. President, I have read President Kennedy's article which illustrates so well how the provision of the Constitution that no President can be impeached and removed from office unless convicted by two-thirds of the Senate, saved this Nation from a constitutional blackout in one of the most troublesome times of our history. We cannot say with any assurance that times like these will not occur again, for if history teaches us anything, and I think it teaches much, it teaches that what has happened in the past is likely to occur in the future.

I have read the very dramatic story written by President Kennedy about the occasion in the Senate when a rule requiring a two-thirds vote in the Senate saved the reputation of the Senate and constitutional government in our Nation. In light of that circumstance, with that warning of history before me, I expect to stand for a rule of cloture which will require a two-thirds vote of Senators to silence any Senator who feels that his duty to his country and his God, and to his conscience, demands that he stand upon the floor of the Senate and say what he believes he should say.

There is an old saying that, "The saddest epitaph which can be written for the loss of any right is that those who had the saving power failed to stretch forth a saving hand while there was yet time."

In closing, I appeal to Senators to remember this tragic event from the history of our past and to stand by a rule of the Senate which will require a two-thirds vote before any Senator can be prevented from speaking what he honestly believes in his heart is necessary for the welfare of his country.

Mr. President, I have much more to say on the pending business. For this reason, I ask unanimous consent that what I have heretofore said be not counted as a completed speech and that I be accorded the right to resume this discussion in the future and have my past and future remarks counted as a single speech.

The PRESIDING OFFICER. Is there objection? The Chair hears no objection, and it is so ordered.

(The following proceedings, which occurred during the delivery of Mr. ERVIN's address, are printed here by unanimous consent:)

ORDER OF BUSINESS

Mr. ERVIN. Mr. President, I ask unanimous consent that I may yield to the distinguished Senator from South Carolina (Mr. THURMOND) without losing my right to the floor and without having my subsequent remarks counted as a second speech on the pending business, and that I not be otherwise prejudiced in my rights.

Mr. BYRD of West Virginia. Mr. President, reserving the right to object, may I inquire if the statement which the Senator from South Carolina proposes to make is germane to the pending business?

Mr. THURMOND. The remarks I propose to make are on the continuation of the draft. I realize the time is not quite up. If there is objection, I wish to say I understand the rules and I shall abide by them.

Mr. BYRD of West Virginia. Mr. President, I appreciate the splendid attitude of the Senator from South Carolina. I would be constrained to object.

Mr. THURMOND. I understand. I will wait until the clock goes around a little before making my remarks.

Mr. BYRD of West Virginia. I thank the Senator.

Mr. ERVIN. Mr. President, so that my remarks may appear unbroken in the RECORD, I ask unanimous consent that the colloquy between me and the Senator from South Carolina, and the colloquy between the Senator from South Carolina and the Senator from West Virginia be printed in the body of the RECORD after my remarks are concluded.

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

Mr. ERVIN. Mr. President, I ask unanimous consent that I may yield to the distinguished Senator from Missouri (Mr. SYMINGTON), with the understanding, first, that by so doing I shall not lose my right to the floor; second, that by so doing, my subsequent remarks shall not be counted as another speech upon the pending business; and, third, that any statement which the Senator from Missouri may make will be printed in the RECORD at the conclusion of my remarks.

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

Mr. SYMINGTON. Mr. President, I appreciate the gracious courtesy of the Senator from North Carolina. I appreciate his kindness in yielding to me. Inasmuch as I do not happen to agree with him on this issue, I would appreciate its being printed in the RECORD at the conclusion of his remarks for the reason that his oratory is so great that my very short statement probably would be completely nullified if it were put between some of the able sentences he uses in presenting his cause.

SYMINGTON URGES ADOPTION OF THREE-FIFTHS CLOTURE RULE

Mr. SYMINGTON. Mr. President, tradition has it that Senators are Members of the world's greatest deliberative body. We take pride in that legend and the power of extended debate.

Many of the American citizens we represent, however, now question whether Senate deliberations are, as often as not, synonymous with Senate obfuscations.

Debate that serves to explore and expose both the weaknesses and the strengths of legislative proposals can lead to needed delay or desirable revisions. In democratic institutions, there is also need to expound and preserve the views and rights of minorities, and the openness of debate serves that purpose.

When the popular tide is running high, it is also important to have available a tool which would serve as a reasonable brake on what otherwise might be pre-

cipitate action on hastily considered proposals. But a time arrives when there really is nothing more of value to be said on the merits of an issue and the Senate should be permitted to act, or not to act, as may be decided by the votes and convictions of individual Senators.

Since 1917 the Senate has had a cloture rule—a means by which debate can be limited so as to bring a matter to a vote. At that time a rule was adopted to permit two-thirds of Senators present and voting to place a limitation on further debate. That rule remained until revised in 1949 to require two-thirds of duly chosen and sworn Senators to invoke cloture.

In 1959, the rule was changed again so as to enable two-thirds of the Senate present and voting to end debate and bring a pending question to vote.

I believe the time is at hand to further modify the rule in order to permit three-fifths of the Senate present and voting to end debate and proceed to vote on the pending issue; therefore I am glad to be a cosponsor of Senate Resolution 9 and hope the Senate will adopt the modification for this 92d Congress.

I believe the proposed 60-percent rule on cloture would continue to safeguard the important principle involved in extended debate, but at the same time permit the Senate, in a more constructive and orderly manner, to work its will on the issues the Senate is obligated to decide.

(This marks the end of the proceedings which by unanimous consent were ordered to be printed in the RECORD at this point.)

ORDER OF BUSINESS

Mr. McCLELLAN. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. McCLELLAN. Is the rule of germaneness in order at the moment?

The PRESIDING OFFICER. The rule of germaneness has expired.

THE TFX AIRPLANE CONTRACT INVESTIGATION

Mr. McCLELLAN. Mr. President, on Demember 18, 1970, on behalf of the Senate permanent Subcommittee on Investigations, I submitted the subcommittee's report on the TFX airplane contract investigation, which was the longest investigation ever conducted in the history of the U.S. Congress. My comments at that time about the report and the investigation, and those of my distinguished colleagues who participated in the discussion, will be found in the CONGRESSIONAL RECORD, volume 116, part 31, pages 42376–42381.

Subsequently, on December 30, 1970, I made some comments on the Senate floor about a number of editorials from the Nation's press which had been written following the submission of the subcommittee's report. With one exception, the editorials which I placed in the RECORD, pages 44038–44040, were complimentary, recognizing both the value and the significance of the subcommittee's 8-year arduous and unpleasant task.

Mr. President, some other editorials and commentaries from the Nation's press have since been brought to my attention. Again with one exception, their writers have commended our report as an accurate and significant record of the management blunders in the Pentagon during the administration of former Secretary of Defense Robert S. McNamara.

One of the editorials, in Aviation Week & Space Technology for January 4, 1971, calls the report "a monumental work of legislative probing." The publication says further:

We recommend it as required reading for anybody dealing with the military procurement process and also for students of the Pentagon management policies of former Defense Secretary Roberts S. McNamara.

The other editorials are from the Shreveport Journal for December 23, 1970, written by Alice Widener, and from the Times-Picayune of New Orleans for December 25, 1970, written by Edward W. O'Brien.

Mr. President, I request unanimous consent to have the editorial and the commentaries printed in the RECORD at this point in my remarks.

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

[From Aviation Week & Space Technology, Jan. 4, 1971]

THE TFX VERDICT

(The report on the TFX contract of the Senate Committee on Government Operations made by its permanent subcommittee on investigations chaired by Sen. John L. McClellan (D.-Ark.) is a monumental work of legislative probing. It took eight years and covered the history of the TFX (now the F–111) development from contract award to service use. The full report (No. 91–1496) is available from the Government Printing Office in Washington, D.C. We recommend it as required reading for anybody dealing with the military procurement process and also for students of the Pentagon management policies of former Defense Secretary Robert S. McNamara. Chairman McClellan deserves the appreciation of the taxpayers whose interests he so ably represented for his dogged thorough and lucid pursuit of the facts in the face of equally dogged Pentagon obfuscation. The subcommittee counsel, Jerome S. Adlerman and staff members John Brick, Charles Cromwell, John J. Walsh and Thomas A. Nunnally also did noteworthy work.

(We present the conclusions of this report below and will have further comment on them at a later date. In addition to Chairman McClellan, the report was signed by Sens. Henry Jackson (Wash.), Sam Ervin (N.C.), Abraham Ribicoff (Conn.) and Lee Metcalf (Mont.), all Democrats, and by Republicans Karl Mundt (S.D.), Charles Percy (Ill.) and Edward Gurney (Fla.), Sen. Edmund Muskie (D.-Me.) filed a dissent defending Mr. McNamarra's integrity and Sen. Jacob Javits (R.-N.Y.), added a demurrer that the conflict of interest judgment on Mr. McNamara's former deputy Defense Secretary Roswell Gilpatric was too harsh.—R.B.H.).

The TFX program has been a failure. The federal government will spend more than $7.8 billion to procure about 500 aircraft, although the original production schedule called for more than 1,700 aircraft to be purchased for less money. Of the 500 planes we will have, less than 100 (the F–111Fs) come reasonably close to meeting the original standards. Spending so great a sum for so few aircraft represents a fiscal blunder of the greatest magnitude. It is clear that vital financial resources were squandered in the attempt to make the TFX program produce satisfactory results.

The billion-dollar savings in the TFX program, so grandiloquently promised by Secretary of Defense McNamara, became instead a directly unaccountable waste of more than one-half billion dollars spent on the F–111B, the F–111K and the RF–111 versions of the plane, all of which are unacceptable and had to be canceled and abandoned before production. The total failure of the attempt to produce a satisfactory F–111B has caused a long and unnecessary delay in filling the Navy's requirement for a new carrier-based fighter. The lack of fighter maneuverability in the Air Force versions of the F–111 plane made it necessary to undertake the development of another fighter—the F–15—to fill this role for the Air Force in the 1970s. The excessive costs of the Air Force versions forced drastic cutbacks in the numbers of aircraft which can be procured to fill the tactical and strategic inventory. The long delays in getting the F–111s into operational use certainly have had an adverse impact on our defense posture.

Aside from the serious impact which the TFX program has had upon our national security and aside from the obvious waste of scarce resources, the TFX case also has affected public confidence in our defense establishment. As this report makes clear, the primary cause of the TFX fiasco was mismanagement. A series of management blunders made for various reasons, compounded errors with more errors and caused the failure of the program. The management blunders were made at the highest echelons of the government. Top presidential appointees in the Dept. of Defense during the McNamara era overrode expert device to impose personal judgments on complex matters beyond their expertise. These same officials then made extraordinary efforts to conceal the results of their errors in the TFX case. These efforts included deliberate attempts to deceive the Congress, the press, and the American people. Understandably, this sorry record has done nothing to enhance public confidence in the integrity with preserving the national security. Nor has it improved the public image of the Dept. of Defense.

What should be done to correct these conditions? Announcements have already been made of greater decentralization of the management system within the Pentagon so that technical aspects of weapons development programs would be managed where they should be—by the individual services which eventually will be responsible for using in combat the weapons that they develop. There is stated to be increased awareness of the need for current and valid assessments of program status and progress. There also is stated to be concern with the problems of conducting research and development concurrent with early production.

The subcommittee believes that these trends in management policies, if diligently followed, could lead to improvements in the weapons acquisition process and in management effectiveness within the Pentagon.

The subcommittee is hopeful that the civilians who now run the Dept. of Defense, as well as those who will follow, will be committed to a policy of candor and truthfulness in their relations with the press, the public, and the Congress.

Such a policy, if observed, should do much to improve public confidence in the credibility of the Pentagon.

It would be foolhardy, however, to assume that such errors as are exemplified in the TFX program could not be repeated. A major lesson of the TFX case is that the Congress must not hesitate, in the exercise of its oversight function, to examine major

procurement procedures, decisions, and programs, particularly whenever there is obvious deviation from established practices. The Congress must be ever watchful, because there could be recurrences of the serious and damaging mismanagement that attended the TFX program from its inception, as reflected in the subcommittee's hearings and as summarized in this report.

[From the Shreveport Journal, Dec. 23, 1970]

MCNAMARA WRONG—TFX, COSTLY LESSON

(By Alice Widener)

NEW YORK.—In the years-long investigation of the F–111, the eight-billion-dollar American fighter-bomber plane known as the Tactical Fighter Experimental (TFX), editor Robert M. Bleiberg of Barron's National Business and Financial Weekly has been proved right in his crusade against the plane, and the Kennedy-Johnson Administrations' No. 1 Whiz Kid, former Defense Secretary Robert S. McNamara has been proved wrong.

The Senate Permanent Investigating Committee, Sen. John L. McClellan chairman, issued its final report on the TFX this month, calling McNamara's flying Edsel a "fiscal blunder of the worst magnitude" and accusing Mr. McNamara of deliberate attempts to "conceal the truth" about the TFX. The Senate Committee also accused McNamara's No. 1 aide, Deputy Defense Secretary Roswell L. Gilpatric, of "flagrant conflict of interest" because of his close legal association with General Dynamics, to which the TFX contract was awarded though Boeing Company's bid was lower and design better for the fighter-bomber.

The horrendous consequences of the TFX scandal are upon us, for McNamara's and Gilpatric's insistence on the unsatifactory plane—over the unanimous objection of our Joint Chiefs of Staff—has had what the Senate Committee declares to be an "adverse impact on our defense posture." This is exactly what Mr. Bleiberg predicted, again and again, in his front page Barron's editorials that appeared in July and August, 1965, August, 1966, September, 1967, and May, 1970, under headlines telling the whole disgraceful story:

"Flying Edsel—The TFX May Wind Up Satisfying Neither Buyers Nor Sellers;"

"Wing and a Prayer—the TFX 'Best Plane Ever Built' (McNamara) May Not Be Good Enough;"

"Point of No Return—The TFX Program Has Gone From Scandal to Disaster;"

"Moment of Truth—It's Time the Nation Cut Its Losses in the TFX;"

"Incredible Contract—General Dynamics' Gain Is Nation's Loss;" and finally "F–111 Fiasco."

If the nation comes to learn the real significance of the TFX eight-billion-dollar scandal, then—let us pray—it might be worth the bitter lesson so costly in money and so damaging to our national defense.

The first thing we must learn, once and for all, is "Put not our military defense trust in egghead civilian Department of Defense disarmament advocates." That is exactly what President John F. Kennedy did when he appointed Robert S. McNamara, Roswell L. Gilpatric and Jerome B. Weisner respectively as Secretary and Deputy Secretary of Defense and Science Adviser. All three pitted their own conceited opinions in military matters against our Joint Chiefs.

The second thing we should learn from the TFX fiasco is not to permit our biased liberal broadcasting commentators and discussion-show directors to affect our opinions on major issues. For years and years, the networks afforded McNamara and Gilpatric every possible opportunity, free of informed opposition, to air their views and dismissed the cogent criticisms of the TFX made by Sen. Barry Goldwater, by Newton H. Fulbright, investigative reporter for the New York Herald Tribune, and by Robert Bleiberg.

The third thing we must do is to urge President Richard M. Nixon to use his influence for the removal of Robert S. McNamara as President of the World Bank.

[From the New Orleans (La.) Times-Picayune, Dec. 25, 1970]

TFX FIASCO WAS CIVILIAN

(By Edward W. O'Brien)

WASHINGTON.—Though it is Christmas, what follows is said not out of charity but in justice to this country's men in military uniforms.

Last week the Senate's McClellan committee published a report on its longest investigation, the inquiry into the TFX airplane program. In 93 pages, based in turn on thousands of pages of testimony over eight years, the committee wrote the documented story of one of the most disgraceful and costly episodes in American history.

The $7.8 billion program to design and build fighter planes for the Air Force and Navy has been a failure and a fiasco, the committee report showed. Most of the money was squandered, lives have been lost in crashes, immense technological talent and resources have been wasted, and a serious hole was left and still exists in national defense.

Those conclusions by the committee members of both parties are beyond dispute.

Who was to blame for the TFX scandal? Again, the precise facts have been spread on the record in sworn testimony and in the committee's report. The guilty were not four-star generals and admirals, bumbling colonels and captains, or even uncouth lieutenants and ensigns.

For once, those culpable were explicitly identified, and they turned out to be the prestigious civilians who were giving orders for years to the men in uniforms.

"The primary cause of the TFX fiasco was mismanagement," the senators said.

"A series of management blunders, made for various reasons, compounded errors with more errors and caused the failure of the program. The management blunders were made at the highest echelons of the government.

"Top presidential appointees in the Department of Defense during the era of Secretary Robert S. McNamara overrode expert advise to impose personal judgment on complex matters beyond their expertise.

"These same officials then made extraordinary efforts to conceal the results of their errors in the TFX case. These efforts included deliberate attempts to deceive the Congress, the press, and the American people."

The basic mistake was in giving the contract to General Dynamics Corp. for an inferior design. This decision was made by four civilians—McNamara, Defense Deputy Secretary Roswell Gilpatric, Air Force Secretary Eugene Zuckert, and Navy Secretary Fred Knorth.

In handling the contract to General Dynamics, the civilians rejected the unanimous recommendation of their military advisers, who had determined through four rounds of competition that Boeing Co. offered a better plane for less money.

Not only did the four secretaries reject the advice from the military experts. They did not consult with the officers or even tell them of their decision until days later.

As the TFX sank deeper and deeper in ineptitude, and failure, Pentagon military officers and career civil service experts on many occasions proposed changes that would salvage part of the program. But, as before, their opinions were scorned, and McNamara and Co. plunged on toward final disaster.

Ironically, it was Secretary McNamara and a number of his intimate civilian associates who did much to begin the undermining of public confidence in the military establishment—a process that continues and could have momentous consequences.

But at least on the TFX, justice has finally prevailed, thanks to Sen. John L. McClellan, Sen. Henry M. Jackson and other committee members, and an able and devoted staff headed by counsel Jerome S. Adlerman.

Mr. McCLELLAN. One of the editorials which I placed in the RECORD on December 30, 1970, was highly critical of the subcommittee and of its staff. That editorial appeared in the Washington Post for December 29, 1970. It was titled "The End, We Hope, of the TFX Affair." The editorial admitted that there had been many errors, blunders, mistakes in judgment, and mismanagement of the TFX program during the Pentagon administration of Robert S. McNamara. In my comments about the editorial, I suggested that its title was misleading and inaccurate. I said that, in my opinion, a more suitable title would have been "An Editorial Apology for the Blunders of Secretary McNamara."

Mr. President, the second of the twin McNamara defenders, the New York Times, published an editorial on January 2, 1971, quite similar in tone and content to the one which had appeared earlier in the Washington Post. The New York Times editorial was titled "Blame for the F–111." The Times also admitted some of the McNamara blunders and mistakes, but it concluded with this remarkable absolution for him:

The F–111 fiasco—

I call attention to the fact that they admit it was a fiasco—

was ultimately a failure of General Dynamics to deliver on its original design.

Of course, failure to deliver on the original design was the consequence of the blunders made at the Pentagon, at the Secretary of Defense level.

The record of our hearings proves the inaccuracy of that statement.

The ultimate failure was due to the inability of General Dynamics to deliver on its original design.

The record shows that the principal cause of the TFX disaster was the original decision to try to build a single plane for two completely divergent and different missions.

The decision was that the plane was to be a bomber-fighter. This plane is not a fighter. It could not hold its own in combat with any modern fighter of any other large power today at all, absolutely; and, as a bomber, it has one particular feature that can be said to be good if the plane is ever made safe. Of course, as a naval reconnoitering plane to guard the Navy as an outward sentinel to protect the fleet, it is not only a complete failure; it has been rejected and the plane was never purchased for that purpose. Congress forced the cancellation of the contract as to the naval plane.

Secretary McNamara made that decision, and he rejected the counsel of aircraft experts who said that the TFX, as he envisioned it, was not technically feasible. He rejected the advice of the Defense Department's experts, both civilian and military, and overruled their

recommendation for source selection. Secretary McNamara chose General Dynamics to build the TFX, and thereafter repeatedly refused to accept the advice of both contractors and Defense Department experts who recommended several times that the airplane be redesigned.

They advised the Secretary and advised the Defense Department repeatedly that, as designed and as originally contracted for, the plane would not be able to carry out—certainly would not be able to perform—the mission of the Navy. Secretary McNamara personally managed the program after many serious problems developed, and he was familiar with those problems when he ordered the plane into production. Since our report was issued, another F–111 has been lost on a test flight, and neither the plane nor its crew has been found. Instead of blaming the fiasco on General Dynamics, the Times should have placed the blame squarely where it belongs—upon the group of civilian administrators who were arbitrarily led by Robert McNamara.

I might note that ever since this last plane went down, the one that has not been found—it went down only since the filing of the report—another defective part has been found in the plane, which raises further serious questions as to the safety of it as a weapon.

The Times editorial, like the one printed in the Post, was highly critical of the subcommittee. In fact, the newspaper suggests that our report is so one-sided that it should be called "The Revenge of the Military-Industrial Complex."

The military-industrial complex did not need to seek any revenge against Mr. McNamara. The military-industrial complex, of which General Dynamics is a part, undertook to build a plane according to Mr. McNamara's dictation and management, which has proven to be impossible.

Since title-changing seems in order, Mr. President, I suggest another title for the Times, as I did previously for the Post. In my opinion, a more suitable title would have been "Another Feeble Editorial Apology for Mr. McNamara's TFX Fiasco."

Mr. President, I too, hope, like the writer of the Post editorial, that we may see an end to this TFX fiasco. But if we are to see an end to it—and I would like to hear no more about it—a miracle will have to be performed. Something miraculous will have to take place in the industry and by the contractor that has the responsibility for producing this plane, in order to make the plane the weapon that our Government purchased, the weapon that the contractor agreed to deliver, and the weapon for which we are paying, and paying dearly—in fact, paying three or four times what Mr. McNamara estimated the cost to be.

I do not anticipate that any such miracle will occur.

Mr. President, I request unanimous consent to have the New York Times editorial printed in the Record at the conclusion of my remarks.

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

BLAME FOR THE F–111

The final report of the Senate Permanent Investigations Subcommittee on its long inquiry into the F–111 airplane contract might well be called "The Revenge of the Military-Industrial Complex."

The career officers in the Pentagon, the businessmen in defense industries and the influential politicians on Capitol Hill who resented Robert McNamara's strongwilled ways during his nearly seven years as Secretary of Defense can read this one-sided, savagely worded report and feel satisfied. But those with a more balanced attitude toward the McNamara record are likely to agree with Senator Muskie's dissenting view that this report does "a disservice to the cause of more efficient defense management."

There is no doubt that the F–111 has been excessively expensive and that, on balance, it has to be regarded as one of Mr. McNamara's failures. The disagreement is over the reasons for that failure. The investigating subcommittee's final report, released by Senator McClellan last week, has the "I told you so" quality of participants in a bitter dispute who have the last word and use it to drive home the notion that they were right all along.

But a fair-minded reading of the evidence set forth in the report does not support the angry caricature of Mr. McNamara which Senator McClellan and his colleagues have drawn. Some of the "major management errors" which they depict, for example, are simply Mr. McNamara's managerial virtues turned upside down.

As part of his successful effort at the Pentagon to make civilian control a functioning reality for the first time, he cut across routines and rivalries to insist, wherever possible, on the concept of "commonalty"—use of the same weapon or equipment by all the services.

In the case of the F–111, the Air Force and the Navy each wanted its own plane but he insisted that a single plane could meet the essential needs of both. Only an aggressive, ambitious manager would have moved so boldly. In this instance, Mr. McNamara's reach exceeded his grasp. A plane with a variable sweep wing was too new, too close to the margin of technological knowledge at that time to yield to his stringent cost control efforts. When problems and costs rose inexorably, Mr. McNamara, a perfectionist, betrayed the perfectionist manager's characteristic weaknesses—a tendency to overcentralize decision-making in his own hands and a stubborn refusal to admit error.

The mistakes which Mr. McNamara made in this instance qualify but do not offset his many brilliant successes in managing the huge Pentagon establishment and increasing its effectiveenss by these same managerial methods.

The subcommittee provides insufficient evidence to support its harsh conflict-of-interest charges. It hints at but does not document the rumors that President Kennedy favored General Dynamics over Boeing, the rival bidder, because he was politically indebted to its principal stockholder or because its plant was in Vice President Johnson's home state. No evidence substantiates these rumors. Deputy Secretary of Defense Roswell L. Gilpatric was less than frank in relating his prior relationship with General Dynamics to the subcommittee; he would have been prudent to disqualify himself from consideration of this contract. However, neither Mr. Gilpatric nor Secretary of the Navy Fred Korth, another target of subcommittee criticism, appears to have played a major role in a decision which was primarily the responsibility of Mr. McNamara.

The F–111 fiasco was ultimately a failure of General Dynamics to deliver on its original design. It is impossible to know whether Boeing would have encountered similar difficulties if it had been awarded the contract. What is clear is that the mistakes and setbacks which plagued the development of the F–111 cannot blot out the many substantial accomplishments achieved by the Defense Department under the leadership of Robert McNamara.

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

Mr. McCLELLAN. I am glad to yield to the Senator from Alabama.

Mr. ALLEN. Mr. President, I commend the distinguished Senator from Arkansas (Mr. McCLELLAN) for his excellent work as chairman of the Committee on Government Operations and of the Permanent Subcommittee on Investigations. I feel that the distinguished chairman of the committee and of the subcommittee, the members of the subcommittee, and the staff have shown great ability, great dedication, and great perseverance in the investigation of the TFX affair, and I feel that they have done a great service to their country, and that through this investigation, they have reflected great credit upon themselves and upon the Senate of the United States.

Speaking as the junior Senator from Alabama, I commend the distinguished chairman of that committee, the Senator from Arkansas (Mr. McCLELLAN) for his great patriotic work as chairman of that committee and for being the great patriot that he is.

Mr. McCLELLAN. I thank my distinguished colleague. He is very gracious in his commendation of the work of the committee and of the chairman.

I might say, Mr. President, that if one or two editors do not want to hear more about the TFX fiasco, they can contribute to that aspiration by simply stop writing editorials apologizing for the fiasco, trying to place the blame improperly on those on whom it does not belong, and trying to protect those where the blame rests.

ORDER OF BUSINESS

Mr. ALLEN. Mr. Presilent, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

SENATE RESOLUTION 34—SUBMISSION OF A RESOLUTION AUTHORIZING ADDITIONAL EXPENDITURES FOR THE COMMITTEE ON INTERIOR AND INSULAR AFFAIRS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that I may be permitted to submit, on behalf of the Senator from Washington (Mr. JACKSON), for himself and the Senator from Colorado (Mr. ALLOTT), a resolution authorizing additional expenditures by the Committee on Interior and Insular Affairs for inquiries and investigations.

The PRESIDING OFFICER. Without

objection, it is so ordered. The resolution will be received and appropriately referred.

The resolution (S. Res. 34), which reads as follows, was referred to the Committee on Interior and Insular Affairs:

S. RES. 34

Resolved, That, in holding hearings, reporting such hearings, and making investigations as authorized by sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, in accordance with its jurisdiction under rule XXV of the Standing Rules of the Senate, the Committee on Interior and Insular Affairs, or any subcommittee thereof, is authorized from February 1, 1971, through February 29, 1972, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

SEC. 2. The expenses of the committee under this resolution shall not exceed $200,000, of which amount not to exceed $6,000 shall be available for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202 (i) of the Legislative Reorganization Act of 1946, as amended).

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 29, 1972.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

ORDER FOR RECESS UNTIL 11:15 TOMORROW

Mr. BYRD of West Virginia. I ask unanimous consent that when the Senate completes its business today, it stand in recess until 11:15 a.m. tomorrow.

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

SWEARING IN OF A NEW SENATOR FROM THE STATE OF GEORGIA

Mr. BYRD of West Virginia. Mr. President, tomorrow morning a new Senator from the State of Georgia will be present to take the oath of office before entering upon his official duties. I, therefore, ask unanimous consent that immediately after the laying before the Senate of the pending business and the approval of the Journal if there is no objection, there be a brief period to permit the new Senator to be sworn in.

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

ORDERS FOR RECOGNITION OF SENATORS JAVITS AND FANNIN TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, following the swearing in of the new Senator from Georgia, the able Senator from Arizona (Mr. FANNIN) be recognized for not to exceed 15 minutes.

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

Mr. BYRD of West Virginia. I ask unanimous consent that upon the conclusion of the remarks by the Senator from Arizona (Mr. FANNIN), the distinguished Senator from New York (Mr. JAVITS) be recognized for not to exceed 15 minutes.

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

TRANSACTION OF ROUTINE BUSINESS TOMORROW

Mr. BYRD of West Virginia. Mr. President, an order for a period for transaction of routine morning business not exceeding 45 minutes, with statements therein limited to 3 minutes, has already been agreed to and entered.

The PRESIDING OFFICER. The Senator is correct.

AMENDMENT OF RULE XXII OF THE STANDING RULES OF THE SENATE

The Senate continued with the consideration of the motion to proceed to the consideration of the resolution (S. Res. 9) amending rule XXII of the Standing Rules of the Senate with respect to limitation of debate.

Mr. BYRD of West Virginia. Mr. President, for the information of the Senate, what is the pending question before the Senate?

The PRESIDING OFFICER (Mr. PACKWOOD). The question is on agreeing to the motion of the Senator from Alabama (Mr. ALLEN) to postpone until the next legislative day the consideration of the motion of the Senator from Kansas (Mr. PEARSON) that the Senate proceed to the consideration of Senate Resolution 9, a resolution to amend rule XXII of the Standing Rules of the Senate with respect to limitation of debate.

Mr. BYRD of West Virginia. I thank the distinguished Presiding Officer.

RECESS UNTIL 11:15 A.M. TOMORROW

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in recess until 11:15 a.m. tomorrow.

The motion was agreed to; and (at 4 o'clock and 48 minutes p.m.) the Senate took a recess until tomorrow, Tuesday, February 2, 1971, at 11:15 a.m.

NOMINATIONS

Executive nominations received by the Senate February 1 (legislative day of January 26), 1971:

IN THE MARINE CORPS

The following-named officers of the Marine Corps for permanent appointment to the grade of chief warrant officer (W-4):

Thomas H. Bruce
William D. Clemons, Jr.
Gerald H. Conner
William C. Corbett
Roy H. Crawford
Ernest Crocker, Jr.
Orville H. Duncan
Jo E. Kennedy
Glenford A. Newtown
Robert H. Russell
Aaron W. Spikes
James T. Williams
Robert V. Williamson
John A. Witkoski

The following-named officers of the Marine Corps for permanent appointment to the grade of chief warrant officer (W-3):

David P. Abrams
Robert L. Adams
Bruce M. Albert
Bruce D. Alexander
Raymond L. Anti
Robert E. Atwood, Sr.
Willard E. Bailey
Donald N. Barber
William W. Barber
Harold E. Bartell
Donald R. Bean
John C. Beier
Donald C. Blackwood
Earl C. Blount, Jr.
Leon J. Bochenski, Jr.
Robert L. Bonifay
William B. Bovee
Robert G. Bradley
Richard C. Brassington
Ernest V. Bridges
Ferris D. Brown
James E. Brown
Frederick A. Buelow
Ernest A. Burgett
Glydon C. Burkett
James M. Burns
Louis G. Bushnell
Jackie M. Carter
Thomas J. Caulfield, Jr.
Wallace E. Cavett
Howard J. Christenson
William J. Cipperly
Roy L. Clark
Jarrett Colbert, Jr.
William C. Conrardy
Darrell H. Cook
Robert G. Darroch
Frederick E. Daubenspeck
Ralph D. Davies
Carroll C. Davis
James S. Davis
Leslie B. Dehaven
Harold E. Dexter
Kenneth M. Douglas
Richard H. Dyberg
Charles D. Eicher
John B. Emeney
Phillip M. Estes
Carroll G. Fain
Robert L. Fain
Joseph R. Frawley
Harold W. Frazier, Jr.
William F. Flom
Henry D. Flood
Donald L. Fogg
Ronald L. Foster
Alvin E. French
Howard E. Funk, Jr.
Cecil O. Gage
James R. Gauthier
Marvin J. George
William E. Gilbert
Carroll S. Gipson
Donald S. Giusto
William H. Gordon
Donald B. Greenlaw
Eugene W. Gregorius
Kevin J. Griffin
Morton L. Hall
Carl D. Hamilton
Troy W. Hancock
Robert C. Hankinson
Tommy A. Harmon
William R. Hayes, Jr.
James E. Hill
Ronald G. Hoffman
Eugene S. Holmberg
Harvey D. Houck, Jr.
Edward M. Hughes
Douglas W. Hughs
Earl M. Jennings
Erich J. Johnston
Edward T. Jones, Jr.
Richard L. Keil
Kenneth K. Keller
James E. Kendall
George P. Kenniston
Stephen F. Kiselicka
Herbert S. Kondo
Earle L. Lambert
Claudie J. Ladner
Jamts E. Lake
Roger E. Larvie
David W. Lathrop, Jr.
Charles A. Lawrence
Earl C. Lee
Thomas J. Lesh
Karl F. Liebert
Joel F. Lindsey
Roy F. Little
William D. Llewellyn
Edward P. Loftus
Robert M. Ludwig
Robert B. Mackenzie
Ronald T. Macy
Paul M. Manning
William A. Masker
Ronald J. Mayes
Bernard L. McIlnay
Bruce Mellon
Ralph C. Miller, Jr.
Tom A. Mix
John E. Moody
Johnney W. Moody
Bobby W. Morgan
Alan L. Morrill
Dewey E. Mueller
Billy D. Nicholas
Fredrick D. Norton
Roy M. Oehlers
David T. Penman
Richard E. Phillips
James R. Pippin
William A. Poe, Jr.
Cleon H. Rafferty
Emma G. Ramsey
Edmond W. Reeder
Alfred J. Reyer, Jr.
John L. Rhodes
Martin J. Riley, Jr.
Harold L. Ritter
Clarence A. Robinson, Jr.
Rodger J. Rodick
Leonard Ross
Edward P. Rotchford
Clark H. Rowe
Richard K. Sanders
Stanley F. Sanders
Charles W. Savage
Salvatore J. Scalzo
Adolph Schmid
William W. Schuon
Norvel M. Scott
William G. Sexton
Daniel L. Siemion
Stanley A. Skalski
Richard G. Shore
Frank E. Smith
George M. Smith, Jr.
Arlon Solomon
Anthony J. Soltes
Robert E. Spiker
Peter N. Stavros
William T. Steinken, Jr.
Richard F. Storch
Edward G. Tardif
Kenneth E. Taylor
John L. Thacker
Edgar D. Thomas
John G. Tinney
Harry J. Tobin
Richard L. Turcott
Thomas W. Turner
Jimmie Veater
Norman J. Walker
Richard H. Wallace
Robert H. Wallace
Calvin R. Waters

Price I. Watkins
Eric P. Watson, Jr.
John C. Watts
John L. Wenrich, Jr.
Charles D. Wheeler
Donald L. Whisnant
Thomas A. White
Vance E. White
James E. Wright
Clyde V. Wright
Howard C. Wolfe
Veo S. Yon
George A. Zettler

The following-named officers of the Marine Corps for permanent appointment to the grade of chief warrant officer (W–2):

Charles W. Adams
George L. Anderson
Charles M. Banks
Robert Barber, Jr.
John E. Baughman
Thomas J. Berryhill
Roy H. Bixler
Donald R. Book
Clyde P. Boudreaux
Lawrence C. Brinkman
James J. Brisson
William C. Brown, Jr.
Walter J. Bruderer
Joseph A. Bryant
Dudley L. Burgess
Christopher P. Butler
Gary G. Carley
James T. Chaffee
Marion L. Cotten
Patrick C. Coulter
Raymond L. Dedual
Oscar Delagarza, Jr.
Acie N. Derossett
Joe H. Driver
Orlando Fernandez
Franklin A. Field III
Donald H. Finley
Carl J. Fisher
Richard F. Fleming, Jr.
Jack W. Flynn
Robert W. Forsiberg
Rose J. Franco
John A. Frank
John B. Funk
Carl H. Gassoway
Louis P. Glassburner
Robert K. Gorning
James W. Gray
James A. Grebas
Johann Haferkamp
Franklin R. Hester
Louis A. Hoch, Jr.
Michael P. Hudson
William J. Janning
Charles J. Julian
John J. Keenan, Jr.
John S. Keene
Robert J. Keller
Floyd M. Kennedy
Albert Lane, Jr.
Enrique Lariosa, Jr.
Ronald J. Lauzon
Bernard L. Lee
Gary A. Lucus
John G. Lyle, Jr.
Michael T. Mallick
Thomas H. Marino
Larry A. Martin
Jack L. Matlack
Raymond C. Matthias
Charles A. McCartney
Jerome M. McGuire
Benjamin H. McNutt
Kenneth H. Medeiros
John M. Miller
Jimmy Miranda
Patrick J. Mongoven
William R. Moody
David D. Moore
John V. Morris
James E. Mulloy, Jr
Louis N. Panchy
Roger L. Peterson
Carl W. Polk
Raymond G Prefontaine
Ivan D. Puett
Wade A. Robinson, Jr.
Alfred R. Rocheleau
Gerald L. Rodden
Mack I. Rogers
Tommie D. Rose
William H. Rosser
Frederick W. Schaffer
John R. Shultz, Jr.
Arthur W. Seabury, Jr.
Coburn L. Sergent
Henry L. Singer
Billy W. Smith
Charles L. Staigle
John A. Steward, Jr.
Richard A. Teeter
Raymond D. Tevis
Richard J. Tyler
John E. Upah, Jr.
Bruce W. Vance
Cullen R. Vinson
William J Walker
Frederick M Waller
Napoleon K. Weaver
Willis D. White
Dennis Wilczewski
Nathaniel C Wilson
Larry L. Wine
James W. Wofford, Jr.
Rudolph E. Woltner, Jr.
Frank C. Zubiate

The following-named officers of the Marine Corps for temporary appointment to the grade of captain:

Peter A. Acly
James R. Acreback
Jerald R. Agenbroad
Richard L. Akin
William S. Alexander
James J. Allamon
Charles R. Allison III
David S. Althaus
John F. Amend, Jr.
Lester E. Amick III
Gene F. Ammons
Christen V. Anderson
Gordon E. Anderson
James L. Anderson
Timothy J. Anderson
James F. Andrews III
Clarence T. Anthony, Jr.
John W. Anuszewski, Jr.
Russell E. Appleton
Rodney A. Arena
Michael J. Arent
Willard P. Armes
Rufus A. Artmann, Jr.
Ashton D. Asensio
Michael D. Ashworth
George B. Atkinson
Stephen L. Austin
Richard G. Averitt III
Paul C. Bacon
Marion R. Baggs
Robert L. Bailey
Ronnie J. Bailey
Steven D. Bailey
David L. Baker
Raymond F. Baker
Sam R. Baker II
Wheeler L. Baker
David W. Baldwin
John J. Banning
John C. Barber
Peter J. Barber
Richard E. Barber
Robert Barber, Jr.
Harry E. Bare
William H. Barnetson, Jr.
Charles J. Barone
Odis L. Barrett
John L. Barry
James J. Barta
Allen C. Bartel
Richard J. Bartolomea
John M. Basel
Douglas L. Bash
Clarence E. Bates, Jr.
Gordon W. Bauer, Jr.
Michael J. Baum
Arthur S. Bausch
David C. Beaty
James H. Beaver
Emil R. Bedard
William A. Beebe II
Lawrence C. Begun
Stephen E. Beiser
Joseph A. Bekeris III
James D. Bell
Charles A. Bellis, Jr.
Gerald L. Berry
Timothy L. Berry
Thomas J. Berryhill
Donald L. Best
Joseph A. Betta
Archie J. Biggers
John L. Bilodeau
Richard A. Bircher
Willie R. Bishoff, Jr.
Donald R. Bishop
Richard J. Bishop
Walterrobert Bishop
William R. Black, Jr.
Patrick C. Blackman
William B. Blackshear, Jr.
John P. Bland
Michael P. Boak
Robert J. Boardman
Alec J. Bodenweiser
David A. Boillot
John A. Boivin
George J. Bolduc
George P. Bond
James N. Bonner
Jay F. Boswell
Jack B. Bounds
Michael S. Bowling
Lamar Boyd
Lynn L. Boyer III
Frank A. Bozanich
Thomas A. Braaten
Kenneth L. Bradley
Bernard F. Bradstreet
Clifford A. Brahmstadt
Ian Brennan
Robert R. Brewton
William R. Brignon
Melvin J. Brinkley
James A. Brinson, Jr.
Larry W. Britton
Michael V. Brock
George M. Brooke III
Richard C. Brookes
Charles V. Brooks
John W. Brooks
Homer W. Brookshire, Jr.
Arthur J. Brown
David L. Brown
David T. Brown
Jon L. Brown
Michael B. Brown
Paul E. Brown
Ray A. Brown
Richard M. Brown
Thomas M. Brown
Kenneth H. Bruner
Charles P. Brust
Fred B. Bryant, Jr.
James F. Buchli
Paul D. Budd
Robert J. Buechler
Roger D. Bullard
Mark C. Bunton
Victor L. Burgess
Phillip G. Burke
Robert P. Burkholder
Dwight E. Burns
Patrick M. Burress
Michael A. Burrous
Ronald L. Burton
Larry E. Butler
Donald J. Buzney
Mark A. Byrd
James P. Byrnes
Rocco J. Caldarella, Jr.
Douglas Caldwell
Carl P. Campbell
Edgar M. Campbell
Wayne P. Campbell
Raymond M. Campos
John C. Cargill
Thomas M. Carlin
Joseph R. Carlisle
George A. Carlson
Daniel M. Carradice
Edgar M. Carson
Jackie R. Carter
Michael R. Carter
Ronald B. Carter
Howard C. Carver III
Roy J. Casteel
Michael R. Cathey
Robert E. Caudill
David W. Causey
Harvey W. Cawthorn
Mario E. Cecchetti
Lee A. Cerovac
Merritt N. Chafey IV
Charles R. Champe
Andrew L. Charlson
Roger G. Charles
Jonathan C. Chase
Bruce B. Cheever II
Alvin G. Chesson
Maurice L. Chevalier
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Kenneth L. Christy, Jr
Lyle C. Christy
Franklin J. Cizerle
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James L. Clark
James P. Clark
Michael A. Clark
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Raymond J. Clatworthy II
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Allen Cohen
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Charles A. Collins
Clelland D. Collins, Jr
William E. Collins
Gary E. Colpas
Peter L. Colt
Richard A. Combs
Michael C. Connor
William C. Conrad, Jr.
Blair P. Conway
Stephen P. Cook
Thomas M. Cook IV
Edwin J. Cooke
Albert J. Cormier
Ronald J. Cornetta
Fletcher R. Cosby
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John W. Cox
Stephen E. Cox
Steven L. Cox
Bradford L. Craddock
James P. Craig II
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Randolph E. Crew
Clifford J. Crews
James E. Cripps
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Crane Davis
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Elmer H. Davis, Jr.
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James H. Davis
James D. Fortune
William P. Davis II
Carson R. Day
Thomas C. Dean
Andrew P. Decker
Samuel C. Decoteau
Terence T. Deggendorf
Jack E. Deichman
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Carl V. DeJong
Robert C. Delones
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Klauspeter Heinemeyer
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Richard C. Hoffman
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Thomas W. Holden
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John N. Holladay
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Jeffrey T. Holmes
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Frederick L. Huntington
James W. Hust
Robert H. Hutchinson
David H. Ingram
Robert P. Isbell
William P. Isbell
Robert F. Itnyre
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Nathan D. Jacobs
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Ronald P. Johnson
Russell H. Johnson, Jr.
Russell L. Johnson
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James L. Jones, Jr.
Larry Jones
Norfleet V. Jones
Stuart C. Jones, Jr.
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Lorenzo G. Jordan
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Michael R. Kanne
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Robert J. Karow
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William W. Kastner III
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Wayne S. Keck
William R. Keefe
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Joseph A. Kelleher
Richard A. Keller
Edwin C. Kelley, Jr.
Philip C. Kellogg
Michael B. Kelly
Jack H. Kemeny, Jr.
Floyd M. Kennedy
Edward R. Kenney
Lloyd E. Kenney
Harold C. Kern III
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John A. Kieffer, Jr.
Gary J. Kiel
Raymond R. Kielhofer
John P. Kiley
Ernest M. Kimoto
Richard C. Kindsfater
Charles W. King
Gary W. King
Virgil G. Kinnaird III
John S. Kinsman
Patrick Kirk
John J. Kispert, Jr.
Jack W. Klimp
Richard L. Kline, Jr.
William R. Knapp
Harold W. Knotts
Manfred A. Koebig, Jr.
Nicholas L. Kopchinsky
Donald E. Koppenhaver
Walter J. Kowalewski
Ellsworth R. Kramer
Peter L. Kranker
Jon J. Kratz
Randall D. Krekeler
Earl A. Kruger
Leo E. Krusemark, Jr.
Michael L. Kudalis
Richard H. Kunkel, Jr.
Richard C. Kurth
Gregory S. Kuzniewski
Albert S. Kyle
Robert C. Labbe
Richard O. Laing
Dietrick Lamade III
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Michael L. Langston
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Luther L. Lawson III
Kenneth J. Leahy
Martin Lebowitz
Fitzhugh B. Lee
John S. Leffen, Jr.
Stephen B. Leslie
Edward G. Lewis
Francis E. Lewis
Fred M. Lewis
James T. Lewis
John A. Lidyard
Richard F. Liebler
Regenald F. Lightsey
Richard E. Link
Ralph Lippe
Robert W. List
Dennis L. Lister
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Robert M. Lloyd
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Everett Long III
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Gary L. Loomis
Earle S. Lott III
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Richard L. Lowder
Paul J. Lowery
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Forest L. Lucy
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Robert K. Lunday, Jr.
James T. Macallister
Ronald E. Magnuson
John C. Malinowski, Jr.
Michael T. Mallick
John W. Mann
Eugene F. Mares
Wesley R. Marks, Jr.
Philip M. Marrie
Ronald W. Marsteller
Ervin P. Martin
Gerald E. Martin
Justin M. Martin II
E. T. Mattke
John F. Matus
Francis A. Mauro, Jr.
Bernard J. Maxik
Douglas B. May
Robert J. MacNamara
Edward G. McCann
Dennis M. McCarthy
Charles A. McCartney
Michael E. McClung
Paul R. McConnell
James F. McCool III
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Orval W. McCormack
Daniel J. McCormick
James E. McDaniel
Patrick J. McDonald, Jr.
James L. McDonnell, Jr.
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Gregory M. McDonough
Gerald B. McDowell
Michael M. McElwee
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Harold S. McGinnis, Jr.
Jerome M. McGuire
Robert N. McGuire
George R. McKay
Donald S. McKee
James H. McKelligon
Robert F. McKiernan
Richard S. McLaughlin
John P. McMinn
Daniel D. McMurray
James R. McNeece
William D. McSorley, III
Walter S. Meads, Jr.
Paul N. Meier
David E. Melchar
Stephen N. Melgaard
William R. Melton
James C. Metcalfe
Richard Metli
Robert F. Meyers
Patrick A. Michel
Fred L. Migliorini
John C. Millen
Charles G. Miller
Eugene D. Miller III
Richard E. Miller
Rodney A. Miller
Edward H. Mills
Wallace W. Mills
Jimmy Miranda
Frank G. Misemer
David L. Mix
Michael R. Mohr
Carl W. Monk, Jr.
John W. Monk, Jr.
David D. Moore
James B. Moore, Jr.
Freddie M. Morgan
Michael D. Morgan
Ronald H. Morgan
Elliott L. Morio
Peter S. Morosoff
John A. Morrison
Michael K. Morrison
Paul H. Morrissey
Michael K. Morrow
Bobby J. Morton
Gary W. Moser
Robert J. Mott
Cyril V. Moyher
Larry S. Mueller
Richard G. Mueller
Michael R. Mullen
James E. Mulloy, Jr.
John J. Munn
Stephen A. Munson
Edward J. Murphy
James E. Murray
Clifford O. Myers III
James S. Myers
John K. Narney
Richard O. Neal
Rafael Negron, Jr.
Ellis S. Nelson
James H. Nelson
Robert R. Nelson
Robert B. Newlin
John N. Newman
Roy D. Newman
Howard B. Nielsen
Thomas E. Noel
Oliver L. North
Raymond J. Norton
Henry K. Nowicki
Thomas G. Nulty
Lon P. Oakes
Patrick P. Oates
James M. O'Brien, Jr.
John J. O'Brien, Jr.
William P. O'Brien, Jr.
Kent R. Oehm
William W. Ogdahl
John J. O'Leary
Wilbert E. Orem, Jr.
Robert J. O'Rourke
C. K. Osborn
Edward M. O'Shaughn
Harold B. Overton
James E. Owens
Mackubin T. Owens, Jr
Eugene M. Ozment
Jerry G. Paccassi II
Peter Pace
Anthony J. Pack
Robert A. Packard, Jr.
Leslie M. Palm
Walter S. Panchison, J.
Louis N. Panchy
John A. Panneton
Joseph F. Parker
Matt Parker III
Paul D. Parker II
Michael L. Parks
Anthony J. Paruzynski
David B. Peake
Richard E. Peasley
Charles A. Pelletier
James M. Pendergast
William C. Peoples
Donald N. Persky
Anthony J. Pesavento
Arthur R. Peter, Jr.
David W. Peters
Ross T. Petersen
Gary D. Peterson
Linn B. Peterson
George M. Pfeiffer, Jr.
Lloyd O. Phelps
George Philip III
James B. Phipps, Jr.
Vincent J. Plick III
Ralph A. Pineda
Richard W. Pipe
Richard L. Piper
Bernard H. Plassmeyer
Robert C. Plunkett
Bernard T. Polentz
Jimmy D. Pope
Richard J. Popps
John C. Powers
Paul B. Pratt, Jr.
Gary A. Prentice
Kenneth D. Pricer
Ronald E. Pruiett
Kenneth R. Ptack
Henry P. Purdon
Robert H. Quinter, Jr.
Harry Q. Radcliffe
Sepp D. Ramsperger
William E. Ransbottom
Charles D. Raper
James W. Rattigan
Leonard D. Raub
David G. Ray
Charles L. Redding
Robert L. Redfield
John D. Reed
Nathaniel H. Reed
Charles E. Reeves
Richard C. Regan
Joseph D. Reich
Thomas L. Reilly
Joseph H. Reinhardt
Andrew D. Reistetter
Joseph F. Renaghan
Richard L. Reuter
William B. Reynolds
Lawrence G. Richard
James S. Richardson
Orin J. Riddell IV
William W. Riggs
James P. Rigoulot
Clyde A. Rilea
Durwood W. Ringo, Jr.
Robert K. Ripperger
James S. Risher
Francis A. Ritchey III
Donald F. Ritenour
Joseph W. Roach
Martin E. Roach
James M. Roark
Daniel K. Roath
Marlen C. Robb, Jr.
Larry E. Roberson
Benjamin T. Roberts
Kenneth M. Roberts
William E. Roberts
Joe D. Robinson
John K. Robinson
Wade A. Robinson, Jr.
Joseph A. Robitaille, Jr.
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Craig S. Roepke
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Theodore E. Roth
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Michael D. Ryan
Tibor R. Saddler
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Lowell N. Schwankl
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Ralph E. Sinke, Jr.
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Clinton A. Smith
Daniel M. Smith
Franklin B. Smith
Gilbert E. Smith
Michael D. Smith
Ray L. Smith
Richard M. Smith
Terrance L. Smith
Robert L. Snelson
Frederick G. Snocker
John S. Snoddy
Dennis L. Snook
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Kenneth A. Solum
William E. Southerland
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Deforest D. Spindler
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Michael L. Spivey
Jeffrey L. Spoon
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Jonathan B. Stad
Norman S. Stahl
Charles L. Staigle

Charles I. Stanfitld
Ray B. St. Charles
Charles Steele
Martin R. Steele
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Peter R. Stenner
Edward R. Stepien
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Wayne L. Stevens
Edmond C. Stevenson
John G. Stevenson
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Cecil V. Taylor
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Bruce B. Wilson
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Roger E. Wilson
James R. Wingerter
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Eugene O. Wright II
William S. Wright
John W. Wuethrich III
William R. Wyser, III
James F. Wzorek, Jr.
James A. Yorg
Kenneth W. Young
Walter R. Young
Richard I. Zabovnik
George A. Zahn, Jr.
Edward R. Zaptin
Michael V. Ziehmn
Albert J. Zima
David W. Zimmerman
Lawrence R. Zinser

HOUSE OF REPRESENTATIVES—*Monday, February 1, 1971*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

The Lord is good, a stronghold in the day of trouble: And He knoweth them that trust in Him.—Nahum 1: 7.

Be gracious unto us, our Father, and bless us as we wait upon Thee on this the first day of a new month. Guard our country and guide our leaders, that this land may ever be a stronghold of peace and good will in our world. Strengthen the ties of fellowship among our people and increase the bonds of friendship between us. In every soul, plant the living virtues of Thy loving spirit, and in every home may the love of Thy dear name hallow every heart.

We commend to Thy keeping all who are giving their lives on our behalf that through their sacrificial efforts peace may come. Particularly do we pray for our prisoners of war. Keep them strong in spirit, steady in soul, patient in purpose, faithful to their faith, and hopeful in heart looking for the end of war. Bless their families and may Thy grace be their comfort as with loyalty and love they live through these days of separation.

Bless our astronauts. May they land on the moon and return safely to earth.

In the Master's name we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE PRESIDENT

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

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Arrington, one of its clerks, announced that the Senate had made the following appointments:

The Vice President, pursuant to Public Law 91-405, appointed Mr. Jayson Newman and Mr. James J. McIntyre to the Commission on the Organization of the Government of the District of Columbia.

The Vice President, pursuant to title 15, United States Code, section 1024, appointed Mr. HUMPHREY and Mr. BENTSEN as members, on the part of the Senate, of the Joint Economic Committee.

The Vice President, pursuant to title 42, United States Code, section 2251, appointed Mr. SYMINGTON and Mr. BIBLE as members, on the part of the Senate, of the Joint Committee on Atomic Energy.

The President pro tempore, pursuant to section 401 of the Legislative Reorganization Act of 1970, appointed Mr. METCALF, Mr. GRAVEL, and Mr. CHILDS as members, on the part of the Senate, of the Joint Committee on Congressional Operations.

SWEARING IN OF MEMBER

The SPEAKER. The Chair understands the gentleman from Virginia (Mr. WHITEHURST) desires to take the oath of office. If he will present himself, he may be sworn in at this time.

Mr. WHITEHURST presented himself at the bar of the House and took the oath of office.

LUTHERAN CHURCH—MISSOURI SYNOD ASKS FOR HUMANITARIAN TREATMENT FOR AMERICAN POW'S AND MIA'S IN INDOCHINA

(Mr. ICHORD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ICHORD. Mr. Speaker, the Reverend Dr., J. A. O. Preus, international president of the 3-million-member Lutheran Church—Missouri Synod, this morning issued a statement concerning the American POW's and MIA's in Indochina. This statement is most significant because this is the first time that a president of a major religious denomination has developed a program aimed at obtaining humanitarian treatment of the POW's held by the Communists in Southeast Asia. It is even more significant, in my opinion, because he calls on us all to use the most effective, and often the least used, weapon at our command—the power of prayer.

Dr. Preus has designated Sunday, March 14, 1971, as a Day of Prayer for the POW's and MIA's in the 6,000 congregations under his direction and has called on all other religious leaders in this Nation to join him in this effort. He has mailed out a litany to be used by all of the pastors in his denomination and invited the other denominations to use this litany or to adapt it to their particular situations. I am convinced that the prayers of millions of our people will prevail mightily before the throne of God because our God hears and answers the prayers of His people.

I am encouraged by Dr. Preus' offer to lead a group of religious leaders, with pastoral and humanitarian concerns, into North and South Vietnam and Laos to inspect the POW camps. It will indeed be difficult for the Communist leaders to turn down the request of such a delegation of men of God with no political motivations to visit their POW camps and offer an unbiased report to our country and to the world about the conditions of these camps.

I wish Dr. Preus and the other religious leaders who may join him Godspeed in this undertaking, and I introduce his statement and litany into the RECORD for the information of the Members:

STATEMENT BY PRESIDENT J. A. O. PREUS CONCERNING THE AMERICAN POW'S AND MIA'S IN INDOCHINA

As the president of one of the major Protestant denominations in this country I believe that it is incumbent upon me to speak