SENATE—*Wednesday, June 16, 1971*

The Senate met at 10:30 a.m. and was called to order by Hon. MIKE GRAVEL, a Senator from the State of Alaska.

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

"Drop Thy still dews of quietness,
Till all our strivings cease;
Take from our souls the strain and stress,
And let our ordered lives confess
The beauty of Thy peace."
—WHITTIER.

O Lord, may the light of Thy truth be upon Thy servants in this place that in the crucial decisions of this day they may be aware that judgment is not on a single day, or even in the processes of history, but in eternity. Make us to know that in Thee is to be found the way, the truth, and the life. May the bond of love which holds us together in loyalty to Thee sustain us that this Nation may be well served and Thy kingdom advanced. Bring us, in Thy providence, to a righteous peace and a safe world.

We pray in the Redeemer's name. Amen.

DESIGNATION OF THE ACTING PRESIDENT PRO TEMPORE

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

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., June 16, 1971.

To the Senate:

Being temporarily absent from the Senate on official duties, I appoint Hon. MIKE GRAVEL, a Senator from the State of Alaska, to perform the duties of the Chair during my absence.

ALLEN J. ELLENDER,
President pro tempore.

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

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Tuesday, June 15, 1971, be dispensed with.

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

COMMITTEE MEETINGS DURING SENATE SESSION

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

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

DEATH OF LT. GOV. J. SARGEANT REYNOLDS, OF VIRGINIA

Mr. MANSFIELD. Mr. President, this past weekend the Commonwealth of Virginia and the Nation lost one of its most promising public servants in the untimely, tragic death of Lt. Gov. J. Sargeant Reynolds. In an age when the youth is so rightfully demanding greater participation in the policy decisions of government, it is so encouraging to see a man so young, not only participate, but lead his State in crushing the old barriers that prevented the realization of this country's potential. But Lieutenant Governor Reynolds was stricken with an incurable illness and the Commonwealth of Virginia and the United States have suffered a great loss.

A most poignant and moving eulogy was delivered at the memorial service for Lieutenant Governor Reynolds at the State capitol yesterday by the distinguished Senator from Virginia (Mr. SPONG). I ask unanimous consent that these remarks of Senator SPONG be inserted in the RECORD at this point.

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

REMARKS OF SENATOR WILLIAM B. SPONG, JR.

We are here this morning in this, our Capitol, to pay final tribute to a young man who in half a decade rose from a Delegate, to State Senator, to Lt. Governor of the Commonwealth of Virginia. We share a great sense of loss with his widow, his children, his parents and his brother.

In reviewing the traits of character of Sargeant Reynolds that have made an indelible imprint upon Virginians, I would pay tribute first to his courage, so often demonstrated during this past year but actually a hallmark of his life. Ernest Hemingway once wrote that the essence of courage is "grace under pressure." Part of that grace was Sargeant Reynolds' unfailing humor. There is something refreshing about a public figure whose seriousness of purpose nevertheless allows him to share wit and humor, often at his own expense. Another characteristic was his concern for the underdog. It is admirable to be blessed with wealth, charm, looks and intelligence and yet absorbed with efforts to improve the lot of the old, the black, the poor and the disabled—to wish for a better opportunity for many—and a more enlightened and healthier life for all.

Courage, humor, and concern were accompanied by vision. Sargeant Reynolds as well as any individual in the Commonwealth understood with perceptive clarity that a Virginia bitterly divided could never fulfill her great expectation and promise for the future—that there must be better understanding between young and old, black and white, rich and poor. He saw our Commonwealth, blessed with beauty and natural resource, old in history and tradition, young in spirit and hope, awakening to a recognition of a magnificent potential: He hoped for a climate in which the democratic system might work as intended—to give opportunity for expansion and political participation to all who sought it and were willing in turn to bear its responsibilities and burdens.

Last July 4 at Monticello speaking to new citizens he said:

"With all that we have done, we know that we have not attained a society of perfect justice, one in which success is geared more to what you do after you are born than the circumstances of your birth or the color of your skin but we are making progress and we are crushing barriers that keep us from our destiny.

"Today we stand half way up the mountain. Half way up the mountain that Jefferson captured with the beauty and symmetry of Monticello. We are not there yet, but to those who have set the path—we are coming, we are striving for achievement, we are determined to make it." That is what he said.

And so, one so young with so much nobility of purpose is gone. Those of us who remain, particularly those in public service, might reflect upon the Virginia he saw: a State that would, by example give leadership to the nation; a State that could retain the pride of its past without being blinded to the needs of the present and future; a society where people had attained an understanding of one another; a society of tolerance and good will; a people not half way up Sarge's mountain, but on top of it.

LEAVE OF ABSENCE

Mr. SCOTT. Mr. President, I ask unanimous consent that I be granted a leave of absence from the Senate on official business for the next several days at the end of today's session.

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

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under previous order, the Chair recognizes the Senator from Virginia (Mr. BYRD) for not to exceed 15 minutes.

REVERSION OF THE ISLAND OF OKINAWA TO JAPANESE CONTROL

Mr. BYRD of Virginia. Mr. President, representatives of the United States and Japan will sign an agreement tomorrow providing for the reversion of the island of Okinawa to Japanese control.

Under terms of the peace treaty of 1951 between the United States and Japan, the United States has unrestricted use of military bases on Okinawa.

Two years ago, when official discussion began concerning the proposed reversion of Okinawa, I sponsored legislation that called upon the President to submit any agreement changing the status of Okinawa to the Senate for advice and consent. This legislation was approved by the Senate, and the administration will submit to the Senate the agreement that will be signed tomorrow.

Therefore the Senate soon will be called upon to debate the merits of reversion of Okinawa.

I believe it is important that forethought be given to this international agreement.

In the debates of the last several weeks, much has been said about the military responsibilities of the United States.

I am among those who believe that the United States has become overcommitted around the world. We have mutual defense agreements with 44 different nations.

I do not believe the United States can continue indefinitely to carry so heavy a military responsibility. It is essential that other nations make a greater contribution to their own security.

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

But, at the present time, our military commitments are a fact.

Among the areas in which we are most heavily committed is Asia. Not only is the United States engaged in a shooting war in Vietnam, but the Nation is also committed to the defense of South Korea, Taiwan, Japan, the Philippines, Australia, New Zealand, Pakistan, and Thailand.

We must view the proposed reversion of Okinawa within the framework of existing treaty obligations.

First, it must be understood that it is the 1951 Treaty of Peace between the United States and Japan which confers upon the United States the unrestricted use of military bases on the island of Okinawa.

The Treaty of Peace is entirely separate from the Mutual Security Treaty of 1960 between the two nations. The two agreements should not be confused.

Agreement by the United States to turn over administrative control of Okinawa to the Japanese is a change in the Treaty of Peace. It does not affect the Mutual Security Treaty.

The reversion of Okinawa to the control of Japan would involve surrender by the United States of its unrestricted use of the Okinawa bases. No one disputes that statement.

I think that in considering whether or not the reversion agreement should be approved, Members of the Senate should give careful consideration to the extensive defense commitments which we have in Asia.

If we are to give up the unrestricted right to operate and control the Okinawa bases, then I believe we must consider carefully whether we should continue to carry the burden of our present military commitments in Asia.

We must bear in mind that all of our Asian commitments were undertaken on the assumption that unrestricted use of Okinawa would be available to the United States.

Can we afford to go on guaranteeing the defense of so many Asian nations, if we are to surrender an important part of our military capability in the Far East?

Our Mutual Security Treaty with Japan, for example, is subject to withdrawal on 1 year's notice. Should it be continued indefinitely.

The State Department feels it should. I question that.

We have commitments to 10 Asian nations under the Southeast Asia Treaty Organization agreement of 1954. This treaty also is subject to withdrawal by any party on 1 year's notice. Can we continue these commitments indefinitely?

The Sato government in Japan has assured the United States that it will cooperate in permitting this Nation to use Okinawa in order to fulfill our obligations.

But once reversion is accomplished, the final decision on the use of Okinawa in each contingency will rest not with the United States, but with Japan—which may or may not be under the rule of the Sato government at the time.

These, I feel, are serious considerations. I believe that the Senate owes it to the American people to give close study to the agreement that is to be signed tomorrow between the United States and Japan.

I want to see our commitments in Asia reduced.

But no proposal has been made to reduce our commitments.

The only proposal is that we voluntarily give up the unrestricted right to use our greatest military base complex in the far Pacific.

Japan is seeking, and would be getting, control over our military base. At the same time, Japan would have a pledge from the United States to guarantee the freedom and security of Japan.

Before the United States is committed to reversion on these terms, the Senate should give careful consideration to all the consequences of this proposed agreement.

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

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

The second assistant legislative clerk proceeded to call the roll.

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

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

Mr. BYRD of Virginia. Mr. President, notwithstanding the fact that I have yielded the floor, I ask unanimous consent that I be permitted to yield the remander of my time to the distinguished Senator from South Carolina (Mr. THURMOND).

The ACTING PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

Mr. THURMOND. Mr. President, I commend the able and distinguished Senator from Virginia upon his remarks on the Okinawan situation. I think he has taken a very sound approach.

It appears to me that the United States should not consider giving up Okinawa until the war in Vietnam has been ended. This is the only real estate we have in that part of the world that we can control, and control as long as we wish to. We do not know just what will come up, and I think it is the better part of wisdom that we take no hasty action in this matter, certainly not until the war in Vietnam has ended.

Then, too, Mr. President, Japan is coming forth, now, to the United States, and asking a big favor. They are asking that Okinawa be returned to them. We have been pleading with Japan for a long time to come up with a reasonable limitation on textile exports. They are now sending their textiles into this country on a massive scale, a scale that is closing down hundreds of textile mills and throwing thousands of American workers out of their jobs.

Japan wants something from us. We are asking some concessions from Japan. In the matter of relations between the two countries, I realize that some people may say that one of these subjects has nothing to do with the other; but they are all interrelated between Japan and the United States, and this should be considered.

Furthermore, Mr. President, if this treaty should be ratified as now planned, the United States could not store any weapons it wishes on the base or bases we would retain there. Japan would have a veto. They could prevent the United States from storing or retaining or maintaining certain weapons there that we might feel we need in our defense.

Furthermore, under the proposed treaty, planes could not take off on combat missions. This is important. We certainly should reserve the right, with the bases we retain there, to send our planes or our ships on combat missions if the need arises.

My colleague, Senator BYRD, has properly pointed out the far-reaching defense commitments the United States has in Southeast Asia. He further noted that if this country is to fulfill those commitments the use of Okinawa as a military defense site is absolutely necessary.

Later this summer the President will submit to the Senate the United States-Japanese agreeement on Okinawa for ratification. The President's proposal will first go to the Senate Foreign Relations Committee which I presume will conduct hearings.

Once these hearings have been conducted and the committee report published, then the reversion question will come to the Senate floor.

The question of Okinawa reversion involves significant and important military questions. The members of the Senate Armed Services Committee as well as the Senate Foreign Relations Committee would have a special interest in the reversion proposal.

It is my hope the Senate Armed Services Committee members will have an opportunity to investigate and review the military impact on the reversion agreement.

As one Member of the Senate, I seriously question the wisdom of reversion of Okinawa until our involvement in South Vietnam is minimal. Further, I do not see how this country can fulfill its defense agreements in Southeast Asia if U.S. military operations from Okinawa will be at the pleasure of the Japanese Government.

There are many questions to be answered, and I see no need to rush into this matter. We do not have to act on it now. Let us take our time. I think the first duty is to protect our own national interest, and I do not think that at this time it is in the national interest of this country that Okinawa be returned to Japan on the conditions that are proposed in the treaty.

Again, I commend the able Senator from Virginia for the position he has taken today on this question.

QUORUM CALL

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

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

The second assistant legislative clerk proceeded to call the roll.

Mr. JAVITS. Mr. President, I ask

unanimous consent that the order for the quorum call be rescinded.

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

Under the previous order, the Chair recognizes the Senator from New York for a period not to exceed 15 minutes.

UNITED STATES-JAPAN RELATIONS: OPPORTUNITIES AND DANGERS

Mr. JAVITS. Mr. President, the Vietnam war has obscured many basic realities in Asia. Over the longer term, achievements of U.S. objectives in Asia could depend most heavily on the continued closeness and viability of the United States-Japan relationship which has been built up on the ruins of war. A recent visit to Japan convinced me that it would be a critical mistake for either the United States or Japan to take the other for granted—or to dismiss the idea that present, easily manageable, differences could get out of hand. The potential is there for a creative United States-Japan partnership which could be decisive in terms of peace and economic development for east Asia in the final three decades of this century. Yet, seeds of potential discord are also there, which could have disruptive and prejudicial implications for the achievement of stability and progress.

I visited Japan on May 21, 22, and 23 as part of a six-nation trip under the auspices of the Senate Foreign Relations Committee. In Japan, I had meetings with Prime Minister Sato; Foreign Minister Aiichi; Minister of International Trade and Investment Miyazawa; Mr. Uemura, president of the Kedanren; Mr. Morita, the chairman of Sony Corp.; numerous high-ranking civil servants and members of the Japanese and American press corps. On the United States side, I had discussions with Ambassador Meyer, Minister Sneider, and Assistant Secretary of State for Economic Affairs Trezize, who was visiting Tokyo.

I also met with the Board of Directors of PICA—Private Investment Co. for Asia—leaders of the major corporations of the developed world who have formed PICA to provide a private enterprise catalyst for economic development in Asia.

The major subjects covered in my conversations are summarized as follows:

TEXTILE AND TRADE PROBLEMS

The most urgent and immediate problems in United States-Japan relations center on textiles and related trade problems. Failure of the two governments to find solutions to the present impasse could, in my judgment, seriously erode relations between the United States and Japan. Such an atmosphere over textiles could soon spread to other issues.

A major concern in Tokyo is that Senate ratification of the Okinawa Reversion Treaty could be jeopardized by entanglement in the dispute of textile import quotas.

It has always been my conviction that United States-Japan trade problems—including the difficult textile problem—are well within the limits of manageability provided both governments adopt a resolute determination to achieve an agreement.

During my discussions in Tokyo, I was informed of the position of the Japanese Government that a legally binding bilateral agreement on textiles was not possible. Simply put, it was the position of the Japanese Government, as explained to me, that it was not possible politically to get a bill through the Diet imposing legal quotas on Japanese textile exports. It was explained to me that an "executive agreement" in the U.S. sense, not backed by a law passed in the Diet, is not legally binding in Japan. The view was expressed that it would not be possible for Japan's government to seek legislative action until the "voluntary restraint" program of the Japanese textile industry, had been given a chance to work.

I presented my personal view that the maximum then being offered from the Japanese side, would fail to meet the minimum requirements of the United States, if quota legislation was to be avoided in Congress and that it was the duty and responsibiltiy of our respective governments to free themselves from the shackles which seemingly could have our Nations on a collision course of incalculable consequence.

As indicated, I expressed the view that if the textile issue between the governments of the United States and Japan is not resolved, this fact could heat up the debate on the Senate's ratification of the Okinawa Reversion Treaty, although I felt it would be ratified.

Events that have taken place since my return from Japan have made it clear that the administration has made considerable progress toward resolving the textile issue through government-to-government negotiations with principal supplying nations other than Japan. This holds promise for a mutually satisfactory United States-Japan agreement.

The first step in breaking the log jam over textiles came on March 2 when the chairman of the House Ways and Means Committee, the Honorable WILBUR MILLS, welcomed "the announcement of the Textile Federation of Japan declaring its intention to control exports of all textile products to the United States." Chairman MILLS added that "should the initiative of the Japanese textile industry be complemented promptly by similar action on the part of the other major textile-exporting nations of the Far East, it is my strong belief that quota-type legislation which was considered in the Congress last year will not be necessary." In subsequent statements, Chairman MILLS made it clear that he did not necessarily regard this voluntary limitation as necessarily the final word on the subject.

President Nixon, in his statement of March 11, made it clear that he did not regard the unilateral Japanese restraint formula as satisfactory. He noted that this unilateral-restraint formula fell short of what the United States considered essential, because "only one overall ceiling for all cotton, wool, and man-made fiber fabric and apparel is provided, with only a general understanding by the Japanese industry 'to prevent undue distortions of the present pattern of trade.' This allows concentration on specific categories, which could result in these categories growing many times faster than the overall limits." The President also made critical comments concerning the base period of the unilateral Japanese limitation, the calculation of the export base used in the limitation formula and noted that the U.S. Government preferred a government-to-government negotiated agreement.

In view of the continuing impasse with Japan, the administration turned its attention to other principal supplying nations and our negotiators led by Ambassador David Kennedy now appear to have scored an impressive breakthrough in the textile negotiations with the Republic of China—Taiwan. The press has reported that the United States and the Republic of China have agreed in principle to a government-to-government agreement that would limit the latter's export of noncotton textiles to the United States.

Reportedly, this agreement contains specific category limitations. On the other hand, the unilateral Japanese formula provides only for a total aggregate limitation without any specific limitations on exports of sensitive categories. Since the agreement in principle with the Republic of China does contain a category-by-category limitation and since it is a government-to-government agreement, it clearly meets key elements of the criteria set forth by the President on March 11 and also is a more satisfactory formula to our domestic textile industry than the unilateral Japanese restraint formula.

The press further reports that U.S. negotiators are now attempting to reach a similar agreement with Hong Kong and South Korea. I think it is in the long-term interest of these countries to agree to a restraint formula similar to that negotiated with the Republic of China and believe that these nations will agree to such a formula as being preferable to legislative quotas. It is also my supposition that if Hong Kong and South Korea negotiate terms superior to those won by the Republic of China, that the Republic of China would have a strong claim to modify its agreement in principle under the most favored nation treatment formula.

It is also worth noting that a government-to-government agreement limiting the exports of Malaysia to the United States also is in effect. This bilateral agreement limits noncotton exports for 4 years effective September 1, 1970.

The bilateral agreement with Malaysia also contains a provision allowing for the possible modification of the agreement which states:

> Paragraph 10 of the bilateral agreement concerning trade in wool and man-made fiber textile products between Malaysia and the United States—if the Government of Malaysia considers that, as a result of limits specified in this agreement, Malaysia is being placed in an inequitable position vis-a-vis a third country, the Government of Malaysia may request consultations with the Government of the United States of America with a view to taking appropriate remedial action such as a reasonable modification of this agreement.

I go into this detail, because the President has authority under section 204 of the Agricultural Assistance Act which reads:

In addition, if a multinational agreement has been or shall be concluded under the authority of this section among countries accounting for a significant part of world trade in the articles with respect to which the agreement was concluded, the *President may also issue*, in order to carry out such an agreement, *regulations governing the entry or withdrawal from warehouse of the same article which are the products of countries not parties to the agreement.*

This makes it clear that the administration is on the point of negotiating a multinational agreement among countries accounting for a significant part of world trade in noncotton textiles and apparel items; that is, with the Republic of China, Hong Kong, South Korea, and Malaysia. The agreements that are on the point of being won by administration negotiators are clearly superior to the unilateral Japanese industry restraint formula in that specific product categories are being limited under a government-to-government formula.

If my supposition is correct, after a multinational agreement is negotiated, the administration would be in the position to apply the authority of section 204 of the Agricultural Assistance Act against Japan and other principal suppliers, as necessary.

Alternatively, the Japanese Government and Japanese industry certainly could modify its original restraint agreement to make it more acceptable to the Nixon administration, thereby, obviating the need for the U.S. Government to apply article 204.

To complete the situation, I would then see no political or economic reason why the Nixon administration should not communicate to the Congress the view that the textile issue had been resolved. The political dynamics involved would include the fact that the agreements negotiated by the Nixon administration are clearly superior to the unilateral Japanese restraint formula which was acceptable to Chairman WILBUR MILLS. In turn, it is my view that such an administration communication as to the acceptability of the new restraint formula could go a long way toward eliminating the potentially explosive use of the textile issue in the debate on Okinawa. It would also have the subsidiary effect of opening the door to forward-looking congressional consideration of trade legislation such as U.S. authority to participate in the generalized preference scheme which is so important to the developing countries of the world and to which the Common Market, Japan, and other industrialized countries have committed themselves.

RETURN OF OKINAWA

The most important political issue in Japan today is the return of Okinawa to Japanese administration. The successful negotiation of the agreement on the reversion of Okinawa—to be signed on June 17—is one of the major post-war accomplishments of U.S. diplomacy in Asia. It is also an accomplishment of overriding political significance to the Liberal Democratic Party of the Government of Japan. In many respects, the basic policy of the LDP government in alining itself in close cooperation with the United States—in both security and economic affairs—in the eyes of Japanese voters is judged on the scale of success in achieving the return of Okinawa.

It is no exaggeration to say that failure to implement the United States-Japan agreement on the return of Okinawa—because of Senate failure to ratify the implementing treaty, or any other reason—would have the most profound consequences in Japan. A rupture—which could prove too deep for reconciliation—would probably occur in United States-Japan relations. The basic premise of the Nixon doctrine, and the underlying U.S. strategy for peace, security, and progress in Asia—which rest on the assumption of a close and cooperative United States-Japan relationship—could be nullified. A new government of quite different orientation—perhaps left-neutralist, perhaps right-wing nationalist—could come to power on the heels of any collapse of the agreement on Okinawa reversion.

Accordingly, in my judgment, the Senate's handling of the Okinawa Reversion Treaty will be a major test of our statesmanship and sense of responsibility respecting U.S. foreign policy and security interests. It is my hope and expectation that the Senate will acquit itself in this test as well as it did respecting the NATO issue posed in the Mansfield amendment.

SOUTHEAST ASIA AND VIETNAM

It was clear to me from my conversations in Tokyo that prevailing Japanese opinion does not regard the political orientation of the Saigon Government any more of a decisive factor affecting the free world interests and security in Asia. While preferring a Southeast Asia which is clearly oriented to the free world, Japan seems prepared to accept and to deal with a "neutralized," or neutralist Southeast Asia—though non-Communist. In the Japanese view, the orientation of Indonesia and the Philippines seems more important to Japan's interests than the orientation of countries of the Southeast Asia mainland.

I found sympathy and understanding of the Nixon administration policy of Vietnamization and U.S. troop withdrawal from Vietnam. It was clear that the Japanese do not regard U.S. troop withdrawals from Vietnam as posing any threat to Japanese security interests. The Japanese Government appears to have a close familiarity with the post-Vietnam posture of the United States in Asia as called for in the Nixon doctrine. That is, the United States assuming the role of backup supporter of non-Communist countries and allies, rather than as the military "doer" of resistance efforts to Communist-led insurgencies.

I gained the impression that Japan expects to play a significant role in post-war construction and reconstruction efforts in Southeast Asia, following the restoration of peace. However, the Japanese seem to feel that aid and economic development efforts in Asia should be focused primarily on criteria of economic feasibility and acceptability, rather than on primarily "political" considerations—such as the possible propping-up of a really weak Saigon regime.

MAINLAND CHINA

After Okinawa, the politically most important foreign policy issue in Japan is relations with Mainland China. I found Japanese attitudes toward the Peoples Republic to be curiously ambivalent. The strong underlying desire to achieve an amicable—and commercially profitable—relationship with mainland China, is tempered by elements of fear, suspicion and old animosities and rivalry. In addition, the close relationship established with the Republic of China on Taiwan is an important, inhibiting factor in relations with the Peoples Republic—at least in the eyes of the dominant, conservative faction of the government.

Japan is acutely sensitive to and interested in the barometer of U.S.-Mainland China relations. On the one hand, many Japanese are suspicious or fearful of efforts by Peking to drive a wedge between Washington and Tokyo. These fears and suspicions are closely related to the clear conviction in Japan that Taiwan and South Korea embody the indispensible security perimeter of Japan. In both nations today, the United States provides the security "shield" against possible efforts by Peking to establish hegemony there which could threaten Japan's own security and survival. Moreover, given present domestic and international conditions, it is recognized in Japan that Japan could not take over the security role of the United States in those two vital regions.

The Japanese Government, on the other hand, is also said to fear that it might wake up some morning to learn that the United States had already established relations with Peking and/or had achieved an understanding with Peking on Chinese representation in the U.N.—without being informed and without having itself taken the parallel steps that would be expected of it by Japanese public opinion. The Japanese ping-pong team was not invited to China with the U.S. team. However, from conversations in Washington as well as Tokyo, it is clear that the United States and Japanese Governments are consulting very closely on all aspects of relations with Peking—and particularly with respect to the Chinese representation issue which must be faced in the United Nations this fall.

Mr. President, I believe that Washington is being very careful about keeping the Japanese Government fully informed. So I have no fear analogous to the Japanese fear that they be left sitting in an uninformed position in respect to our policy. On that premise, I believe that we can look for the course of improved relations between the two countries.

CREATIVE UNITED STATES-JAPAN PARTNERSHIP

In my judgment, relations between the United States and Japan have reached a psychological watershed of great importance. The style of relationship forged during the post war occupation and reconstruction days is no longer appropriate or adequate. Japan has emerged as the second strongest eco-

nomic power of the free world. This is a new reality which must be accommodated, especially in the tone of our relationship. On the other hand, the United States may be in a mood of retrenchment and diversion to domestic troubles, in the wake of our tragic experience in Vietnam. Sensitivities in both Washington and Tokyo are thus perhaps more vulnerable than at any time in the past 20 years. Tact and hardheadedness are required in equal measure, if there is to be the kind of creative U.S.-Japan partnership which, in concert with other multinational efforts could inaugurate an era of unprecedented growth, prosperity and peace in Asia.

On the United States side, I feel it is important that we do not give Japan the feeling that it is being too crowded, thwarted and resisted in its drive for a place in the sun through economic growth. The world must make a place for Japan which is commensurate with the extraordinary vitality, ingenuity and creativity of its people. If Japan is not made to feel that the developed world is prepared to accept an honorable and leading role for it achieved through peaceful, nonmilitary means—Japan could again turn to the path of militant nationalism and seek its place in the sun through nuclear armament.

On the Japanese side, I feel as an American it will be necessary for it to develop greater tact and statesmanship in its drive for commercial ascendancy. Resistance has grown strongly, in both the developed and undeveloped worlds, to the aggressive, single-minded Japanese pursuit of profits and commercial advantage. Japan can and should do a lot itself to avoid creating the external conditions of reactive "stiflement" which could in turn rechannel Japanese energies into militaristic patterns.

Mr. President, I see the possibility of a period of great creativity within and between the two countries. It will take our utmost knowledge, sensitivity, and statesmanship in order to achieve it.

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

Mr. JAVITS. I yield.

Mr. HATFIELD. Mr. President, I have in my hand the statement just now made by the distinguished senior Senator from New York (Mr. JAVITS). It covers a big and very important area in the world and many facets of that part of the world's problems.

I might say, as one who was in the U.S. Navy and landed at H-hour on D-day in Okinawa, I join with the Senator from New York in identifying this as really an occasion for the highest degree of statesmanship. I carry, I am sure, like many others, certain emotional recollections relating to that war in which we fought and lost so many men. Yet, this is not the basis upon which we should make this decision.

I am grateful to the Senator for his comments and for relating what he has learned from conversations and discussions during his travels.

I never cease to be amazed at the incisive way in which the Senator from New York is able to put his finger on the heart of the question or to separate the issues from extraneous material and get to the very important part of the matter.

I think that here again we have the benefit received from one man's travels and one man's observations which should help a great deal in forming policy and establishing our own opinions and viewpoints.

I want to thank the Senator from New York. I also want to make one political comment, and that is that I am very proud to have the Senator from New York as a Republican member of the Senate Foreign Relations Committee because he is not only able to share on the floor these very important views, but he is also in a position where, through his outstanding work and untiring efforts, he puts these views to the test. He puts them in a manner in which his colleagues on the committee can consider them.

I am sure that in the years to come, as well as at the present time, that the Senator's imprint upon major policy of this country will be very recognizable. His work has always been done in a very constructive and fundamental manner.

I congratulate the Senator from New York and say again that I take pride in standing on the same side of the aisle, but on an issue that transcends the aisle.

Mr. JAVITS. Mr. President, I thank the Senator very much. He is very, very gracious.

Mr. HATFIELD. No compliments; just facts.

Mr. SCOTT. Mr. President, would the Senator from New York yield briefly?

Mr. JAVITS. Mr. President, I have no time remaining.

Mr. HATFIELD. I would be happy to yield to the Senator from Pennsylvania.

Mr. SCOTT. Mr. President, I have not heard all of the colloquy, but I have recently been in Japan. I know that the feelings among the Japanese businessmen, parliamentarians, and others are very strong that the reversion of Okinawa should be kept separate from any economic matters. I think it desirable that we do bear this in mind.

They have an extreme sensitivity on this subject. They are entitled to the reversion of Okinawa to the Japanese sovereignty as a prefecture of Japan. The agreement being worked out appears to be a very wise agreement, taking into consideration the problems of both nations and all of the citizens of both nations.

I am very pleased to see it announced. I sincerely hope that the United States will promptly move to approve the agreement between the two powers. While I have strong feelings on textiles and have said clearly to our Japanese friends that we need bilateral agreements between the industries or between the countries involved and alternatively multilateral agreements of which the United States is a part, all of this should be kept clearly apart.

Mr. JAVITS. Mr. President, I want to point out that that is precisely what I was reporting to the Senate. I hope that the Senator will read my report. The sensitivity is so great that even though there is heated debate on textiles, in the final analysis on Okinawa reversion and the textile matter are distinct and separate issues and should be treated as such.

Mr. SCOTT. Mr. President, I thank the distinguished Senator. I was sure that would be the way the Senator felt about it.

We all know that the Japanese Government is in a sense democratically structured state and they have their problems. I do not want to exacerbate them. But I do want them to understand them separately and apart. These are political issues. There is the issue on trade. This has become somewhat exacerbated in the past 3 years and the balance has shifted against the United States.

I found quite a lot of understanding of this matter in Japan and quite a bit of realism.

They have their constituents, too, as we have ours. They have to respond to their constituents; we have to respond to ours in the glass, ceramics, and textiles fields.

We want to make them see that this relates to an exporting of jobs. I hope that the discussions going on between the two countries will result in a favorable understanding.

TRANSACTION OF ROUTINE MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of routine morning business, not to exceed 15 minutes, with 3 minutes limitation therein.

THE UNITED STATES AND NATO; TROOP REDUCTION—VI

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD set No. VI of the commentaries, columns, letters to the editor, and editorials relative to the U.S. troop position in Europe in relation to NATO.

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

[From The Washington Post, June 6, 1971]

THE TALK OF NATO

(By Chalmers M. Roberts)

LISBON.—Memo to Sen. Mike Mansfield: They haven't forgotten you here, Mike, but you have to remember that the North Atlantic Treaty Organization is not all that different from the United States Senate.

For example, at the inaugural NATO session here the Portuguese prime minister was bestowing "illustrious" on his colleagues the same way you all in the Senate call everybody "distinguished." Of course it's true that Prime Minister Marcello Caetano used a two-level system of compliments: "illustrious" for secretaries-general of NATO and "distinguished" for run-of-the-mine delegates. But, Mike, the Senate surely can match that.

When you and your colleagues gather in the Senate corridors, you have been known to take up a special interest or two. It's the same here. Since we are in Lisbon, the Portuguese prime minister and foreign minister naturally brought up with Secretary of State William Rogers the untidy matter of that American base in the Azores, which Portugal owns, from which our navy flies those submarine patrols to keep track of Soviet undersea craft.

So the Portuguese would like a little help—not arms but Public Law 480 food aid and some money for education over the next two years worth maybe $20 million or more. Nobody wants to talk figures out loud, of course, but you get the drift. Nobody, either, is talking about formalizing the American lease on the Azores base, but just extending the current satisfactory status quo.

Then the Norwegian foreign minister dropped in on Rogers to tell him how unhappy Oslo is about even meeting in Lisbon, given the Portuguese attitude about their holdings in Africa called Angola and Mozambique. For-the-record stuff, you know, Mike.

At lunch the British foreign secretary, Sir Alec Douglas-Home, and Rogers kicked around that upcoming headache: how to handle the China issue at the United Nations this fall. Rogers went through the drill about keeping Taiwan in, which the British don't think matters all that much, but Sir Alec has breeding so he listened politely. No one wants to concede that the United States is about to drop that hardy American perennial at the U.N., the "important question" device to block Peking's membership, but the suspicion is that it's on its way out and maybe that will please you, Mike.

Oh, yes, Rogers will be going to Paris on Sunday, where as far as anybody can see the biggest business will be, of all things, Okinawa. It seems the Japanese foreign minister will be on hand for an economic meeting which happens to be a fine reason for him and Rogers to button up the Okinawa issue. It has to do with American rights at the Naha airfield after Okinawa reverts to Japan under the Nixon-Sato agreement. The one sure thing is that there will be a swarm of Japanese newsmen on hand to jot it all down.

Maybe this report is straying a bit, Mike, so let's get back to the Mansfield Amendment and its impact on this NATO meeting. You remember how Rogers said your amendment would destroy NATO and invite the Red Army to roll across the plains of Europe if it passed. Well now, the Americans are saying to their European colleagues that you were very serious and they had better pay attention and up the ante they put into the NATO pot. Balance of payments and all that, you remember. Too bad Rogers didn't have a video tape of that impassioned speech you made just before the vote on your amendment; it would have been useful to show to his fellow foreign ministers. You really ought to reconsider letting television into the Senate.

But to get to the substance of the matter, I take it you really wanted to put a little fire under their feet here. Well, in a way you have. But it's sort of a mixed-up situation, like the draft bill in the Senate. So many seemingly extraneous issues seem to intrude. You'll have to bear with this explanation for a minute.

You see that everybody here at NATO, or at least everybody who is anybody, is for mutual balanced force reductions by agreement with Moscow. They've been for this in principle for several years, but it all was rather leisurely until you teamed up with the Kremlin's Leonid Brezhnev to give NATO the shock treatment. By the way, how did you manage that, anyway? People keep asking, but I never got an explanation from you to pass on.

However, it was fitting enough in this country, where Prince Henry the Navigator is a folk hero, to find that Manlio Brosio, the kindly Italian who is ending his career as NATO secretary-general, turned out to be Brosio the Explorer. "Explore" is one of those diplomatic terms for striking a leisurely pace, and that is what NATO, under the Brosio-Rogers formula, is doing. "Explore" means to try to make the other fellow, in this case Brezhnev, give some details of what he has in mind before you agree to anything.

The exact formula agreed on by NATO provides methods to find out if Brezhnev will tell, but the one thing that counts is that NATO is not rushing to a conference table. For one thing, the West Germans want to see whether Brezhnev will come clean on a Berlin agreement, and so does Rogers. So exploration will extend long enough to get a better reading on the Berlin talks. And you do want a Berlin agreement, don't you, Mike?

But don't be discouraged about the pace. You can always bring up the amendment again if you think it will help prod some more. Besides, you know the Europeans here figure the Nixon Doctrine really means that in time the Americans are going to cut their commitments here, so they are trying in one way or another to adjust, and after all, isn't that what you have in mind?

It's true the peace here is rather leisurely, Mike, but after all, most of these fellows were raised in the parliamentary attitude and you know what that means—a lot of palaver before you get down to anything. But don't be impatient, Mike. It's just like the Senate—you have to reach a consensus. And, after all, that's better, if more time-consuming, than the way they do it in Moscow.

DROWNING IN CHAMPAGNE

(By Martin F. Nolan)

WASHINGTON.—The attempt to depict Sen. Mike Mansfield as the Abbie Hoffman of NATO appears to be succeeding, but the vote in the Senate may be a Pyrrhic victory for the Administration.

Mansfield's "defeat" can only lead to what he originally wanted: opening up serious questions about American foreign policy and the more fervent participation of citizens and senators in the formulation of that policy.

The questions that will arise are so obvious that the "experts" will consider them childish and certainly annoying. But they have to be answered.

Are Americans strengthening the German mark and weakening the American dollar by supporting a half million Americans in Europe? Do we need 128 generals, one for every 3200 GIs? Is Europe strong enough, after a quarter of a century, to defend itself? What the hell have American Secretaries of State been talking about at all those NATO Ministers' conferences?

The origin of these questions is also embarrassing. Flickering on to American television screens lately has been a commercial for the U.S. Army, featuring Pete Retzlaff, general manager of the Philadelphia Eagles. Yes sir, says Pete, you potential doughboys ought to try the Army's European Option Plan with none of the Vietnam nasties, a 16 month hitch in Europe "with 30 days paid vacation to travel!" That sort of ad can make taxpayers think.

In the current issue of Le Monde, a survey by France's Syndicat de Grandes Marques de Champagne shows that NATO troops in Germany consumed 338,218 cases of champagne last year, more than was drunk in Denmark or Sweden. As those 128 generals might say, vive l'European option!

Two other embarrassing aspects of the Administration's drive against the Mansfield amendments are in its cold-warrior list of advocates. The most effective name has turned out to be one who wasn't even asked: Leonid Brezhnev, who said that the Soviet Union is willing to talk about mutual, troop withdrawals in Europe.

The most striking characteristic shared by the former presidents, ambassadors, generals and diplomats is the dominant theme of their recollections and memoirs. None of them was ever wrong about a major policy decision. They also seem to share an immutable messianic mindset, not only about America's power and responsibility, but about the nature of the strategic threat, i.e. the Red Army marching to the gates of Paris.

The two conspicuous absentees from that bipartisan list of NATO-backers are men who admitted they were wrong about Vietnam: Former Defense Secretary Clark M. Clifford and former U.N. Ambassador Arthur J. Goldberg. Their contribution to American foreign policy has not been as bold and as vivid as the swashbuckling Dean Acheson's. But the virtue of doubt is seldom flamboyant.

Doubt is just what may be needed today. Should we be impressed by a slogan of "leadership for the 1940s" summoned by the Administration? Have we paid our debt to Europe? Is the Russian threat the same as it was 20 years ago? Are we subsidizing our own impoverishment, drowning the dollar in a sea of champagne?

By raising these questions, Sen. Mansfield deserves the debt of gratitude owed an honest man.

[From the Saturday Review, June 12, 1971]

THE GREAT TRIP-WIRE DELUSION

(EDITOR'S NOTE: The following guest editorial is by Alan Cranston, U.S. Senator from California, and longtime contributor to SR.)

The U.S. Senate recently voted down Majority Leader Mike Mansfield's attempt to compel a 50 per cent reduction in the number of American ground troops stationed in Europe.

In the Senate debate much attention was given to the need to scale down East-West tensions, to correct our adverse balance of payments, and to get our now quite prosperous allies to assume a larger share of the financial and military burdens of NATO. All good points. But I sensed a disturbing undercurrent.

There appears to be a tacit understanding on both sides of the Atlantic that a sizable number of American troops must be stationed on the Continent as a kind of human trip wire to assure our intervention in the event of a Soviet invasion of Western Europe.

The theory seems to be that thousands of Americans must be engaged in mortal combat in the first days of such an invasion, else we will not intercede. The belief is that the larger this human trip wire, and the more human flesh it contains, the more confident our friends and allies will feel, and the more hesitant the Russians will be.

I find this concept utterly repellent, and morally grotesque. I am appalled by the image of 300,000 Americans being offered up as sacrificial hostages in a new, perverted version of "earnest money" to reassure our friends that we will keep our pledge. I am shocked each time our foreign friends interpret any effort to reduce the number of hostages as hard evidence that we indeed intend to go back on our word.

What kind of friends are these anyway? What kind of opinion do they have of us to think that we do not value human lives unless they are American lives? To think that we would not consider the lives of other free men worthy of our concern in the event of Soviet aggression? And to think that only the on-the-spot slaughter of young Americans could provoke us to act in our own best interests?

Those who subscribe to the trip-wire strategy claim it offers us flexibility—a way to resist aggression without resorting to all-out nuclear retaliation. The fact is, however, that the great armies of NATO and the Warsaw Pact facing each other across an imaginary line in Central Europe are as dated as the cavalry that tried to stand up to the Nazi panzer divisions in Poland. Our troops in Europe are armed with tactical nuclear weapons as are, presumably, the Warsaw Pact forces.

The Davy Crockett, a cannon manned by a crew of five, has been called the "keystone of the Allied defense line." With an explosive force somewhat less than that of the Hiro-

shima bomb, it is our smallest tactical weapon, and we have others even more powerful.

In an East-West war in Europe, the side that is losing, or thinks it is losing, will without doubt resort to nuclear weapons to "save the day." Even the "winning" side would do so, if it thought the enemy was about to launch a strike. It is for just these eventualities that we have our tactical nuclear weapons positioned there. So our troops in Europe and targets for almost certain death or radiation poisoning in the event of war. They cannot win; they can only destroy and be destroyed.

We have been lucky so far, but the day must come soon—before this murderous insanity goes too much further—when we will have to reduce our NATO forces. We must recognize that there is no true security for us or for anyone else in a world in which nuclear weapons are on the loose. We must set about the task of providing leadership dedicated to achieving world peace through world law.

Do some of our leaders feel that they must use a trip-wire force to insure that we will keep our commitment to our NATO allies? Are we busily preparing for a day when we may be in the same position in Europe as we are now in Southeast Asia? Will we someday be told that millions of Americans must die for those 300,000 American troops in Europe—just as we are being told now that still more Americans must die in Indochina so that the deaths of the 45,000 already killed there will, somehow, have been "worthwhile"?

If that is what some of our leaders think, if that is why they insist on maintaining 300,000 American troops on European soil, their perspective, in my judgment, is dangerously distorted. One such horror is more than enough in the lifetime of any nation.

The fact is that the whole structure of the trip-wire concept is built on false assumptions. The fact is that we do not need such an immoral mechanism forcibly to link Europe's destiny with ours. The fact is that we are inextricably linked with Europe—by past history and heritage, and by present politics and economics.

A free, independent Europe is vital to America's survival and to world peace; a free Europe and a free America stand or fall together.

That is the real meaning of NATO, that is why we are in the alliance, that is why we will unhesitatingly honor our commitment should we ever be called upon to do so—not to avenge the blood of American hostages, but to defend American freedom and the very concept of freedom.

Our European allies and those of our leaders who presume otherwise do the American people a grave injustice.

ALAN CRANSTON.

[U.S. News & World Report, June 21, 1971]

2,000 U.S. BASES OVERSEAS—ANOTHER TARGET IN CONGRESS

Following are excerpts from a speech to the Senate by Senator J. William Fulbright on May 18, 1971:

We have more bases in foreign countries that any other nation. . . .

I doubt that most members of Congress realize that we have over 200 major bases in Germany alone (where we have an investment of about 130 million dollars in facilities). Do we really need 24 major bases in North Wurttemberg? Or 22 in North Bavaria? Furthermore, it should be noted that our involvement extends to more than U.S. troops and their dependents. The United States employs 14,000 U.S. civilians in Western Europe (over 9,000 in Germany) and employs directly or indirectly over 70,000 foreign nationals (60,000 of them in Germany)—all paid salaries in dollars extracted from our constituents, many of whom are unemployed.

In addition to the German bases and the 215,000 troops stationed there, together with 134,000 dependents, wives and children, the United States continues to maintain naval facilities in Iceland which originally cost over 200 million dollars. And last year we spent 31 million dollars for our military forces stationed in that country.

We have facilities in Greenland which we continue to maintain. They were acquired at a cost of nearly 500 million dollars.

How many Americans know that we continue to maintain facilities on the Balearic Islands, the Seychelles Islands and on St. Helena, as well as in Malta, Crete and Sardinia?

Do Americans realize that we spent approximately 110 million to maintain troops in Spain and Portugal last year? A quarter of a billion dollars—250 million!!—in the United Kingdom? Thirty-one million in Greece and Cyprus? We also spent 3 million in the Bahamas, 20 million in Bermuda and a full million dollars in the Leeward Islands, all for our military personnel stationed at those places.

The United States has over 2,000 major and minor bases spread across more than 30 foreign countries and areas, and virtually surrounding the Soviet Union and mainland China. The extent of these installations is instructive.

We maintain some 50 major bases in Japan and Okinawa (where we have invested 843 million dollars in facilities). We have 4 in Taiwan, 41 in Korea, 7 in the Philippines and 8 in the Marianas.

We have 12 major bases in the Canal Zone.

I am referring only to major bases—the places where we have smaller installations and stations reads like a geography book. Apart from the places I've already mentioned, we have facilities in Australia, Cuba, Ethiopia, Morocco, Pakistan, South Africa, Trinidad and Tobago, Antigua, Barbados and the Turks and Caicos Islands.

In addition to military bases spread from Iceland to South Africa, we maintain dozens of military advisory missions abroad. We spent some 17 million dollars in Europe for such missions last year. We spent over a quarter of a million dollars for a military advisory group in Pakistan; a half a million dollars each for similiar groups in the Dominican Republic and in Liberia. And these missions are relatively small compared with similar missions n Spain, Greece, Morocco, Turkey, Ethiopia, the Congo, Iran, Saudi Arabia and Brazil.

Unless we manage to bring under some kind of public control the enormous military bureaucracy abroad, we will end up as did the Roman Empire, which became so much a slave to its foreign commitments that it died at home.

[From the Washington Star, June 15, 1971]

TOWARD TROOP CUTS

The North Atlantic Treaty Organization is understandably cautious in responding to the Russian expression of interest in a mutual reduction of forces in Central Europe. Even though the idea of negotiations on the subject has been backed by NATO for three years, the recent reopening of the subject by Soviet party leader Leonid Brezhnev leaves the West with considerable preparatory work, and much to think about.

There is the need to coordinate the thinking of 14 countries (with France standing aside) that would be represented on our side of the table. The Brezhnev remarks were in vague terms, and a series of bilateral discussions, contemplated by the NATO foreign ministers, could well be used to explore Eastern Bloc intentions before an actual start of negotiations. One of the intriguing preliminary questions is how extensive a troop cut the Soviet Union and its Warsaw Pact clients would be willing to consider, in the light of the Communist governments' sometimes difficult task of holding their own restive elements close to the Moscow line.

Also facing the West is how to fit the troop-reduction effort in with other concurrent attempts to achieve a relaxation of East-West tensions. There is no formal link between the troop-cut question and the Big Four negotiations on the status of Berlin, but there is no doubt a Berlin agreement (of which there are now hopeful signs) would enhance the general prospects for detente. The NATO ministers, perhaps wistfully but certainly in line with West German wishes, hope for progress on Berlin to guide them on broader issues involving relations with the East. They continue to regard a Berlin success as a prerequisite for the European Security Conference sought by the Soviet bloc, and put due stress on everyone's hopes for the Strategic Arms Limitations Talks between the United States and Russia now underway in Vienna and Helsinki.

In all this, NATO's time for careful preparation is not unlimited. There have been past strains in the alliance, and the results (including unilateral force reductions and French withdrawal from the integrated defense system) have weakened NATO's overall posture. The Mansfield amendment to halve the United States' force in Europe was defeated—but possibly only until next year.

In the matter of mutual and balanced force reductions, too long a delay might leave our side with considerably less to bargain with.

[From the Washington Post, June 12, 1971]

CHALLENGING THE ARMAMENT TECHNOLOGY: HIGH COST FOR BALANCE OF TERROR

(By D. J. R. Bruckner)

According to the Arms Control and Disarmament Agency, last year $204 billion was spent in the world on armaments, including $103 billion (a slight drop) among NATO member nations and $71 billion (a slight rise) by Warsaw Pact members. The agency notes, without a hunt of irony, that the "developed" nations account for 90 per cent of these expenditures.

For many generations military preparations have been battles within nations of technology against politics, and the triumph of technology in this area has always been disastrous. One can cite examples in history of nations which failed to arm and have still been drawn into wars, but you cannot think of an example of a society which supplied itself with a great arsenal and did not use it. Countries have been disarmed usually by losing wars. But the power of present weaponry makes loss an absolete method of regulation.

For a decade Americans have lived with the notion of a balance of terror between Russia and the United States. The idea of a "balance" was current long before there was any balance. At the time of the Cuban missile crisis, Russia had fewer than 100 intercontinental missiles in place. The experience of that crisis is probably the reason Russia has worked so quickly to increase its nuclear weapons systems.

From the notion of balance we have got the notion of insurance against an outbreak of war: nobody will go to war because nobody would survive. Only the last part of that formula is true, however; what the competition to maintain nuclear balance has achieved is a guarantee of the total destruction of the earth if one of the super powers starts a war against another.

Mr. Nixon is apparently determined to reach some kind of agreement with the Russians by the end of the year about some kind of limit on some kind of weapons. What he mentioned, in his announcement on May 20 that the two nations have agreed on a partial agenda for talks, is a limitation on de-

fensive weapons (ABMs), with the proviso that talks would continue about offensive weapons.

The proviso is important, not merely a face-saver. Mr. Nixon has said for two years that if only offensive or defensive weapons were restricted, development would surge ahead among the unrestricted type. His statement is supported by the history of weapons technology. For instance, we have had a test ban treaty with Russia for eight years; so, we are not detonating bombs in the atmosphere, but the total number of weapons tests has actually increased since 1963.

The President has also insisted for a long time that what is needed is a general pulling back from confrontation between the two nations. The sequence of events since last Christmas is fascinating in the light of his insistence. First, it became apparent that the strategic arms limitations talks had stalemated, and in the Sentae there were bitter complaints that the White House had not given clear enough or flexible enough instructions to Gerard Smith, the chief American arms negotiator.

But, during the winter, the President opened personal contacts with Russian leaders, which continued even while the unproductive SALT talks continued this spring in Vienna. On March 30, Soviet Communist Party chief Leonid Brezhnev told the party's congress in Moscow that a five-power conference on disarmament should be called. He also called for a conference on mutual reduction of forces by East and West in Europe. And he dropped the Russian insistence that any agreement on chemical and biological warfare reached during talks in Geneva include both types of weapons; the Russians, he indicated, were willing to discuss an agreement on lines the Americans preferred—to ban biological weapons only.

On May 14, he reiterated and expanded his remarks about troop reduction talks. That is a lot of movement on a broad front. You can argue the politics of the Soviet signals endlessly, but you could hardly refuse to respond to them.

Mr. Nixon overdramatized his May 20 announcement that the two powers had agreed on what to talk about. But now even his congressional critics seem a little more satisfied with the instructions Smith has been given for the meeting of the SALT talks next month in Helsinki.

For the moment, Mr. Nixon seems to have assumed there is something to be gained by asserting the priority of politics over technology. In fact, even the technologists could see the so-called balance of terror breaking down under the weight of new ABM systems, multiple warheads, new radar and detection systems. All this technology may work, but it does not make any difference, and every year the world keeps paying those enormous armament bills. It is just possible that the leaders of the great powers are beginning to realize that the people are growing reluctant to pay such a huge price for a spectacular funeral for the whole world.

[From the New York Times, June 16, 1971]

BRANDT AND NIXON CONFER ON BERLIN

AGREE IN WHITE HOUSE TALK PROGRESS BY BIG FOUR MAY LEAD TO TROOP PARLEY

WASHINGTON.—President Nixon and Chancellor Willy Brandt of West Germany agreed today that continued progress in negotiations on the status of West Berlin might soon open the way for talks between the North Atlantic Treaty Organization and the Warsaw Pact on reducing military forces in Europe.

Following a one hour and 45-minute meeting between Mr. Nixon and Br. Brandt in the White House the Presidential press secretary, Ronald L. Ziegler, said that Berlin had been the principal topic along with the question of limiting conventional forces in Europe.

An accord on easy access to West Berlin, now the subject of negotiations with the Soviet Union, is a prerequisite from the West's viewpoint for talks on a mutual, balanced reduction of forces.

The growing indications that a Berlin agreement might be within reach after 15 months of discussions were reinforced when Secretary of State William P. Rogers said at a news conference today that he would meet this week with Ambassador Anatoly F. Dobrynin to determine when and under what circumstances Moscow would be ready to begin talks on a reduction of forces.

"I am going to talk to Ambassador Dobryin in the next day or so to find out if they are prepared to have discussions on mutual and balanced force reductions, and find out what they are prepared to talk about, what they are thinking about in terms of time and place, et cetera," Mr. Rogers said.

Secretary Rogers, who conferred with Mr. Brandt at a luncheon at the State Department, is expected to meet with Mr. Dobrynin tomorrow afternoon.

The Secretary declined to enter into the details of the Berlin talks, but he said that "some progress had occurred recently in these discussion." Mr. Rogers added that "we are hopeful that an agreement can be reached, but there are still many differences."

BRANDT SEES A CHANCE

In a speech this afternoon at the Woodrow Wilson International Center for Scholars, Mr. Brandt said:

"I do not know whether it will really be possible to achieve a satisfactory Berlin arrangement in the months ahead . . . but I do know that there is a chance."

The chancellor is in the United States on a five-day private visit. He is spending two days in Washington for policy discussions.

Mr. Ziegler, the press secretary, said the subject of troop reductions had been discussed by Mr. Nixon and Mr. Brandt in the light of "the most recent developments."

One of these developments, he said, was a speech in Tiflis on May 14 by Leonid I. Brezhnev, the Soviet party leader, urging the West to begin exploratory talks on the reductions of military forces in Europe.

Mr. Brandt said in his speech: "Now we see that the Soviet Union and the United States—and not only they—favor for this idea in principle."

While until recently the Warsaw Pact powers had insisted that the troop reduction be discussed in the context of a broad European conference, Mr. Brandt emphasized that "there is basically no reason why we should not discuss this matter before such a conference in taking shape."

SPEECH SEEN AS SIGNAL

Mr. Brezhnev's speech last month was considered by Western governments as a signal that the Soviet Union had changed its political strategy and was now willing to take up the question of reduction of forces.

The question that puzzles officials in Western capitals is whether Moscow has also resolved to accept a demand that an accord on Berlin be reached before any negotiations on reduction of forces.

Officials said that the Soviet position on Berlin had softened after the Ministerial Council of the Atlantic alliance said in a communique following its Lisbon meeting earlier this month that "the ministers would regard the successful outcome of the Berlin talks as an encouraging indication of the willingness of the Soviet Union to join in the efforts of the alliance to achieve a meaningful and lasting improvement of East-West relations in Europe."

At his news conference, Secretary Rogers said that the communique "provides maximum flexibility" on the troop-reduction talks. He took issue with Mr. Brezhnev's suggestion in his Tiflis speech that the West might not be sincere about undertaking them.

FREE AMERICA

Mr. CHURCH. Mr. President, as a citizen, a lawyer, and a U.S. Senator who believes deeply in the first amendment of the Constitution of the United States, I think that this administration's attempt to halt further publication in the New York Times of the "Vietnam Papers" is contrary to a cherished fundamental of this great Nation—free speech and a free press.

The injunction sought and obtained by the Attorney General to stop publication of these historic documents amounts to nothing less than censorship of the press. There is no reason to skirt the issue, for this is what it is.

Yale University Law Professor Alexander M. Bickel put his finger on it yesterday when he said that this prior restraint of newspaper publication "has never happened in the history of the Republic" until now, a fact which must lead all who value freedom of the press to wonder about the motivations of this administration.

As the New York Times points out in today's lead editorial:

The documents in question belong to history. They refer to the development of American interest and participation in Indochina from the post-World War II period up to mid-1968, which is now almost three years ago. Their publication could not conceivably damage American security interests, much less the lives of Americans or Indochinese.

Mr. President, I ask unanimous consent that an article from this morning's Washington Post on the subject of prior restraint, as well as the editorial from the Times, be printed in the RECORD.

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

THE VIETNAM DOCUMENTS

In an unprecedented example of censorship, the Attorney General of the United States has temporarily succeeded in preventing The New York Times from continuing to publish documentary and other material taken from a secret Pentagon study of the decisions affecting American participation in the Vietnam War.

Through a temporary restraining order issued by a Federal District judge yesterday, we are prevented from publishing at least through the end of the week, any new chapters in this massive documentary history of American involvement in the war. But The Times will continue to fight to the fullest possible extent of the law what we believe to be an unconstitutional prior restraint imposed by the Attorney General.

What was the reason that impelled The Times to publish this material in the first place? The basic reason is, as was stated in our original reply to Mr. Mitchell, that we believe "that it is in the interest of the people of this country to be informed. . . ." A fundamental responsibility of the press in this democracy is to publish information that helps the people of the United States to understand the processes of their own government, especially when those processes have been clouded over in a veil of public dissimulation and even deception.

As a newspaper that takes seriously its ob-

ligation and its responsibilities to the public, we believe that, once this material fell into our hands, it was not only in the interests of the American people to publish it but, even more emphatically, it would have been an abnegation of responsibility and a renunciation of our obligations under the First Amendment not to have published it. Obviously, The Times would not have made this decision if there had been any reason to believe that publication would have endangered the life of a single American soldier or in any way threatened the security of our country or the peace of the world.

The documents in question belong to history. They refer to the development of American interest and participation in Indochina from the post-World War II period up to mid-1968, which is now almost three years ago. Their publication could not conceivably damage American security interests, much less the lives of Americans or Indochinese. We therefore felt it incumbent to take on ourselves the responsibility for their publication, and in doing so raise once again the question of the Government's propensity for over-classification and mis-classification of documents that by any reasonable scale of values have long since belonged in the public domain.

We publish the documents and related running account not to prove any debater's point about the origins and development of American participation in the war, not to place the finger of blame on any individuals, civilian or military, but to present to the American public a history—admittedly incomplete—of decision-making at the highest levels of government on one of the most vital issues that has ever affected "our lives, our fortunes and our sacred honor"—an issue on which the American people and their duly elected representatives in Congress have been largely curtained off from the truth.

It is the effort to expose and elucidate that truth that is the very essence of freedom of the press.

"PRIOR RESTRAINT" ACTION MAY BE PRECEDENT

(By John P. MacKenzie)

"Prior restraint" of newspaper publication cuts so deeply against American tradition that Alexander M. Bickel, Yale law professor and lawyer for the New York Times, could declare without contradiction yesterday that "it has never happened in the history of the Republic."

The basic reason for the tradition, said Chief Justice Charles Evans Hughes in a noted 1931 decision, is that prior restraint—a court order against publishing with a contempt citation as the penalty—"is of the essence of censorship."

Scholars still argue whether everything Hughes said in the case, Near v. Minnesota, is applicable today. Some wonder in particular whether the threat of criminal prosecution after publication of forbidden material isn't as strong a deterrent as a civil injunction proceeding.

Yet the odd thing about yesterday's abbreviated debate in Manhattan federal court was that no one could come up with a leading example of when the government had ever tried, much less succeeded, in obtaining such a court order against a newspaper.

Judge Murray I. Gurfein could only ask whether such an attempt had ever been made, raising the possibility that the government has neither won nor lost such a dispute in the past.

Postponing deeper discussion for a hearing on Friday, Gurfein then issued an order that held up publication of the Pentagon papers for the rest of the week—a long period of censorship if the arguments against prior restraint are still valid.

Whether or not the lawyers and historians can find precedents for yesterday's injunction, most agree that the bulk of the controversy over First Amendment press and speech freedoms has involved attempts to punish, rather than prevent, some form of expression.

Major exceptions occur frequently in the obscenity field. But only last January the Supreme Court unanimously struck down a system of postal censorship because the government held up the mails too long while making up its mind whether an item was obscene, putting too much of a burden on those who wanted to communicate. Criminal obscenity laws, while also controversial, remain available.

A few years ago a district court here enjoined publication of a book, the memoirs of the late imprisoned gangster Joseph Valachi. But that was done on the grounds that an agreement with his government custodians had been violated.

The movie "The Titticut Follies" has been enjoined in Massachusetts on the ground that it invades the privacy of mental patients in the course of exposing wretched hospital conditions.

In neither of those cases was there a claim of national security or anything like the overtones of potential diplomatic ruptures that the Justice Department is making and the New York Times is contesting.

The government, of course, contends that the question of whether it is legal to publish the Pentagon papers must be thrashed out in advance because, in its view, the damage would be irreparable.

No such world-shaking matters were laid before the Supreme Court in 1931, when the city of Minneapolis sought to suppress an anti-Semitic sort of underground paper of its time called The Saturday Press.

Although the city claimed only that future publications would be as libelous as past ones, Chief Justice Hughes used the occasion to observe that "liberty of the press, historically considered and taken up by the federal Constitution, has meant, principally, although not exclusively, immunity from previous restraints or censorship."

He added, "The fact that for approximately 150 years there has been almost an entire absence of attempts to impose previous restraints upon publications relating to the malfeasance of public officers is significant of the deep-seated conviction that such restraints would violate constitutional right." He spoke for a 5-to-4 majority setting aside a state court injunction.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

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

REPORT OF ANTIDEFICIENCY ACT VIOLATION

A letter from the Secretary of Transportation submitting, pursuant to law, a report of Antideficiency Act violation by the Federal Aviation Administration (with accompanying report); to the Committee on Appropriations.

PROPOSED LEGISLATION PROVIDING A CONSUMER INFORMATION PROGRAM

A letter from the Secretary of Transportation submitting proposed legislation to amend the National Traffic and Motor Vehicle Safety Act of 1966 to provide for the development of a consumer information program concerning the damage susceptibility and crash-worthiness of passenger cars, and for other purposes (with accompanying papers); to the Committee on Commerce.

PROPOSED AUTHORIZATION OF AN APPROPRIATION TO NEW YORK CITY

A letter from the Assistant Secretary of State transmitting proposed legislation to authorize the appropriation of $1.3 million for an ex gratia payment to New York City to assist in defraying the extraordinary expenses incurred by the city in regard to the 25th anniversary celebration of the United Nations (with accompanying papers); to the Committee on Foreign Relations.

REPORT OF THE COMPTROLLER GENERAL

A letter from the Comptroller General of the United States transmitting, pursuant to law, a report on the opportunities to improve the redistribution of the Federal Government's excess automatic data processing equipment (with accompanying report); to the Committee on Government Operations.

PROPOSED LEGISLATION RELATING TO THE PARTICIPATION OF THE UNITED STATES IN THE INTERNATIONAL CRIMINAL POLICE ORGANIZATION

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

REPORT OF THE CIVIL SERVICE RETIREMENT SYSTEM

A letter from the Chairman of the Civil Service Commission transmitting, pursuant to law, the annual report of the Board of Actuaries of the Commission for the years ended June 30, 1968, and June 30, 1969 (with accompanying report); to the Committee on Post Office and Civil Service.

PETITION

A petition was laid before the Senate and referred as indicated:

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

A petition from the West Side Church of God, Wichita, Kans., relative to the higher education guaranteed student loan program; to the Committee on Labor and Public Welfare.

REPORTS OF A COMMITTEE

The following reports of a committee were submitted:

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

S. Res. 121. A resolution authorizing the printing of the 1970 Annual Report of the National Forest Reservation Commission as a Senate document (Rept. No. 92–148); and

S. Res. 130. A resolution authorizing the printing of the report entitled "Cost of Clean Water" as a Senate document (Rept. No. 92–149).

By Mr. JORDAN of North Carolina, from the Committee on Rules and Administration, with an amendment:

S. Res. 117. A resolution to authorize the printing, as a Senate document, of the proceedings of the public meetings on the development of a uniform conventional mortgage form (Rept. No. 92–150).

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

S. J. Res. 111. A joint resolution extending for two years the existing authority for the erection in the District of Columbia of a memorial to Mary McLeod Bethune (Rept. No. 92–151).

By Mr. JORDAN of North Carolina, from the Committee on Rules and Administration:

S. Con. Res. 30. An original concurrent resolution authorizing the printing of the study entitled "Soviet Space Programs, 1966–70" as a Senate document (Rept. No. 92–152).

By Mr. JORDAN of North Carolina, from

the Committee on Rules and Administration, without amendment:

H. Con. Res. 120 A concurrent resolution to authorize the printing of a Veteran's Benefits Calculator (Rept. No. 92–153).

By Mr. JORDAN of North Carolina, from the Committee on Rules and Administration, with an amendment:

H. Con. Res 206. A concurrent resolution to reprint brochure entitled "How Our Laws Are Made" (Rept. No. 92–154).

EXECUTIVE REPORTS OF A COMMITTEE

As in executive session, the following favorable reports of nominations were submitted:

By Mr. SPARKMAN, from the Committee on Banking, Housing, and Urban Affairs:

Ezra Solomon, of California, to be a member of the Council of Economic Advisers; and

A Sydney Herlong, Jr., of Florida, to be a member of the Securities and Exchange Commission.

BILLS AND JOINT RESOLUTIONS INTRODUCED

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. INOUYE:

S. 2072. A bill to amend the Egg Products Inspection Act to provide that certain plants which process egg products shall be exempt from such Act for a certain period of time. Referred to the Committee on Agriculture and Forestry.

By Mr. MONTOYA:

S. 2073. A bill for the relief of Atanacio Blanco. Referred to the Committee on the Judiciary.

By Mr. MAGNUSON (for himself, Mr. JACKSON, Mr. PASTORE, Mr. HOLLINGS, Mr. HART, Mr. PEARSON, and Mr. Moss):

S. 2074. A bill to promote the safety and protect the environmental quality of ports, waterfront areas, and the navigable waters of the United States. Referred to the Committee on Commerce.

By Mr. TOWER:

S. 2075. A bill for the relief of Eva J. Fisher. Referred to the Committee on Post Office and Civil Service.

By Mr. JORDAN of North Carolina:

S. 2076. A bill for the relief of Anton Emil Kamar. Referred to the Committee on the Judiciary.

By Mr. HARTKE (for himself and Mr. THURMOND):

S. 2077. A bill to amend title 38, United States Code, to establish a Court of Veteran's Appeals and to prescribe its jurisdiction and functions. Referred to the Committee on Veterans' Affairs.

By Mr. TUNNEY:

S. 2078. A bill for the relief of Miss Rita Baccega. Referred to the Committee on the Judiciary.

By Mr. HARTKE (for himself, Mr. Moss, Mr. THURMOND, Mr. WILLIAMS, Mr. HART, Mr. TUNNEY, Mr. METCALF, and Mr. PERCY):

S. 2079. A bill to amend the Fair Packaging and Labeling Act to require certain labeling to assist the consumer in purchases of packaged perishable or semiperishable foods. Referred to the Committee on Labor and Public Welfare.

By Mr. JAVITS (for himself, Mr. WILLIAMS, Mr. CASE, Mr. CRANSTON, Mr. DOMINICK, Mr. HUMPHREY, Mr. INOUYE, Mr. MONDALE, Mr. PASTORE, Mr. PERCY, Mr. STEVENS, Mr. TAFT, and Mr. TUNNEY):

S.J. Res. 116. A joint resolution to authorize and request the President to proclaim the period September 12, 1971, through September 20, 1971, as "Myasthenia Gravis Week". Referred to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. MAGNUSON (for himself, Mr. JACKSON, Mr. PASTORE, Mr. HOLLINGS, Mr. HART, Mr. PEARSON, and Mr. Moss):

S. 2074. A bill to promote the safety and protect the environmental quality of ports, waterfront areas, and the navigable waters of the United States. Referred to the Committee on Commerce.

NAVIGABLE WATERS SAFETY AND ENVIRONMENTAL QUALITY ACT OF 1971

Mr. MAGNUSON. Mr. President, I introduce for appropriate reference a bill to promote the safety and protect the environmental quality of ports, waterfront areas, and the navigable waters of the United States.

I believe that this is urgently needed legislation to cope with the increasing hazards of maritime transportation and with pollution from tanker oil spills.

The bill I have introduced is comprehensive legislation to protect our coastal waters and the resources they contain such as fish, shellfish, and wildlife. It puts emphasis where the emphasis ought to be: prevention.

Last year, we adopted far-reaching legislation dealing with liability for oil spills and cleanup. This is excellent legislation and I commend all those involved with it. I supported it and would like to see it strengthened even further. However, no amount of after-the-fact reporting and liability will prevent the growing incidence of oil spill tragedies or restore environmental and ecological resources once destroyed.

The bill I have introduced is intended to do that, and approaches the problem of prevention in two ways. The first part applies to tankers and other vessels carrying liquid cargoes in bulk such as oil, flammable or combustible cargoes, and cargoes which have been declared hazardous under the Federal Water Pollution Control Act. The bill would strengthen existing law with respect to these vessels and authorize the Secretary of the Department in which the Coast Guard is operating to promulgate comprehensive regulations concerning their construction, maintenance, and operation in order to protect against environmental damage.

The time has come when oil spills can no longer be tolerated. The oil required to fuel our Nation's industry and economy increasingly menaces our environment. Recent tragedies in San Francisco, Long Island, and Chesapeake Bay, to name only a few, are all too eloquent testimony to the need to act now. Only a few weeks ago, a spill of 250,000 gallons of diesel fuel at Anacortes, in my own State of Washington, menaced Rosario Strait, the San Juan Islands, and the Straits of Juan de Fuca. This region is unique in the United States, an area of unsurpassed scenic beauty that supports abundant and varied types of fish and wildlife. While the visible damage from this spill was relatively slight, the long-range ecological impact cannot yet be ascertained.

The fact that oil spills seem to be occurring with increasing frequency is no coincidence. In the past three decades, tanker transport of oil has multiplied tenfold. In the last 5 years alone, our Nation's annual oil consumption has increased by over 35 percent, much of it transported by tankers.

The advent of mammoth tankers, 10 to 20 times the size of those in use a generation ago, has proportionately magnified the environmental problem.

Clearly, tough new standards on tanker construction and cargo handling equipment and procedures are long overdue. Actually, I believe that these could and should have been adopted under existing legislative authority. However, existing law, which speaks mostly in terms of the threat to life and property from fire and explosion, has not been administered to provide the necessary protection for our environment. In any event, this legislation will make the intent of Congress clear and provide the broad authority needed beyond any question.

The first part of the legislation I have introduced is intended to bring about a new era in which tankers no longer pose the threat to the environment that they now do. Under its terms, these vessels would be required to incorporate a wide range of antipollution features. For example, double hulls could be required. This would substantially reduce the possibility of spills resulting from groundings, collisions, and other incidents which have resulted in so many environmental tragedies.

The legislation would also authorize the imposition of maximum tank sizes on vessels or even maximum size limitations on the vessels themselves, thus limiting the damage that would occur in the event the hull was breached.

As another example, there is evidence that most large tankers are now underpowered and that this creates serious navigational risks. Minimum propulsion requirements established under the bill would reduce those risks and help prevent damage to the environment.

The distance in which it takes a supertanker to stop, as much as several miles, seems to me to border on the scandalous. Means of stopping these vessels quickly, such as sea anchors or water resistance flaps, can be developed and required under the bill.

There is also limitless room for improvement in navigating and cargo handling equipment and procedures. Electronic safety devices are being developed which should reduce accidental spills. Their installation and use should be made mandatory under the bill.

Many spills, like that at Anacortes, occur during loading or unloading. In that case, the spilling continued for several hours before being detected. A system of adequate detection gages and alarms could have prevented the spill and should be made mandatory, thus preventing a recurrence of this type of incident. Similarly, in some areas, special procedures could be adopted which

require that all loading and unloading be done in special containment reservoirs or coffer dams, thus eliminating any possibility of damage from accidental spills.

These are just a few examples of the ways in which the threat to our environment from tankers can and must be eliminated or reduced. The first approach of the bill I have introduced today is to authorize tough new standards for the construction, maintenance and operation of these vessels, standards which will assure that every conceivable safeguard is used to protect our environment.

The second approach of the bill applies not only to tankers, but to all vessels and structures on the navigable waters. It would, among other things, authorize the establishment of traffic services and systems, the control of vessel traffic, establishment of routing systems and the creation of waterfront safety zones or areas for limited, controlled or conditioned access and activity.

This aspect of the bill, too, is aimed at prevention. Reduction of vessel casualty risks through carefully and comprehensively controlled traffic movements is essential. The bill would permit scrutiny and control of traffic patterns and equipment in our congested waters, thus making a significant contribution to the prevention of damage to our environment.

Our control of vessel traffic in the United States is long outdated. Other nations, primarily in Europe, have adopted far more meaningful systems. The technology, in the form of harbor radar systems, navigation and communications devices and the like, is available to make vessel movements much safer than they now are. Much of this technology has been developed in the field of aviation and air traffic control. I submit that legislation in this area aimed at preventing the risk to life and property as well as damage to the environment, is of the highest priority.

NOTICE OF HEARING

As I have indicated I feel that immediate consideration and rapid action on this legislation is imperative. The distinguished Senator from Louisiana (Mr. LONG), the chairman of the Senate's Merchant Marine Subcommittee, shares my concern and has scheduled hearings on this bill to begin next week, on June 24, 1971. I am confident that under his able leadership we will have meaningful legislation in this area very shortly.

By Mr. HARTKE (for himself, Mr. MOSS, Mr. THURMOND, Mr. WILLIAMS, Mr. HART, Mr. TUNNEY, Mr. METCALF, and Mr. PERCY):

S. 2079. A bill to amend the Fair Packaging and Labeling Act to require certain labeling to assist the consumer in purchase of packaged perishable or semiperishable foods; referred to the Committee on Labor and Public Welfare.

OPEN DATING FOR PERISHABLE FOODS

Mr. HARTKE. Mr. President, today I introduce legislation designed to protect consumers who purchase perishable foods at grocery stores and supermarkets. Known as the open dating act, this legislation grew out of an awareness that most shoppers have no clear idea of the freshness of products on store shelves.

There is growing evidence throughout the country that a significant number of food products offered for sale are overage and may be unwholesome. Accounts of consumer purchases of spoiled meat products, overage dairy products, and stale bakery items are appearing with increasing frequency.

Manufacturers of perishable and semiperishable foods code date their products. Unfortunately, the hundreds of different codes are almost always undecipherable to consumers and to store employees as well.

At the present time, open dating of products is unusual. Some cities require open dating of fresh milk, and a few States require that various foods be dated with legible codes. As commendable as these efforts have been, they lack an all-inclusive nature demanded by the extent of this problem.

The concern of the housewife is a very simple one. She wishes to be assured that the food which she is buying is wholesome and fresh. But in the face of an ever-growing number of products and an ever-more-complex system of food distribution, she cannot possibly know which products retain their healthfulness over a long period of time and which deteriorate with age, nor can she possibly know how long a product has taken to go from food processor to food distributor.

A few progressive chains of food stores throughout the country have already begun to experiment with open dating. One of these, Giant Foods, Inc., reports great success and enthusiastic acceptance not only by its customers but also by its own personnel and store managers.

Last month, N. V. Lawson, vice president of Safeway Stores, Inc. indicated his chain's long-standing support for open dating. He said:

> Basically, there are no significantly greater costs inherent in open dating as compared to any other kind of dating system. . . . In our 30 years of experience with open dates, we have found no significant basis to the contention that customers will select the freshest items first, leaving the older merchandise to die on the shelf.

In summarizing his firm's attitude on open dating, Mr. Lawson said:

> Open dating has turned out to be a major promotional item. Yet, for the long-haul, we still consider it primarily as serving the public but also as an aid to store personnel that clearly more than pays for itself.

Among the most important of the interim conclusions which have been reached from the open dating experimentation which has taken place to date is that customers have increased confidence in the freshness of the products they buy. This is a confidence which does not presently exist because of the use of illegible codes.

Mr. President, I believe that there has been an adequate amount of time for experimentation and experience testing. The bill I am introducing today sets national standards for freshness. It would go beyond requiring the clearly stated "pull date"—the last day the product should be offered for sale to the public—by requiring that the package label also show the optimum temperature and humidity conditions under which the product should be stored in the consumer's home.

This latter requirement overcomes the objections of these who have said that a pull date by itself is not enough, and that consumers must also know the storage requirements which apply after a product leaves the supermarket and is brought into a consumer's home.

The bill defines a perishable food as any packaged food with a high risk of any of the following: Spoilage, significant loss of nutritional value, significant loss of palatability.

In addition to the individual consumer packages, the pull date would be placed on the shipping containers to improve the turnover and rotation of goods through the distribution process.

Perishable foods whose pull date had expired could be sold if wholesome and if separated from other food and clearly identified as having passed the pull date.

Mr. President, experience has shown that the open dating of perishable foods will not inconvenience either the food processor or the food distributor. What the open dating provisions of my proposal seek to accomplish is to provide an assurance to the consumer that perishable and semiperishable foods purchased in the store are wholesome and free from health hazards.

I ask unanimous consent that the text of my bill be printed at the point in the RECORD.

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

S. 2079

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

LABELING REQUIREMENTS FOR PERISHABLE AND SEMIPERISHABLE FOODS

SECTION 1. The Fair Packaging and Labeling Act (15 U.S.C. 1451–1461) is amended by adding at the end thereof the following new title:

"TITLE II

"DEFINITIONS

"SEC. 201. For purposes of this title—

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

"(2) The term 'food' has the meaning prescribed for that term by section 201 of the Federal Food, Drug, and Cosmetic Act, except that such term does not include any fresh fruit or vegetable.

"(3) The term 'perishable or semiperishable food' means any food which the Secretary determines has a high risk of any of the following as it ages:

"(A) spoilage;

"(B) significant loss of nutritional value; or

"(C) significant loss of palatability.

"(4) The term 'pull date' means the last date on which a perishable or semiperishable food can be sold for consumption without a high risk of spoilage or significant loss of nutritional value or palatability, if stored by the consumer after that date for the period which a consumer can reasonably be expected to store that food.

"(5) The term 'label' means any written, printed, or graphic matter affixed to or appearing upon any container or wrapping in

which a perishable or semiperishable food is enclosed.

"(6) The terms 'package' and 'principal display panel' have the meanings prescribed for those terms by sections 110(b) and 110(f), respectively, of title I of this Act.

"LABELING REQUIREMENTS FOR PERISHABLE AND SEMIPERISHABLE FOODS

"SEC. 202. (a) No person who manufactures or packages a perishable or semiperishable food in the form in which it is sold by retail distributors to consumers may distribute (or cause to be distributed) for purposes of sale a perishable or semiperishable food packaged by him in such form unless he has, in accordance with the requirements of subsection (f), labeled such packages to show (the pull date for such food, and (2) the optimum temperature and humidity conditions for its storage by the ultimate consumer.

"(b) No person engaged in business as a retail distributor of any packaged perishable or semiperishable food may sell, offer to sell, or display for sale such food unless the food's package is labeled in accordance with subsection (a).

"(c) No person engaged in business as a retail distributor of any packaged perishable or semiperishable food may sell, offer to sell, or display for sale any such food whose pull date, as specified on its package's label, has expired unless—

"(1) the food is fit for human consumption, as determined under applicable Federal, State, or local law,

"(2) such person separates the food from other packaged perishable or semiperishable foods whose pull dates, as specified on their packages' labels, have not expired, and

"(3) such person clearly identifies the food as a food whose pull date has expired.

"(d) No person engaged in the business of manufacturing, processing, packing, or distributing perishable or semiperishable foods, may place packages of such foods, labeled in accordance with subsection (a), in shipping containers or wrappings unless such containers or wrappings are labeled by him, in accordance with regulations of the Secretary, to show the pull date (or dates) on the labels of such packages.

"(e) No person may change, alter, or remove before the sale of a packaged perishable or semiperishable food to the ultimate consumer any pull date required by this section to be placed on the label of such food's package or shipping container or wrapping.

"(f)(1) The pull date and the storage instructions required to be on the label of a packaged perishable or semiperishable food under subsection (a) shall be determined in the manner prescribed by regulations of the Secretary.

"(2) A pull date shall, in accordance with regulations of the Secretary—

"(A) be (i) in the case of the month contained in the pull date, expressed in the commonly used letter abbreviations for such month, and (ii) otherwise expressed in such combinations of letters and numbers as will enable the consumer to readily identify (without reference to special decoding information) the day, month, or year, as the case may be, comprising the pull date; and

"(B) be separately and conspicuously stated in a uniform location upon the principal display panel of the label required under subsection (a).

"(3)(A) Any regulation under paragraph (1) prescribing the manner in which pull dates for a packaged perishable or semiperishable food shall be determined may include provisions—

"(i) prescribing the time periods to be used in determining the pull dates for such food,

"(ii) prescribing the data concerning such food (and the conditions affecting it before and after its sale to the consumer) to be used in determining its pull dates, or

"(iii) permitting a person engaged in the business of manufacturing, processing, packaging, or distributing such food to determine its pull dates using such time periods and data as such person considers appropriate.

"(B) If such regulation includes provisions described in subparagraph (A)(iii) of this paragraph, such regulation shall also contain—

"(i) such provisions as may be necessary to provide uniformity, where appropriate, in the time periods used in pull date determinations; and

"(ii) provisions for regular review by the Secretary of the pull date determinations and the time periods and data upon which they are based.

"PENALTIES AND INJUNCTIONS

"SEC. 203. (a) Any person who knowingly or willfully violates any provision of section 202, or any regulation made thereunder, shall be imprisoned for not more than one year or fined not more than $5,000, or both; except that if any person commits such a violation after a conviction of him under this subsection has become final, or commits such a violation with the intent to defraud or mislead, such person shall be imprisoned for not more than three years or fined not more than $25,000, or both.

"(b) Any packaged perishable or semiperishable food that is distributed in violation of section 202 or any regulation made thereunder shall be liable to be proceeded against at any time on libel of information and condemned in any district court of the United States within the jurisdiction of which such packaged food is found. Section 304 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 334) (relating to seizures) shall apply with respect to proceedings brought under this subsection and to the disposition of packaged foods subject to such proceedings.

"(c)(1) The United States district courts shall have jurisdiction, for cause shown, to restrain violations of section 202 and regulations made thereunder.

"(2) In any proceeding for criminal contempt for violation of an injunction or restraining order issued under this subsection, which violation also constitutes a violation of section 202 or a regulation made thereunder, trial shall be by the court or, upon demand of the accused, by a jury. Such trial shall be conducted in accordance with the practice and procedure applicable in the case of proceedings subject to the provisions of rule 42(b) of the Federal Rules of Criminal Procedure.

"(d) In the case of any imports into the United States of any packaged perishable or semiperishable food covered by this title, the provisions of section 202 and regulations made thereunder shall be enforced by the Secretary of the Treasury pursuant to section 801 (a) and (b) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 381).

"(e) Before any violation of section 202 or a regulation made thereunder is reported by the Secretary to any United States attorney for institution of a criminal proceeding, the person against whom such proceeding is contemplated shall be given appropriate notice and an opportunity to present his views, either orally or in writing, with regard to such contemplated proceeding.

"(f) Nothing in this title shall be construed as requiring the Secretary to report for prosecution, or for the institution of libel or injunction proceedings, minor violations of section 202 or a regulation made thereunder whenever he believes that the public interest will be adequately served by a suitable written notice or warning.

"(g)(1) Actions under subsection (a) or (c) of this section may be brought in the district wherein any act or transaction constituting the violation occurred, or in the district wherein the defendant is found or is an inhabitant or transacts business, and process in such cases may be served in any other district of which the defendant is an inhabitant or wherever the defendant may be found.

"(2) In any actions brought under subsection (a) or (c) of this section, subpenas for witnesses who are required to attend a United States district court may run into any other district.

"REGULATIONS

"SEC. 204. The Secretary shall make regulations pursuant to this title in accordance with the procedures prescribed by section 553 of title 5 of the United States Code (other than clause (B) of the last sentence of subsection (b) of such section).

"REPORTS TO CONGRESS

SEC. 205. The Secretary shall transmit to the Congress in January of each year a report containing a full and complete description of his activities for the administration and enforcement of this title in the preceding fiscal year.

"COOPERATION WITH STATE AUTHORITIES

SEC. 206. (a) The Secretary shall (1) transmit copies of each regulation made under this title to all appropriate State officers and agencies, and (2) furnish to such State officers and agencies information and assistance to promote to the greatest practicable extent uniformity in State and Federal regulation of the labeling of packaged perishable or semiperishable foods.

"(b) Nothing contained in this section shall be construed to impair or otherwise interfere with any program carried into effect by the Secretary under other provisions of law in cooperation with State governments or agencies, instrumentalities, or political subdivisions thereof.

"EFFECT UPON STATE OR LOCAL LAW

"SEC. 207. If any labeling requirement for pull dates or storage conditions is in effect under this title with respect to any packaged perishable or semiperishable food, no State or political subdivision of a State may establish or continue in effect, with respect to such packaged food, any law prescribing any such labeling requirement which is not identical to the labeling requirement in effect under this title; except that this section shall not be construed to (1) abate any prosecution or other action for the enforcement of such a law of a State or political subdivision of a State begun before the date this title takes effect, or (2) release or extinguish any penalty, forfeiture, or liability incurred under such law."

TECHNICAL AMENDMENTS

SEC. 2. (a) Whenever in this section an amendment is expressed in terms of an amendment to a section or other provision, the reference shall be considered to be made to a section or other provision of the Fair Packaging and Labeling Act.

(b) The second sentence of section 2 is amended by inserting "and quality" after "quantity".

(c) Sections 3, 4, 5, 6, 7, 8, 9, 10, and 12 are each amended by striking out "this Act" each place it occurs and inserting in lieu thereof "this title"; and section 13 is amended by striking out "This Act" and inserting in lieu thereof "This title".

(d) The following is inserted between section 2 and section 3:

"TITLE I".

(e)(1) Sections 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, and 13 are redesignated as sections 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, and 111, respectively.

(2)(A) Sections 102(a), 102(b), and 105 (a) (as so redesignated) are each amended by striking out "section 3" and inserting in lieu thereof "section 101".

(B) Sections 103(b), 103(c), 104(a), 104 (b), and 110 (as so redesignated) are

amended by striking out "section 4" and inserting in lieu thereof "section 102"; and section 105(c) (as so redesignated) is amended by striking out "sections 4" and inserting in lieu thereof "sections 102".

(C) Sections 104(a), 104(b), and 106 (as so redesignated) are each amended by striking out "section 5" and inserting in lieu thereof "section 103"; and section 105(c) (as so redesignated) is amended by striking out "and 5" and inserting in lieu thereof "and 103".

(D) Section 102(a) (as so redesignated) is amended by striking out "section 6" and inserting in lieu thereof "section 104".

EFFECTIVE DATE

SEC. 3. The amendments made by sections 1 and 2 of this Act shall take effect on the first day of the seventh calendar month beginning after the date of its enactment.

By Mr. JAVITS (for himself, Mr. WILLIAMS, Mr. CASE, Mr. CRANSTON, Mr. DOMINICK, Mr. HUMPHREY, Mr. INOUYE, Mr. MONDALE, Mr. PASTORE, Mr. PERCY, Mr. STEPHENS, Mr. TAFT, and Mr. TUNNEY):

S.J. Res. 116. A joint resolution to authorize and request the President to proclaim the period September 12, 1971, through September 20, 1971, as "Myasthenia Gravis Week." Referred to the Committee on the Judiciary.

MYASTHENIA GRAVIS WEEK

Mr. JAVITS. Mr. President, on behalf of myself and Mr. WILLIAMS, and Mr. CASE, Mr. CRANSTON, Mr. DOMINICK, Mr. HUMPHREY, Mr. INOUYE, Mr. MONDALE, Mr. PASTORE, Mr. PERCY, Mr. STEPHENS, Mr. TAFT, and Mr. TUNNEY, I introduce, for appropriate reference, a joint resolution to authorize the President of the United States to issue a proclamation designating September 12, 1971, through September 20, 1971, as "Myasthenia Gravis Week."

This proposal has the support of the Myasthenia Gravis Foundation, Inc., a nonprofit voluntary health agency, established in 1952.

Myasthenia gravis—a neuromuscular disease—comes from the Greek and Latin words meaning serious muscle weakness and was first noted as early as 1672—almost 300 years ago—but the first important research and patient care were not instituted until 1938 and it was not until the organization of the foundation in 1952 that specific diagnostic procedures and drug therapy were established. The advances made possible through research and education programs have saved many lives and permitted thousands to lead more normal lives. Heading the list of achievements is the lowering of the mortality rate from 85 to 15 percent. This is a spectacular achievement in itself and justifies faith in the importance of the work being done.

The exact incidence of myasthenia gravis is not known since it is not among diseases which must be reported to public health authorities. However, surveys estimated it occurs in 1 in 10,000 of the general population. Since some cases are not recognized, the actual incidence may be still higher.

The drugs used to control myasthenia gravis are very expensive. To help ease the financial burden faced by the patient who must take 20 to 30 pills a day, pill banks have been set up where the pills can be purchased at a greatly reduced cost.

Prior to the foundation's grants-to-clinics program which was established in 1954, only one specialized diagnostic and treatment center for myasthenics existed in the United States. There are now 23 clinics in key cities. Here, where personal relationship with the patient is stressed, individualized treatment under strict supervision is given.

The clinics located in universities and medical centers provide an important environment for research and offer a central source for the latest information and most promising new techniques.

To correct many misconceptions about myasthenia, and to help the patient adjust to his disability and fulfill his capabilities, education of the patient, relatives, employers, and others directly or indirectly concerned with the problems of the patient is vital. Efforts to bring proper evaluation, care and public awareness of the myasthenic patient are uninterrupted. A public information program, therefore, is another major undertaking of the foundation's nationwide programs.

A national observance—through a Presidential proclamation of September 12–20, 1971, as Myasthenia Gravis Week will support and encourage basic research into the cause and cure of myasthenia gravis, and in the establishment of additional treatment centers and assist in the dissemination of information among the members of the medical profession as well as the general public.

I commend this joint resolution to my colleagues and urge their support. I ask unanimous consent that the text of this resolution be printed in the RECORD.

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

S.J. RES. 116

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, since Myasthenia Gravis is a neuromuscular disease afflicting thousands of the general population of the Nation each year, and there is need to support research, education, drug banks, clinics and the dissemination of medical and public information concerning this disorder, the President is authorized and requested to issue a proclamation designating the period between September 12, 1971, through September 20, 1971, as "Myasthenia Gravis Week," and calling upon the people of the United States and interested groups and organizations to observe such week with appropriate ceremonies and activities.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 221

At the request of Mr. KENNEDY, the Senator from Florida (Mr. CHILES) was added as a cosponsor of S. 221, the Fisheries Development Act of 1971.

S. 537

At the request of Mr. ANDERSON, the Senator from New Hampshire (Mr. MCINTYRE) was added as a cosponsor of S. 537, to include chiropractors' services among the benefits provided under part B of the Social Security Act.

S. 1081

At the request of Mr. BAYH, the Senator from Rhode Island (Mr. PASTORE) and the Senator from Utah (Mr. Moss) were added as cosponsors of S. 1081, a bill to extend benefits to killed or disabled firemen and policemen.

S. 1377

At the request of Mr. MATHIAS, the Senator from Oregon (Mr. HATFIELD) was added as a cosponsor of S. 1377, a bill to reduce pollution which is caused by litter composed of soft drink and beer containers.

S. 1662

At the request of Mr. INOUYE, the Senator from South Dakota (Mr. MCGOVERN) was added as a cosponsor of S. 1662, a bill to provide for the conveyance of the island of Kahoolawe to the State of Hawaii, and for other purposes.

S. 2023

At the request of Mr. BAYH, the Senator from Texas (Mr. TOWER) was added as a cosponsor of S. 2023, to provide for a procedure to investigate and render decisions and recommendations with respect to grievances and appeals of employees of the Foreign Service.

S. 2040

At the request of Mr. BOGGS, the Senator from Wyoming (Mr. HANSEN) was added as a cosponsor of S. 2040, a bill to make the provisions of the Vocational Education Act of 1963 applicable to individuals preparing to be volunteer firemen.

S. 2046

At the request of Mr. MONTOYA, the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 2046, a bill to establish methods of payment for national forest timber.

S.J. RES. 75

At the request of Mr. MONDALE, the Senator from Alaska (Mr. STEVENS) and the Senator from Illinois (Mr. STEVENSON) were added as cosponsors of Senate Joint Resolution 75, a joint resolution to establish a National Advisory Commission on Health Science and Society.

SENATE RESOLUTION 137—SUBMISSION OF A RESOLUTION RELATING TO A VOLUNTARY PENSION SYSTEM

(Referred to the Committee on Finance.)

Mr. TOWER. Mr. President, I am submitting today a sense of the Senate resolution urging the President to take appropriate action to give consideration to establishing a companion voluntary pension system to the social security system.

The language for this resolution is adapted from recommendation 5 of the report of the President's Task Force on the Aging. The task force's recommendation differs from my resolution only to the point that they endorse the establishment of an Independent Pension Commission to study this question and others relating to current practices and potential reforms within the Nation's pension systems. I am not ready at this time to give support to the establishment of such a Government commission.

However, I am in full agreement with the policy statement of the task force that employee pension programs deserve support and encouragement from the Government.

Mr. President, so that my colleagues in the Senate can fully understand the intent of this resolution, I ask unanimous consent that the full text of the President's task force's recommendation relating to this resolution be printed in the RECORD at this point.

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

RECOMMENDATION 5

The Task Force recognizes that a high proportion of pension coverage has already been achieved in major industries and in stable employment situations. Further extension of coverage is more difficult because it involves reaching a larger proportion of small firms and organizations whose future at best is precarious. The Task Force is nevertheless convinced that the employee pension concept carries with it so many advantages for the Nation and its future elderly that its continued growth is vital. Imaginative new programs must be sought.

The Task Force believes some type of "portability" system should be devised so that an employee working in occupations in which conventional group coverage is rare can have a standard form of retirement account into which the employee and any of his employers who agree to do so can make contributions throughout his working career. The economics of modern computer technology suggests that high recordkeeping costs which in the past militated against such a system are no longer compelling.

We, therefore, recommend that the President direct the Pension Commission, as a high priority, to enlist the ingenuity of the financial community in designing as a companion to the Social Security system a portable voluntary pension system.

Mr. TOWER. Mr. President, it is easily recognizable that the recommendation does not seek to limit or constrict the availability of the Social Security System to elderly Americans. The recommendation and my resolution are only intended to express the desire that study should be given to the possibility of promoting alternative pension systems as a companion program to the existing Social Security System.

I am a long-time supporter of the social security program. It is my strong hope that the Congress will enact legislation this year that will further strengthen this program. By introducing this resolution I do not intend to weaken the social security program. I would support the establishment of the voluntary pension mechanism only after it was found to be feasible and only after the voluntary program was agreed upon by both employer and employee. Like the President's Task Force on the Aging, I recognize the positive attributes of the private pension system. First, they offer flexibility and diversity for both the contributors and beneficiaries. Secondly, they contribute greatly to savings and economic growth. Thirdly, these programs give due recognition to the individual's role in the productive process.

Furthermore, I would like to emphasize the task force's "portability" concept. A companion to social security would certainly be counterproductive if it did not embody a formula allowing an individual to continue in the pension plan after he has moved from one job to another. America's technological strides in the past century has enabled our society to be the most mobile society in world history. Our people are now able to pick up their belongings and move from one locality to another with very little hesitation. The freedom to move and travel without fear of economic and personal repercussions is certainly one of the greatest offshoots of our technological revolution.

It has been long felt that portability could not be built into a companion system to social security. In a highly mobile society such as we have in America today, our citizens must be given assurance that their pension rights will be maintained when they exercise their right to move from job to job in various geographic localities. The President's Task Force on the Aging has taken the position that sophisticated tools are now available to insure the individual's pension rights in a private companion system regardless of any change in employment status throughout his working career. This conclusion drawn by a Presidential Task Force should spark renewed interest into this question by employer and employee groups as well as by Government officials.

In conclusion, I hope that this body would work closely with the executive branch in developing this concept. It would be worthwhile, in my opinion, for the Senate Labor and Public Welfare Committee to consider the voluntary portable pension system idea should it conduct further hearings on the Nation's existing pension systems. In addition, I will of course be looking forward to any comments emanating from the executive branch concerning the possibility of an extensive feasibility study on this matter.

The resolution (S. Res. 137) reads as follows:

S. RES. 137

Resolved, That it is the sense of the Senate that the President should direct the proper officers of the Executive departments and agencies to seek the cooperation of leaders of the business and financial community in designing, as companion to old-age, survivors, and disability insurance under the Social Security Act, a comprehensive standard voluntary pension system assuring portability of accrued pension rights and benefits.

SENATE RESOLUTION 138—REPORT OF AN ORIGINAL RESOLUTION AUTHORIZING ADDITIONAL FUNDS FOR THE COMMITTEE ON INTERIOR AND INSULAR AFFAIRS

Mr. JACKSON, from the Committee on Interior and Insular Affairs, reported the following original resolution which was referred to the Committee on Rules and Administration:

S. RES. 138

Authorizing the Committee on Interior and Insular Affairs to expend additional funds from contingent fund of the Senate

Resolved, That the Committee on Interior and Insular Affairs is hereby authorized to expend from the contingent fund of the Senate, during the 92d Congress, $20,000 in addition to the amount, and for the same purpose, specified in section 134(a) of the Legislative Reorganization Act approved August 2, 1946, as amended.

SENATE RESOLUTION 139—SUBMISSION OF A RESOLUTON RELATING TO THE REPRESENTATION IN THE UNITED NATIONS OF THE PEOPLE'S REPUBLIC OF CHINA

(Referred to the Committee on Foreign Relations.)

Mr. KENNEDY. Mr. President, I send to the desk for appropriate reference a resolution urging the United States to withdraw its opposition to the seating of the People's Republic of China as the sole and legitimate representative of China on the United Nations, including the General Assembly, the Security Council, and all the other member agencies and organs of the U.N.

The resolution is based on the brief but extremely significant policy statement issued earlier this week by a distinguished group of 110 American China scholars, led by Prof. Allen S. Whiting of the University of Michigan. The signers of the statement include scholars at 50 colleges and universities in 19 States, and represented a broad cross-section of academic opinion in many different regions of the country.

The essence of the resolution I have introduced is the proposal that the United States should adopt a "one China" policy toward Chinese representation in the United Nations, and that only the People's Republic of China—the Peking Government—is entitled to designation as the Government of China for purposes of such representation.

The resolution specifically rejects the adoption of a "two China" policy, in the absence of any prior agreement to accept such a policy by the parties most immediately involved—the government in Peking and the government in Taipei. For many years, as Members of the Senate are aware, both Peking and Taipei have emphatically rejected any resolution of the issue that would be grounded in a "two China" policy. The pursuit of such two China policy by the United States at this time would be as futile as it would be illogical, since neither claimant to the seat of China would accept the solution.

In recent weeks and months, as every Senator is aware, we have seen substantial changes involving our policy toward China. The relaxation of the restrictions on travel and trade, and especially the visit of the American ping pong teams to China, have been significant steps toward ending our decades old policy of diplomatic and economic isolation of the People's Republic of China. In a sense, however, these changes have been important not so much for their significance in themselves, but for their symbolic value as harbingers of changes to come with respect to the three overriding aspects of our China policy—the question of representation in the United Nations for Peking, the question of the future of Taiwan, the question of American diplomatic relations with Peking.

As the resolution I have introduced makes clear, the latter two issues—the

future of Taiwan and of relations between Washington and Peking—are complex issues that will require time, negotiation, and accommodation to resolve. The detailed considerations involved in these issues will be discussed at length in hearings scheduled to begin next week in the Committee on Foreign Relations, and I commend Senator Fulbright for the welcome initiative he has taken in this area.

Pending a peaceful solution of these other issues, however, nothing in the resolution, and no other action we take toward China, should in any way be permitted to jeopardize the unequivocal commitment of the United States to the defense of Taiwan.

The issue of United Nations representation for Peking is coming to a head this fall, and can be easily resolved. For a generation, the United States has rigidly opposed such representation. Now, at last, the pendulum has begun to swing, and there is a very real possibility that we have reached the end of the official international fiction, maintained so long by the United Nations largely at the insistence of the United States, that somehow the government of the 14 million people on Taiwan is also the government of the 800 million people of mainland China.

It is long past time for the United States to accept the representatives of the People's Republic of China in the United Nations, and I urge the Senate to go on record in favor of this goal.

Mr. President, I ask unanimous consent for the text of the resolution to be printed in the RECORD, together with the text of a press release issued on behalf of the scholars to whom I have referred, and the text of an address I delivered in 1969 that sets out my views on this issue in greater detail.

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

S. RES. 139

Resolved, That the Senate declares:

(1) That the People's Republic of China should be granted its legitimate seat in all principal and subsidiary organs of the United Nations as the sole government of China;

(2) That the United States should make no effort to impose a formula for dual representation by the People's Republic of China and the Republic of China (Taiwan) in the United Nations without the prior agreement of those two governments to such a formula;

(3) That the future status of Taiwan and the future status of relations between the United States and the People's Republic of China are complex issues requiring time, negotiation, and accommodation to resolve; and

(4) That pending the resolution of these issues, the People's Republic of China should be granted its legitimate place in the United Nations.

[From the New York Times, June 14, 1971]

A POLICY STATEMENT BY U.S. CHINA SCHOLARS

As scholars in Chinese studies, we believe it imperative that the People's Republic of China be granted its legitimate seat in all United Nations bodies as the sole government of China. We oppose any effort by the United States to impose a formula for dual representation without the prior agreement of both claimants to China's seat. In the absence of such agreement, the question for the United Nations is simply who represents China. On this question, the answer is clearly the government in Peking. As for the future of Taiwan and of Washington-Peking relations, these are complex issues whose resolution will require time, negotiation, and accommodation. In the meantime, Peking should be granted its legitimate place in the United Nations.

Lawrence Battistini, Michigan State University.
Richard Baum, U.C.L.A.
Peter M. Bear, University of Michigan.
George M. Beckman, University of Washington.
Louise Bennett, Los Angeles.
Thomas P. Bernstein, Yale.
Dwight Biggerstaff, Cornell.
Eugene Boardman, University of Wisconsin.
Davis B. Bobrow, University of Minnesota.
Derk Bodde, University of Pennsylvania.
Howard L. Boorman, Vanderbilt.
Robert A. Burton, Univeristy of Kansas.
Claude A. Buss, San Jose State College.
Helmut G. Callis, University of Utah.
Maud E. Callis, University of Utah.
Madeleine Chi, Manhattan College.
S. M. Chu, Temple University.
O. Edmund Clubb, New York.
Jerome A. Cohen, Harvard.
Paul A. Cohen, Wellesley.
Warren I. Cohen, Michigan State University.
Robert Compton, University of Rochester.
Hilary Conroy, University of Pennsylvania.
Ralph C. Croizer, University of Rochester.
Robert F. Dernberger, University of Michigan.
John Despres, Santa Monica.
Ronald G. Dimberg, University of Virginia.
Fred W. Drake, University of Massachusetts.
R. Randle Edwards, Boston University
Alexander Eckstein, University of Michigan.
John K. Fairbank, Harvard.
John Fincher, Johns Hopkins.
Wesley R. Fishel, Michigan State University.
Hans H. Frankel, Yale.
Edward Friedman, University of Wisconsin.
Charlotte Furk, California State College, Long Beach.
Bernard Gallin, Michigan State University.
Michael Gassler, Rutgers.
Merle Goldman, Harvard.
Leonard H. Gordon, Purdue.
Walter Gourlay, Michigan State University.
Melvin Gurtov, Santa Monica.
James P. Harrison, Hunter College, CUNY.
George C. Hatch, Washington University.
Paul Hiniker, Michigan State University.
J. Stephen Hoadley, Washington University.
Charles Hoffmann, State University of N.Y., Stony Brook.
Franklin W. Houn, University of Massachusetts.
Harold R. Isaacs, Massachusetts Institute of Technology.
John Israel, University of Virginia.
Harold L. Kahn, Stanford.
Barry C. Keenan, Mount Holyoke.
Donald Klein, Columbia.
Philip A. Kuhn, University of Chicago.
Joseph Lee, Michigan State University.
Robert H. G. Lee, State University of N.Y., Stony Brook.
Alexander Levin, Dartmouth.
Charlton M. Lewis, Brooklyn College, CUNY.
Robert Jay Lifton, Yale.
Daniel Lovelace, Temple Buell College.
Stanley Lubman, University of California, Berkeley.
Marc Mancall, Stanford University.
Robert W. McColl, University of Kansas.
Maurice Melsner, University of Wisconsin.
Walter J. Meserve, Indiana University.
Lucien M. Miller, University of Massachusetts.
Harriet C. Mills, University of Michigan.
Jonathan Mirsky, Dartmouth.
J. Kent Morrison, University of Utah.
Donald Munro, University of Michigan.
Rhoads Murphey, University of Michigan.
Andrew J. Nathan, Columbia.
Dwight H. Perkins, Harvard.
Willard O. Peterson, Dartmouth.
David Poston, University of Redlands.
Jack M. Potter, University of California, Berkeley.
Alvin Rabushka, University of Rochester.
Dennis M. Ray, Calif. State College at Los Angeles.
Adele Rickett, University of Pennsylvania.
W. Allyn Rickett, University of Pennsylvania.
David T. Roy, University of Chicago.
Gilbert W. Roy, University of Virginia.
Wayne Schlepp, University of Wisconsin.
Lawrence A. Schneider, State University of N.Y., Buffalo.
John Schrecker, Princeton.
Benjamin I. Schwartz, Harvard.
A. C. Scott, University of Wisconsin.
Mark Selden, Washington University.
Charles Seymour, Yale.
James D. Seymour, New York University.
James Sheridan, Northwestern.
Sheldon W. Simon, University of Kentucky
Thomas R. Smith, University of Kansas.
So Kwan-wai, Michigan State University.
Stanley Spector, Washington University.
S. Bernard Thomas, Oakland University.
James C. Thomson, Jr., Harvard.
George Totten, University of Southern California.
James R. Townsend, University of Washington.
Daniel Tretiak, Committee for a New China Policy.
Tang Tsou, University of Chicago.
Peter Van Ness, University of Denver.
Paul Varg, Michigan State University.
Ezra Vogel, Harvard.
Frederic E. Wakeman, Jr., University of Calif., Berkeley.
John R. Watt, University of Redlands.
Allen S. Whiting, University of Michigan.
Martin King Whyte, University of Michigan.
Roxane Witke, State University of N.Y., Binghamton.
Arthur F. Wright, Yale.

Paid for by donations, which may be sent to Allen S. Whiting, Department of Political Science, University of Michigan, Ann Arbor, Michigan. Names of colleges and universities given for identification purposes only.

SCHOLARS URGE PEOPLE'S REPUBLIC OF CHINA IN U.N.

(Press release by: Citizens to Change U.S. China Policy, 110 Maryland Avenue NE., Washington, D.C. 20002, (202) 544–1763)

June 14, 1971: More than 100 scholars in Chinese affairs from 50 colleges and universities in 19 States called today for seating the People's Republic of China in the UN.

In a New York Times advertisement, the scholars stated their opposition, moreover, to "any effort by the United States to impose a formula for dual representation without the prior agreement of both claimants to China's seat." The statement also declared that "the future of Taiwan and of Washington-Peking relations are complex issues whose resolution will require time, negotiation, and accommodation."

Professor Allen S. Whiting from the University of Michigan and chairman of Citizens to Change U.S. China Policy noted, "This is the first time since the scourge of Senator Joseph McCarthy swept the China field in the early 1950's that American scholars have spoken out on a political matter central to their concern." He called attention to the presence of such prominent professors as

John K. Fairbank of Harvard, George Beckmann of the University of Washington, Tang Tso of the University of Chicago, John Israel of the University of Virginia, Stanley Lubman of the University of California at Berkeley, Donald Klein of Columbia, Alexander Eckstein of the University of Michigan, Derk Bodde of the University of Pennsylvania, Arthur F. Wright of Yale, and Gordon Bennett of the University of Texas. He noted, too, the spread of scholarly opinion across the country in all regions.

Whiting added that the advertisement was paid for by contributions from individuals and did not represent any organization or commit the signatories to any position beyond that contained in the statement.

ADDRESS BY SENATOR EDWARD M. KENNEDY BEFORE THE NATIONAL COMMITTEE ON UNITED STATES-CHINA RELATIONS, NEW YORK CITY, MARCH 20, 1969

This conference is one of the most important public sessions on China policy in recent years. That fact alone is extremely significant. The time at which this conference is being held is also significant. For if we ever hoped that the communist regime in China would disappear, our hope is in ruins today, as thousands of Chinese soldiers engage Russian border troops in the continuing struggle by two powerful nations for domination of the world communist movement.

Thousands of American soldiers are dying in Vietnam in a land war in Asia whose purpose, we are told, is the containment of Peking. Demonstrations against American bases in Japan and Okinawa—bases built in part to contain China—shake the foundation of Japan. The shadow of Peking hangs dark over the discussions in Paris and over virtually every conference we attend on arms control. The success of the Nuclear Nonproliferation Treaty, on which the ink is hardly dry, depends in large part on the participation of China.

If we ever hoped that somehow our relations with China could be stabilized at a point of rigid hostility without domestic sacrifice our hope was dashed when we were told last week by our government that we must now spend $7 billion as a downpayment to protect our missiles and our nation from nuclear attack by China.

It is for these reasons that I consider this conference, and what can come from it, so important to the foreign policy of our nation. It is imperative that the issues you have discussed for so long become part of the national agenda of the United States. For almost twenty years, the United States has pursued the same unyielding policy of military containment and diplomatic isolation toward Communist China. However valid that policy may have seemed for the Cold War of the Fifties, it is demonstrably false in the Sixties, and must not be carried into the Seventies.

Every new Administration has a new opportunity to rectify the errors of the past. Each such opportunity consists in large part of the precious gift of time—time in which the good intentions of the government are presumed; time in which the normal conflicts of politics are suspended; time in which the new government has a chance to show it is not tied to the policies of its predecessor.

If the new Administration allows this time to pass without new initiatives; if it allows inherited policies to rush unimpeded along their course, it will have wasted this opportunity. It will have compromised the promises it made to the American people, and worst of all, it will have disappointed the hopes and expectations of the world.

This is especially true in Vietnam. There is growing impatience with the continuing loss of American lives and the seeming frustration of our hopes for the reduction of violence and for the reduction of the American commitment. The advent of a new Administration affords a moment of hope for millions of Americans and Vietnamese. It is a moment that will not long be with us.

The same opportunity exists for our policies throughout Asia. That is why it is all the more important that you who have been involved in the formulation and evaluation of those policies, both in private life and public service, meet here at this time to chart your recommendations.

For twenty years, our China policy has been a war policy. For far too long, we have carried out hostile measures of political, diplomatic, and economic antagonism toward one of the wold's most important nations.

Now we must turn away from our policy of war and pursue a policy of peace. We must seek a new policy, not because of any supposed weakness in our present position or because we are soft on China, but because it is in our own national interest and the interest of all nations. By its sheer size and population, China deserves a major place in the world. As a nuclear power and a nation of 750 million citizens—likely to exceed one billion by the 1980's—China demands a voice in world efforts to deal with arms control and population control, with Asian security and international economic development, with all the great issues of our time.

Yet sixteen years after the end of the Korean War, we do not trade with China. We have no scientific or cultural exchanges. We oppose the representation of China in the United Nations. We refuse to give any sort of diplomatic recognition to the Communist regime on the mainland, and continue to recognize the Nationalist regime of Chiang Kai-Shek on Taiwan as the government of all China. Instead of developing ways to coexist with China in peace, we assume China will attack us as soon as she can, and we prepare to spend billions to meet that threat.

By some cruel paradox, an entire generation of young Americans and young Chinese have grown to maturity with their countries in a state of suspended war toward one another. Tragically, the world's oldest civilization, the world's most populous nation and the world's richest and most powerful nation, glare at each other across the abyss of nuclear war.

The division between us goes back to American support of the Chinese Nationalist regime during World War II, and to the immediate post-war struggle between the Communists and the Nationalists. In the beginning, our policy was uncertain. The Communists gained power over the mainland in 1949. Between then and the outbreak of the Korean War in 1950, the United States seemed to be preparing to accept the fact of the Chinese Revolution. After the retreat of the Nationalists to Taiwan, our government refused to go to their aid and refused to place the American Seventh Fleet in the Taiwan Straits to prevent a Communist takeover of the island. To do so, we said, would be to intervene in the domestic civil war between the Communists and the Nationalists.

This policy was fully debated by the Congress and the public. Although we deplored the Communist rise to power, we recognized we could do nothing to change it. We anticipated that we would soon adjust to the new Asian reality by establishing relations with the Communist regime.

This situation changed overnight on June 25, 1950, when North Korea attacked South Korea. Fearing that the attack foreshadowed a Communist offensive throughout Asia, the United States ordered the Seventh Fleet into the Taiwan Strait and sent large amounts of military aid to the weak Nationalist Government on the island. To the Communists, the meaning was clear. We would use force to deny Taiwan to the new mainland government, even though both the Communists and the Nationalists agreed the island was Chinese.

Shortly thereafter, in response to the attempt of our forces to bring down the North Korean Government by driving toward the Chinese border, China entered the Korean War. With hindsight, most experts agree that China's action in Korea was an essentially defensive response, launched to prevent the establishment of a hostile government on her border. At the time, however, the issue was far less clear. At the request of the United States, the United Nations formally branded China as an aggressor, a stigma that rankles Peking's leaders even today.

While we fought the Chinese in Korea, we carried out a series of political and economic actions against their country. We imposed a total embargo on all American trade with the mainland. We froze Peking's assets in the United States. We demanded that our allies limit their trade with China. We conducted espionage and sabotage operations against the mainland, and supported similar efforts by the Nationalists. We began to construct a chain of bases, encircling China with American military power, including nuclear weapons.

It is not my purpose here to question the merits of the actions we took while fighting China in Korea. We all remember the climate of those times and the great concern of our country with Chinese military actions. Today, however, sixteen years after the Korean armistice was signed, we have taken almost no significant steps to abandon our posture of war toward China and to develop relations of peace.

Let us look at our policy from the viewpoint of Peking: China's leaders to see the United States supporting the Nationalists' pretense to be the government of the mainland. They see thousands of American military personnel on Taiwan. American warships guard the waters between the mainland and Taiwan. American nuclear bases and submarines ring the periphery of China. The United States supports Nationalist U–2 flights over the mainland, as well as Nationalist guerrilla raids and espionage. Hundreds of thousands of American soldiers are fighting in Vietnam to contain China. America applies constant diplomatic and political pressure to deny Peking a seat in the United Nations, to deny it diplomatic recognition by the nations of the world, and to deny it freedom of trade. We turn our nuclear warheads toward China. And now we prepare to build a vast ABM system to protect ourselves against China. In light of all these facts, what Chinese leader would dare to propose anything but the deepest hostility toward the United States?

With respect to the ABM question, I am strongly opposed for many reasons to the deployment of the Pentagon's system. For the purpose of the present discussion, however, one of its most significant drawbacks is that it is likely to be seen in Peking as a new military provocation by the United States. Our overwhelming nuclear arsenal already provides adequate deterrence against any temptation by Peking to engage in a first strike against the United States. From the Chinese perspective, the only utility of an American ABM system is to defend the United States against whatever feeble response Peking could muster after an American first strike against China. Far from deterring aggression by China, therefore, deployment of the ABM system will simply add fuel to our warlike posture toward China. It will increase Chinese fears of American attack and will encourage China's leaders to embark on new steps in the development of their nuclear capability. Apart from the technical and other policy objections that exist against the ABM system, I believe it makes no sense from the standpoint of a rational Asia policy for America.

In large part, our continuing hostility toward China after the Korean War has rested on a hope that is now obviously forlorn, a hope that under a policy of military containment and political insolation the Communist regime on the mainland would be a passing phenomenon and would eventually be repudiated by the Chinese people. Few of us today have any serious doubt that Communism is permanent for the foreseeable future on the mainland. There is no believable prospect that Chiang Kai-Shek and the Nationalists will return to power there, however regrettable we may regard that fact.

Surely, in the entire history of American foreign policy, there has been no fiction more palpably absurd than our official position that Communist China does not exist. For twenty years, the Nationalists have controlled only the two million Chinese and eleven million Taiwanese on the island of Taiwan, one hundred miles from the mainland of China. How long will we continue to insist that the rulers of Taiwan are also the rulers of the hundreds of millions of Chinese on the millions of square miles of the mainland? It is as though the island of Cuba were to claim sovereignty over the entire continent of North America.

The folly of our present policy of isolating China is matched by its futility. Almost all other nations have adjusted to the reality of China. For years, Peking has had extensive diplomatic, commercial and cultural relations with a number of the nations in the world, including many of our closest allies. Outside the United Nations, our policy of quarantine toward China has failed. To the extent that the Communist regime is isolated at all, it is isolated largely at China's own choosing, and not as a consequence of any effective American policy.

Our actions toward China have rested on the premise that the People's Republic is an illegitimate, evil and expansionist regime that must be contained until it collapses or at least begins to behave in conformity with American interests. Secretary of State Dulles was the foremost exponent of this moralistic view, carrying it to the extent that he even refused to shake hands with Chou En-Lai at the Geneva Conference in 1954. That slight has not been forgotten.

The Communist regime was said to be illegitimate because, we claimed, it had been imposed on the supposedly unreceptive Chinese people by agents of the Soviet Union. Communist China, according to this view, was a mere Soviet satellite. One Assistant Secretary in the State Department called it a Soviet Manchukuo, suggesting that China's new leaders were no more independent than were the Chinese puppets whom Japan installed in Manchuria in the 1930's. This evaluation grossly exaggerated the extent to which Soviet aid was responsible for the Communist takeover of China, and the events of the past decade—amply confirmed by the intense hostility of the current border clashes—have shattered the myth of Soviet domination of China.

The Communist regime was said to be evil because of the great violence and deprivation of freedom that it inflicted on millions of people who opposed its rise to power. Obviously, we cannot condone the appalling cost, in human life and suffering, of the Chinese Revolution. Yet, in many other cases, we have recognized revolutionary regimes, especially when the period of revolutionary excess has passed. Even in the case of the Soviet Union, the United States waited only 16 years to normalize relations with the revolutionary government.

Unfortunately, we have tended to focus exclusively on the costs of the Chinese revolution. We have ignored the historical conditions that evoked it and the social and economic gains it produced. We have ignored the fact that the Nationalists also engaged in repressive measures and deprivations of freedom, not only during their tenure on the mainland, but also on Taiwan. We have created a false image of a struggle between "Free China" and "Red China," between good and evil. Given our current perspective and the greater understanding of revolutionary change that has come with time, we can now afford a more dispassionate and accurate review of the Chinese Revolution.

Finally, there is the charge that the Communist regime is an expansionist power. At the bottom, it is this view that has given rise to our containment policy in Asia, with the enormous sacrifices it has entailed. The charge that the Communist regime is expansionist has meant different things at different times. On occasion, American spokesmen have conjured up the image of a "Golden Horde" or "Yellow Peril" that would swoop down over Asia. Today, most leaders in Washington employ more responsible rhetoric, and it is the Russians who perpetuate this image of China.

Virtually no experts on China expect Peking to commit aggression, in the conventional sense of forcibly occupying the territory of another country—as the Soviet Union recently occupied Czechoslovakia. Such action is in accord with neither past Chinese actions nor present Chinese capabilities. Despite their ideological bombast, the Chinese Communists have in fact been extremely cautious about risking military involvement since the Korean War. The Quemoy crises of the 1950's and the 1962 clash with India were carefully limited engagements. The struggle over Tibet is widely regarded as a reassertion of traditional Chinese jurisdiction over that remote area. China has not used force to protect the overseas Chinese in the disturbances in Burma, Malaysia, or Indonesia. Her navy and air force are small. She can neither transport her troops nor supply them across the long distances and difficult terrain of a prolonged war of aggression.

Obviously, our concern today is not so much the danger of direct Chinese aggression as the danger of indirect aggression, based on Chinese efforts to subvert existing governments and replace them with governments friendly to Peking. Yet, until Vietnam led to our massive involvement in Southeast Asia, Peking enjoyed only very limited success in its attempts to foster "wars of national liberation." Although China of course will claim to play a role wherever political instability occurs in Asia, Africa and even Latin America, its record of subversion is unimpressive. On the basis of the past, it is very likely that nations whose governments work for equality and social justice for their people will be able to overcome any threat of Chinese subversion.

Furthermore, we can expect that time will moderate China's revolutionary zeal. Experience with the Soviet Union and the Eastern European Communist nations suggests that the more fully China is brought into the world community, the greater will be the pressure to behave like a nation-state, rather than a revolutionary power.

Ironically, it is Communist China's former teacher, the Soviet Union, that is now determined to prevent any moderation of Chinese-American hostility. We cannot accept at face value the current Soviet image of China, for the Soviets have far different interests in Asia than we do. Although we must persist in our efforts to achieve wider agreement with Moscow, we must not allow the Russians to make continuing hostility toward Peking the price of future Soviet-American cooperation. Rather than retard our relations with Moscow, a Washington-Peking thaw might well provide the Soviet Union with a badly needed incentive to improve relations with us.

We must not, however, regard relations with Peking and Moscow as an "either/or" proposition. We must strive to improve relations with both. We must be alert, therefore, to any opportunity offered by the escalating hostility between China and the Soviet Union to ease our own tensions with those nations.

Both of us—Chinese and Americans alike—are prisoners of the passions of the past. What we need now, and in the decades ahead is liberation from those passions. Given the history of our past relations with China, it is unrealistic to expect Peking to take the initiative. It is our obligation. We are the great and powerful nation, and we should not condition our approach on any favorable action or change of attitude by Peking. For us to begin a policy of peace would be a credit to our history and our place in the world today. To continue on our present path will lead only to further hostility, and the real possibility of mutual destruction.

Of course, we must not delude ourselves. Even if the United States moves toward an enlighted China policy, the foreseeable prospects for moderating Chinese-American tensions are not bright. It is said that there is no basis for hope so long as the current generation of Communist Chinese leader's remains in power. This may well be true. Yet, Peking's invitation last November to resume the Warsaw talks, although now withdrawn, suggests the possibility that China's policy may change more rapidly than outside observers can now anticipate.

We must remember, too, that the regime in Peking is not a monolith. As the upheavals of the Great Leap Forward and the Cultural Revolution have shown, China's leaders are divided by conflicting views and pressures for change. We must seek to influence such change in a favorable direction. We can do so by insuring that reasonable options for improved relations with the United States are always available to Peking's moderate or less extreme leaders.

The steps that we take should be taken soon. Even now, the deterioration of Chinese-Soviet relations in the wake of the recent border clashes may be stimulating at least some of the leaders in Peking to re-evaluate their posture toward the United States and provide us with an extraordinary opportunity to break the bonds of distrust.

What can we do to hasten the next opportunity? Many of us here tonight are already on record as favoring a more positive stand. We must actively encourage China to adopt the change in attitude for which we now simply wait. We must act now to make clear to the Chinese and to the world that the responsibility for the present impasse no longer lies with us.

First, and most important, we should proclaim our willingness to adopt a new policy toward China—a policy of peace, not war, a policy that abandons the old slogans, embraces today's reality, and encourages tomorrow's possibility. We should make clear that we regard China as a legitimate power in control of the mainland, entitled to full participation as an equal member of the world community and to a decent regard for its own security. The policy I advocate will in no way impede our ability to respond firmly and effectively to any possibility of attack by the Chinese. What it will do, however, is emphasize to China that our military posture is purely defensive, and that we stand ready at all times to work toward improvement in our relation.

Second, we should attempt to reconvene the Warsaw talks. At the time the talks were cancelled, I wrote the Secretary of State, asking the Administration to make an urgent new attempt to establish the contact that we so nearly achieved at Warsaw, and to do so before the air of expectancy that hung over the talks is completely dissipated. If the talks are resumed, we should attempt to transform them into a more confidential and perhaps more significant dialogue. The parties might meet on an alternating basis in their respective embassies, or even in their respective countries, rather than in a palace

of the Polish Government. Whether or not the talks are resumed, more informal official and semi-official conversations with China's leaders should be offered.

Third, we should unilaterally do away with restrictions on travel and non-strategic trade. We should do all we can to promote exchanges of people and ideas, through scientific and cultural programs and access by news media representatives. In trade, we should place China on the same footing as the Soviet Union and the Communist nations of Eastern Europe. We should offer to send trade delegations and even a resident trade mission to China, and to receive Chinese trade delegations and a Chinese trade mission in this country. Finally we should welcome closer contacts between China and the rest of the world, rather than continue to exert pressure on our friends to isolate the Peking regime.

Fourth, we should announce our willingness to re-establish the consular offices we maintained in the People's Republic during the earliest period of Communist rule, and we should welcome Chinese consular officials in the United States. Consular relations facilitate trade and other contacts. They frequently exist in the absence of diplomatic relations, and often pave the way for the establishment of such relations.

Fifth, we should strive to involve the Chinese in serious arms controls talks. We should actively encourage them to begin to participate in international conferences, and we should seek out new opportunities to discuss Asian security and other problems.

Sixth, we should seek, at the earliest opportunity, to discuss with China's leaders the complex question of the establishment of full diplomatic relations. For the present, we should continue our diplomatic relations with the Nationalist regime on Taiwan and guarantee the people of that island against any forcible takeover by the mainland. To Peking at this time, the question of diplomatic recognition seems to be unavoidably linked to the question of whether we will withdraw recognition from the Nationalists and the question of whether Taiwan is part of the territory of China. Both the Communists and the Nationalists claim Taiwan as part of China, but our own government regards the status of the island as undefined, even though we maintain diplomatic relations with the Nationalists.

We have failed to agree on solutions involving other divided countries and peoples—as in Germany—and we cannot be confident of greater success in the matter of Taiwan. There are critical questions that simply cannot be answered:

Will the minority regime of the Chinese Nationalists continue to control the island's Taiwanese population?

Will the Taiwanese majority eventually transform the island government through the exercise of self-determination?

Will an accommodation be worked out between a future Taiwan Government and the Peking regime on the mainland?

To help elicit Peking's interest in negotiations, we should withdraw our token American military presence from Taiwan. This demilitarization of Taiwan could take place at no cost to our treaty commitments, or to the security of the island. Yet, it would help to make clear to Peking our desire for the Communists, the Nationalists, and the Taiwanese to reach a negotiated solution on the status of the island.

A dramatic step like unilateral recognition of Peking would probably be an empty gesture at this time. As the experience of France implies, unilateral recognition of Peking is not likely to be effective unless it is accompanied by the withdrawal of our existing recognition of the Nationalists. And, as the case of Great Britain suggests, Peking may insist on our recognition of the mainland's claim to Taiwan before allowing us to establish full ambassadorial relations. These problems will have to be negotiated, and we should move now to start the process.

Seventh, without waiting for resolution of the complex question of Taiwan, we should withdraw our opposition to Peking's entry into the United Nations as the representative of China, not only in the General Assembly, but also in the Security Council and other organs. The Security Council seat was granted to China in 1945 in recognition of a great people who had borne a major share of the burden in World War II, thereby making the United Nations possible. It was not a reward for the particular political group that happened to be running the country at the time.

In addition, we should work, within the United Nations to attempt to assure representation for the people on Taiwan that will reflect the island's governmental status. It may be that the Chinese Nationalists can continue to enjoy a seat in the General Assembly. Or, if an independent republic of Taiwan emerges, it might be admitted into the United Nations as a new state. Possibly, if a political accommodation is reached between the Communist regime on the mainland and the government on Taiwan, the people of Taiwan might be represented in the United Nations as an autonomous unit of China, by analogy to the present status of Byelorussia and the Ukraine in the United Nations as autonomous provinces of the Soviet Union.

From its inception, the United Nations has displayed remarkable flexibility in adjusting to political realities. There are many possible solutions to the China problem in the United Nations. Without insisting on any one, we should move now to free the United Nations to undertake the long-delayed process of adjusting to the reality of the People's Republic of China, and we should clearly indicate to Peking our willingness to discuss these questions.

In dealing with the problems of diplomatic recognition and United Nations representation, I have placed primary emphasis on the need to initiate discussions with Peking in these areas. Since it is impossible to predict when or how the Chinese will respond to a change in American policy, we cannot maintain a hard and fast position on these questions. We cannot afford to close any options by endorsing detailed schemes at this time. What we can do, however, is act now on the broad range of initiatives I have mentioned, and make clear to Peking that our views are not rigid on even the most difficult issues that have divided us so bitterly in recent years.

We will have to be patient. Peking's initial reaction to serious initiatives on our part will probably be a blunt refusal. But, by laying the groundwork now for an improved relationship in the Seventies and beyond, we will be offering the present and future leaders in Peking a clear and attractive alternative to the existing impasse in our relations.

Many outstanding authorities on China are here tonight. Perhaps I can sum up my central theme in terms that you may find appropriate. According to Chinese tradition, the model Confucian gentleman was taught that, whenever involved in a dispute, he should first examine his own behavior, ask himself whether he bears some responsibility for the dispute, and take the initiative to try to arrive a a harmonious settlement.

It may prove futile for us to follow this advice when dealing with Chinese who claim to reject many of China's great traditions. But we will never know unless we try. If nothing changes, we Americans will have to live with the consequences of arms and fear and war. We owe ourselves, we owe the future, a heavy obligation to try.

SENATE CONCURRENT RESOLUTION 30—REPORT OF AN ORIGINAL CONCURRENT RESOLUTION AUTHORIZING THE PRINTING OF A STUDY ENTITLED "SOVIET SPACE PROGRAMS, 1966–70"

Mr. JORDAN of North Carolina, from the Committee on Rules and Administration, reported the following concurrent resolution, which was ordered to be placed on the calendar:

S. CON. RES. 30

Resolved by the Senate (the House of Representatives concurring), That the study entitled "Soviet Space Program, 1966–70", prepared for the use of the Senate Committee on Aeronautical and Space Sciences by the Congressional Research Service with the cooperation of the Law Library, Library of Congress, be printed with illustrations as a Senate document, and that there be printed three thousand additional copies of such document for the use of that committee.

ADDITIONAL COSPONSORS OF RESOLUTIONS

S. RES. 98

At the request of Mr. BAYH, the Senator from Florida (Mr. CHILES) was added as a cosponsor of Senate Resolution 98, relating to a proposed Asset Depreciation Range System.

S. RES. 133

At the request of Mr. TOWER, the Senator from Florida (Mr. GURNEY) was added as a cosponsor of Senate Resolution 133, relating to certain rulings of the Supreme Court and the busing of children to attain balancing of children in public educational institutions.

SUGAR ACT AMENDMENTS OF 1971—AMENDMENT

AMENDMENT NO. 162

(Ordered to be printed and referred to the Committee on Finance.)

Mr. CURTIS submitted an amendment intended to be proposed by him to the bill (H.R. 8866) an act to amend and extend the provisions of the Sugar Act of 1948, as amended, and for other purposes.

AMENDMENT NO. 163

(Ordered to be printed and referred to the Committee on Finance.)

SOUTH AFRICA SUGAR QUOTA SHOULD BE ABOLISHED

Mr. HARRIS. Mr. President, I send to the desk an amendment to H.R. 8866, the Sugar Act of 1971, now pending before the Senate Finance Committee. I ask unanimous consent that the amendment be printed in the RECORD at this point.

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

AMENDMENT NO. 163

On page 7, line 7, strike out line 7 and insert the following:
proportionately.

"(D) Notwithstanding the provisions of paragraphs (A), (B), and (C), for the calendar year 1972 and subsequent years thereafter, the proration for South Africa shall be zero per centum and the prorations for the other countries named in paragraphs

(A), (B), and (C), shall be increased proportionately."; and

Mr. HARRIS. Mr. President, this amendment would delete from the bill the figure of 60,003 short tons of sugar representing the full quota and prorations for South Africa and reallocate the same to other foreign countries designated in the bill to receive quotas.

The question involved is not whether we should discontinue diplomatic relations with South Africa or cease to trade with them. The question is whether or not we should express our special favor for this country by bestowing upon them a special valuable subsidization, in effect, of their sugar industry and economy.

South Africa practices racism as conscious national policy.

Morality need not stop at the waters edge. America should operate, both in the domestic realm and in foreign matters, on the basis of the idealism which we profess.

American prestige in the world has never been the result of its military might, the strength of its arms. Rather, it is our moral example, the degree to which we will live up to our professed belief in the innate worth and value of every human being, that will cause us to have influence with others.

Either we do or we do not believe, as John Donne did, that each of us is a part of mankind and mankind is a part of each of us.

If we are truly to ground our policy in some basic sense of right and wrong, we should not congenially clasp to the bosom of our approval and special favor such governments as that presently in power in South Africa. Adherence to our ideals requires that we show positive disapproval of the law and official policy of the Republic of South Africa which denies fundamental equality to black people.

It may not always be possible to draw exact lines of morality in every single international situation. But morality's tone and practice should clearly permeate our policy. And, at the very least, a clear-cut line can be drawn in respect to a government which officially forces the subjugation of one race by another.

That line can and must be drawn, therefore, against providing a special sugar quota for the Republic of South Africa.

Mr. President, I intend to press my amendment to delete this quota, now contained in H.R. 8866, during the consideration of this bill in the Senate Finance Committee, of which I am a member. Failing there, I intend to pursue this matter on the floor of the Senate, and I seek the cosponsorship and support of Senators in this important undertaking.

THE MILITARY SELECTIVE SERVICE ACT—AMENDMENT

AMENDMENT NO. 164

(Ordered to be printed and to lie on the table.)

Mr. SAXBE submitted an amendment intended to be proposed by him to H.R. 6531, an act to amend the Military Selective Service Act of 1967; to increase military pay; to authorize military active duty strengths for fiscal year 1972; and for other purposes.

AMENDMENT NO. 165

(Ordered to be printed and to lie on the table.)

Mr. COOK (for himself, Mr. STEVENS, Mr. EAGLETON, and Mr. HARTKE), submitted an amendment intended to be proposed to H.R. 6531, supra.

AMENDMENT NO. 166

(Ordered to be printed and to lie on the table.)

Mr. CHILES submitted an amendment intended to be proposed by him to H.R. 6531, supra.

NOTICE OF HEARING ON IMPACT OF NUMERICAL CONTROL

Mr. GAMBRELL. Mr. President, notice is hereby given that the Subcommittee on Science and Technology of the Senate Small Business Committee will conduct hearings to explore the subject of the new technology of numerical control and its importance to the small business community at 9:30 a.m. on June 24, 1971, in the Senate caucus room.

As Members of this body may be aware, numerical control is a process of guiding machines by computer tape rather than by hand. By this technique each item produced is exactly identical to every other item. Whole industries such as automobiles and aircraft are now in the process of switching to a numerical control basis. Therefore, if small subcontractors to businesses in these industries do not change very rapidly, they will find themselves excluded in these fields.

Over a year ago, the Select Committee on Small Business requested that the Small Business Administration prepare a presentation allowing small firms throughout the country to learn of these developments, so they could use them as profit opportunities rather than have their major accounts and perhaps even their existence terminated. As far as I know, no committee of Congress has heretofore looked into this subject, and I am pleased that my subcommittee will be able to open up these matters for the information of the Senate and the public, as well as make a record which I hope will be helpful to smaller firms throughout the country.

Anyone having an interest in the subject matter of the hearing may contact the subcommittee staff, Mr. Herbert L. Spira, counsel, Senate Small Business Committee, room 424 Old Senate Office Building, Washington, D.C. 20510; telephone 225–8490.

ADDITIONAL STATEMENTS

THE WASHINGTON NATIONAL AIRPORT—THREE DECADES OF SERVICE TO THE NATION'S CAPITAL

Mr. RANDOLPH. Mr. President, 30 years ago today a new era in transportation was launched with the opening of Washington National Airport. This important facility is now one of the busiest and most important airports in the world, providing the National Capital with convenient air connections to all parts of the United States.

The concept of Washington National Airport was regarded as visionary when development began with the intense interest and support of President Franklin D. Roosevelt. The foresight of those responsible for creating this airport has been proved valid time after time over the past 30 years.

Today a ceremony was held at the airport marking the 30th birthday of Washington National Airport. I was honored by being invited to deliver the 30th anniversary address and shared the program with a number of people who have made important contributions to National Airport and aviation in general.

The observance was attended by several hundred people, including former administrators of the Federal Aviation Administration and managers of Washington National Airport.

The importance of the airport to the entire metropolitan area was shown by the participation of Hon. George P. Shafran, Arlington, county delegate to the Virginia General Assembly, who introduced the distinguished guests, and Gov. Linwood Holton, of Virginia, who made the opening remarks.

Dr. Joseph L. Fisher, chairman of the Arlington County Board, presented a commemorative plaque to Hon. John H. Shaffer, administrator of the Federal Aviation Administration, which operates Washington National Airport.

Administrator Shaffer then conferred the FAA's Award for Extraordinary Service on Capt. Edward V. Rickenbacker, one of our Nation's most renowned war heroes and a leader in aviation development for many, many years. The citation that accompanied the medal said:

> Award for extraordinary service to Capt. Edward V. (Eddie) Rickenbacker, whose distinguished contributions to every segment of American aviation have had a direct bearing on this Nation's preeminence in aeronautical leadership. His service to his Government, the aviation community, and the American public warrants this Nation's deepest gratitude and admiration.

Mr. President, Washington National Airport is an exceedingly important link in our national transportation network and I so stressed in my speech. I ask unanimous consent that the text of my address be printed in the RECORD.

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

ANNIVERSARY ADDRESS OF SENATOR JENNINGS RANDOLPH, WASHINGTON NATIONAL AIRPORT 30TH ANNIVERSARY CEREMONIES, WASHINGTON NATIONAL AIRPORT, WEDNESDAY, JUNE 16, 1971, 11 A.M.

WASHINGTON NATIONAL AIRPORT IS 30 YEARS YOUNG

It is a pleasure to have a part in this 30th anniversary observance. I recall that when I first came to Congress, in the very early nineteen-thirties, the location of an airport to serve the Nation's Capital was being vigorously debated. The old Washington-Hoover airport, on the site where the Pentagon stands, accommodated what few air operations there were, but it was clear that new or at least better airport facilities were needed. There was a great deal of disagreement,

however, on where a new field should be situated.

In that sense, times haven't changed. I don't know of any airport decisions that has come quickly, or easily. And yet, once a decision is made and an airport is built, there is scarcely an instance when the people of that locality have not wondered how they get along without the services the airport affords.

It has been no different with Washington National. Debate continued off and on for nearly 12 years, and 36 separate bills dealing with an airport for the National Capital area were introduced in Congress, beginning with the first land acquisition proposal in February 1927. In June of that year, a study by the National Capital Parks and Planning Commission concluded that the mud flats along the Potomac at the Gravelly Point area represented an "attractive" site for consideration. It is interesting that the location was opposed by some on the grounds that over-water approaches and departures were "too dangerous", while the noise-absorbing advantage of the peninsular site apparently did not figure in the decision. The some 680 acres of airport land include 20 million cubic yards of "fill." The airport boundaries still embrace 170 acres of the Potomac River.

Since the airport opened in 1941, some 122 million people have arrived or departed Washington by way of National Airport. And for 25 of its 30 years, airport revenues have exceeded the costs of its operation. It also has been a moneymaker and a provider of jobs for the community at large. Washington National represents a major "industry" for Northern Virginia, employing 8,400 people and supporting an annual payroll of $86 million (1970).

The value of Washington National, however, runs much deeper. For many people of our Nation, the airport is a gateway to their capital city. The reasons the Gravelly Point site prevailed over other alternatives in the first place—its convenience and accessibility—*still apply*, and the close-in location of this airport is a big travel and time advantage for millions of people. I am aware that some persons argue that this airport has had its day . . . that its location makes it poorly suited to the jet age.

Jack Shaffer said it well when he pointed out that ". . . what is reputed to be in the 'public interest' is often rather narrowly defined"—and he was referring in this instance to "those few offended by an airport, when its value should be measured at least equally in terms of those it benefits."

National Airport has benefited hosts of people, directly and indirectly, during its 30 years. The 460,000 passengers handled there in 1942, National's first year of operation, or the 9.7 million passengers who used the airport last year, are only part of the story. In a strictly economic sense, National Airport employees paid more than $3.3 million in state and local taxes; the airlines, Government, and concession operators spent more than $26 million in the local metropolitan area; and the $250 million Crystal City corridor owes its development, in part, to the stimulus of National Airport as a transportation hub.

We are here to wish National Airport a happy 30th birthday. But let me remind you that it's not how *old* an airport is, but rather how *young* it is that really counts. Maybe it would be fashionable not to trust any airport over 30, but in the case of National we have an air facility better equipped to serve the public, safely and efficiently, than at any other time in its history.

No manager has ever thought National is big enough. When the main terminal was built, those in charge of construction were so sure it would be a "white elephant" that they cut 300 feet off the north end, claiming there would never be enough traffic to fill it. Since then, WNA has been more or less under constant construction. In the last four years, terminal space has been increased 60 percent, with the addition of the improvements made by Allegheny, Braniff, Delta, National and Northeast airlines plus the beautiful new American, Northwest and TWA facilities—which together represent an added investment of nearly $14 million.

Washington National has fulfilled the tests of a good airport. During Congressional deliberations in the thirties, Eddie Rickenbacker testified that a well-conceived airport will "take care of the transport operations of a community for many years to come."

Charles Lindbergh said a major consideration of any airport should be its "accessibility to the people it serves."

Convenience, accessibility, capacity for growth, adaptability, safety: Washington National has satisfied all the consumer requirements for a good airport. It is nonetheless a source of irritation to its immediate neighbors and some of those who live beneath the flight corridors. We in Government as well as the captains of the aviation industry are not unmindful of our joint responsibility to soften the sounds of air transportation and to clear the air of jet smoke as rapidly and as fully as possible. Real progress is being made in these areas, and the results will be evident long before this airport has outlived its usefulness.

Washington National might have been built near Camp Springs, one of the eight locations under consideration. That site was overruled, mainly because the nine-mile distance from the capital made it "too far out." In deciding in favor of Gravelly Point, however, President Roosevelt commented that "because of the importance of air traffic to and from the District of Columbia, it is not inconceivable that the Government of the United States could well afford two air fields."

Today we have not just two, but three commercial airports serving the greater Washington area. Each has its merits, and each has rich potential for the air transport needs of the future. National, however, is an old friend to me, as it must be to many of you. I suggest that it is not a crime for an airport to be "too close" or "too far," but it seems that few airports today are the right distance to satisfy anyone. As we progress with our airport and overall transportation development programs over the years ahead, rapid surface access systems coupled with compatible land use concepts will make remote airparks a virtue, while special purposes—such as reliever or STOLport uses—may be the destiny for many of today's "downtown" airports.

Like most airports, Washington National has lived in a state of dynamic change since its inception. While its face has been lifted numerous times and its configuration repeatedly altered to keep apace of the growth in civil aviation, WNA remains steadfast as a vital cog in the transportation system linking the people of our Nation with their Capital.

For my friends in the press, "30" signifies the end of a story. For many people, 30 years of service marks retirement age. But for this airport, it is neither the end of a story nor time for retirement. A blueprint for the National Airport of the eighties is already in the making. In fact, in terms of making this airport a better neighbor, a greater community asset, and an ever more responsive servant of the flying public, the big story of Washington National may be just beginning.

LAWRENCE WELK

Mr. YOUNG. Mr. President, North Dakotans have always been proud of the successes of their sons and daughters in all walks of life.

One of the best known and certainly most successful of these is the internationally known musician, Lawrence Welk. He is the best known and most beloved citizen of North Dakota.

The amazing career of this man has been an inspiration to untold millions. I personally feel that the foundation for his successes lies in his strong sense of moral responsibility and his dedication to helping his fellowman.

In a recent issue of Christian Economics, an article by Lawrence Welk was featured in which he outlines some of his personal views on the need for sharing our individual talents and skills and the potential this holds, not only for the individual, but society as a whole.

Lawrence Welk has "discovered" many great musicians and singers. I feel, after reading this article, that the word discover could better be replaced with "inspired." Welk's formula, in action, gives people confidence in themselves and their work. This in turn extends to their associations in business and social life.

I feel the thoughts expressed by Mr. Welk in this article are of such great importance that they would be of interest to every Member of the Senate. I ask unanimous consent that this article be printed in the RECORD.

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

SPOTLIGHT ON YOUTH: A FAMILY PLAN FOR BUSINESS

When the newest member of our musical organization, young Mary Lou Metzger, stepped into the spotlight to sing "No, No, Nanette" on one of our recent weekly broadcasts, it was more than just a regular production number . . . and if you had been in the studio that evening you would have seen why. Every other singer and dancer in our company was crowded into the wings, watching proudly as she sang, and they burst into delighted applause when she finished. Our producer, Jim Hobson, our musical director George Cates, and every member of the band was beaming broadly too. So was I. Each one of us in the organization was as pleased as if we had sung the song ourselves, and in a sense we had—because Mary Lou's performance that night was the culmination of the year-long training and encouragement she had received from every member of our group . . . and her triumph was our triumph too. It was a dramatic demonstration of the power and effectiveness of our training and development program . . . a system which has worked so remarkably well for us that we have not only been able to achieve one goal after another over the years, but we have also developed such closeness and affection for each other that when our show was dropped by the ABC network after a sixteen year run, it served only to bring us even closer together, and more confidently ahead into the much wider field of syndicated television, determined to make a success of this newest venture. I have no doubts about the outcome of this at all, because I know from experience that the men and women in our musical family have learned . . . through this unique work-program of ours . . . just how to utilize their talents to the fullest. I know also that they give every ounce of themselves to every performance, and that they back up their talent with solid character. Under those conditions . . . failure is impossible!

SHARING

President Kennedy once said, "Ask not what your country can do for you. Ask what

you can do for your country." And the Bible says, "Give, and it shall be given unto you." Both statements express a basic law of life . . . "What is given out—returns in kind" . . . and it is upon this precept that our entire training and development program has been built. It is based primarily on the concept of sharing . . . sharing not only in the accepted economic sense, but also in the broader sense of sharing one's self, his talents, knowledge, his care and concern. I can best describe and explain exactly how our system works by using Mary Lou as an example, since her experience so closely parallels that of all our other performers.

A year ago this pretty youngster came in to audition for us. She was very young, just seventeen, and her voice had not been developed properly, but I recognized a basic quality immediately and I was impressed with her freshness and enthusiasm. Also, I realized after talking with her, that she came from a family which had given her sound moral training. We discussed her dreams of a musical career, and I finally told her she could work with us as an apprentice, appearing in group numbers and learning as much as she could from practical experience. "But I can't promise you any solos," I told her. "We'll have to wait and see how things work out for you."

Mary Lou eagerly agreed, and she enrolled immediately in our training program. Our choreographer and assistant producer, Jack Imel, began to work with her on stage techniques, and he reported that she was naturally talented as a dancer. Our arrangers Curt Ramsey, S. K. Grundy, and Joe Rizzo, along with musical director, George Cates, worked to help her find her range, and the type of songs she could do best. The wardrobe and makeup people also began experimenting with different types of makeup and costuming, helping Mary Lou develop her own eye as to what looked best on her. I had her sing for our audience at the Palladium where I could watch her performance closely, and then I advised her as to her technique and phrasing, and the best way to present her songs. All of us evaluated her progress from time to time, and I remember with amusement when producer Jim Hobson said thoughtfully, "Lawrence, I agree with you, she has potential. She's enthusiastic, she has good ideas . . . and she can walk!" (He was referring of course, to the fact that she moved gracefully on stage, which may not seem like much of a talent! . . . but is a prime requirement for any performer to possess.) After a few more weeks of concentrated study, Mary Lou herself realized that she needed to refine certain aspects of her talents, and she began to take vocal lessons on the side. She studied and rehearsed constantly.

But the heart of our training program made itself felt most importantly in her relationship with the other girls on the show. Far from resenting her or feeling any professional jealousy, they undertook to show her all the tricks of the trade. Her immediate predecessor on the show, Gail Farrell, helped her in every way possible, showing her around the studio, introducing her to all the wonderful techincal people backstage, chatting with her during lunch breaks, drawing her ever closer into the "family", just as Ralna English had done for Gail herself a few months earlier, and as Tanya Falan, Cissy King, Sandi and Salli and Norma Zimmer had done, in turn, as each one of them had come on the show.

THE FAMILY PLAN

We have deliberately cultivated this "family" concept in our organization. All of us understand that the better we work together, the better the show . . . and the better it is for each one of us. The goal is always of paramount importance, and although sharing for that reason is simply a practical necessity, it tends to develop our spiritual sense of sharing also, so that the two facilities eventually intermingle and become one. The result is that the character traits of unselfishness and consideration for the other person are nurtured and refined to a high degree. Within this framework of mutual consideration and friendliness, each of our members feels free to offer suggestions and criticisms, and each is recognized for what he is . . . a human being whose own essential dignity is beyond value.

As Mary Lou continued her training, we began to put her in group numbers. As she gained poise and assurance we assigned her one or two solo lines. She and Gail sang a duet on the Christmas show. By then, we had detected an unusual "flirty" flair in her voice, somewhat reminiscent in feeling and style of the kind of thing Helen Kane and Wee Bonnie Baker used to do during the twenties and the forties.

Everything came into focus a few months later when I was playing in a golf tournament in Phoenix, and I received a phone call from Irving Berlin in New York. "Lawrence," he said "there's a revival of 'No No Nanette' on Broadway right now and it's a tremendous hit. The music would be perfect for you. Make an album right away."

When I got back to Los Angeles I called my record producer Randy Wood only to find he also had the score already and was most anxious for me to make the album too! We went right to work.

I decided then to see if Mary Lou could handle the lead song of Nanette. It seemed to me the range was right and the mood was right.

She took the song and worked very hard at home and then . . . with the confidence and professional skill born of her months of training and encouragement . . . she came into the recording studio and sang the song exactly right! In fact, her rendition in the album was such a hit that we were forced to release a single record. That year of concentrated training, development and self-discipline has paid off . . . and Mary Lou was finally able to appear in a full-fledged production number on national television, singing with the sparkle and assurance necessary to perform for a nationwide audience. She had made the grade . . . and it was a source of deep satisfaction to us all.

HOW IT WORKS

As you can see by this sketchy outline, the basis of our development program for the young is an apprentice-training system, which is not a new idea in itself . . . but one which we have embellished and expanded in two very significant ways. First, we have deliberately fostered a spirit of affection and mutual concern, as we work together to achieve a goal beneficial to us all. And second, we all share proportionately in the success of our efforts.

Years ago we established a profit-sharing plan for everyone who works in Teleklew. (Teleklew is the corporate name for all our enterprises—TELE being an abbreviation for television and KLEW being Welk spelled backwards.) We considered several different plans but finally adopted the one we felt offered the most to our employees. At the end of every fiscal year, Ted Lennon, uncle of the Lennon Sisters and one of my chief business advisors, oversees the investment of up to fifteen percent of our total yearly payroll. This money, all of which is provided by management, is turned over to financial experts who see that it is invested to the best possible advantage. The employees contribute no money at all, but they share in the distribution of the returns, according to their length of employment and job status. In effect, they become part-owners of the company without any investment. Naturally, this is a powerful incentive . . . because the more successful the company . . . the more successful they are.

THE KEY

It is the combination of these various factors which is the key to the success of this plan. First . . . the training, which develops the talents and character of both trainee and teacher. Second . . . the team spirit, which grows as employer and employees strive to reach a mutually rewarding goal. And third . . . the sharing of profits as we successfully achieve each of our goals. This is a system which stresses the positive rather than the negative, and encourages and rewards excellence of achievement, and it has filled all of us with such dedication and spirit that it has literally changed our lives!

WHAT THIS PLAN CAN DO FOR YOU

If you are an employer I cannot urge you strongly enough to give our system a fair chance. You'll find your employees will work with and for you at their top potential, with tremendous enthusiasm. If you hesitate, because you wonder about sharing profits, I can only tell you that your profits will increase, because you will make far more from the efforts of a group of dedicated employees who really care, than you will from those who are working only for a pay check. You will find that not only will your profits rise . . . but your own spirits and those of everyone else in your organization too.

If you are a prospective employee I would urge the same thing. You'll get a share in the profits, and a voice in the direction your company is taking. You'll be recognized as an important individual, and I have noticed that the self-confidence and quiet inner assurance which this plan develops in our people radiates out and touches the lives of every other person with whom they come in contact. It's like dropping a pebble in a stream, with waves of trust and good will spreading out in ever-widening circles. For both employer and employee there is a wonderful feeling of cooperation and friendship replacing the traditional gaps of antagonism and suspicion.

The consumer benefits too, since the quality of any product or service produced by this method is always higher . . . and so the consumer gets more for his money.

The government will benefit tremendously because the widespread establishment of this kind of organization will help get people off welfare rolls and into productive lives of their own—giving instead of taking—becoming producers instead of parasites. This will reduce taxes for all of us, combat inflation and improve the general economy. Unions will benefit too, because an apprentice-training program, used in fields where it does not now exist . . . such as in the arts and professions . . . will train thousands of highly skilled new professionals. In my own field of music, I believe there will be an added bonus. America is a nation that truly loves music, and a revival of the dance bands, staffed by musicians who really care about pleasing their audiences . . . (something they would certainly learn under our training program!) . . . could bring back the kind of great bands we had during the thirties and forties. This in turn would bring back ballrooms and allied businesses . . . and all of this would be of great help to the unions too.

Most important of all, the entire nation would benefit because our program tends to develop the highest potential and character and sense of responsibility of every participant. The stronger each one of us . . . the stronger and better our nation. It cannot help but help us all.

OUR GREATEST NATURAL RESOURCE

I am thinking in particular of our young people. Our young Americans . . . our greatest natural resource . . . have in many cases been left floundering, looking hopelessly for

some kind of meaning and purpose to their lives. They have been rioting on college campuses, engaging in senseless violence, resorting to drugs or sexual permissiveness. In the past two years alone, the venereal disease rate in this country has reached epidemic proportions. Half of all victims are under the age of twenty-four. These statistics are shocking and depressing, and we hear them over and over. What we need is a program aimed at preventing this kind of thing from happening in the first place, instead of spending millions of dollars trying to repair damages after they have occurred. Our training and development plan can answer this need.

I personally have great faith in our young people. Most of them want to live happy and worthwhile lives . . . they just don't know where to begin. Part of the blame falls on us elders. Many family units have broken down. Divorces tear families wide open. In many disadvantaged segments of our society there has too often been no marriage to start with, and youngsters are left to roam the streets with no supervision at all. It is sad and somehow ironic that the children and young people who suffer most are those at opposite ends of the economic spectrum . . . those who have too little, and those who have too much. In one case there's not enough money to insure that a child will have someone at home to love and guide him, give him ideals to nurture his spirit, see that he has clothes to wear and enough to eat. At the other end is the child who is given so much of everything . . . without being asked for anything in return . . . that he loses all sense of personal responsibility. Eventually, nothing means anything to him. Affluence can be as much of a problem as poverty. Bishop Fulton Sheen has remarked that one of the principal difficulties in this country is the manner in which we raise our young. Communist countries raise their children with discipline but not love. We raise our children with love, but no discipline. The answer lies in a combination of the two. Real love produces freedom through self-discipline . . . and self-discipline is the highest freedom of all.

THE NEED TO CHANGE SOME LAWS

Our plan recognizes this principle, and it is the basis on which we operate. I know from first-hand experience how magnificently it works, but I know it could work even better with some changes in the existing union and government regulations. For example, as anyone in the performing arts will tell you, trying to hire a talented youngster is so complicated, so tied up with red-tape that it becomes almost an impossibility. At just the time in a young person's life when he is most eager and most teachable, we are unable to help him, because of the rigidity of the child labor laws. This is a shame, because childhood is by far the best time to begin building the skills and character traits that last a lifetime. It is almost impossible for anyone to undertake a successful sports career after the age of twenty-one, because muscle and habit patterns are too firmly entrenched to change very much by then and, in fact, it is extremely difficult to undertake a successful career in any field after that. So it seems evident that if we make it complicated or troublesome for our young people to learn more about their chosen profession, then we run the risk of killing off their natural ambitions and zest for life. In a sense we are actually educating them into a passive acceptance of things the way they are, a growing willingness to let somebody else do the job. This is a frightening prospect, and for this reason I urge that we amend our child labor laws so that any young person who wants to work will be given a chance to do so.

Unions could help by establishing a graduated pay scale in those areas where it is not now available, so that more businessmen and the small businessman in particular . . . could afford to train and hire more young people. They could also help by insisting that their members perform a satisfactory job in return for their wages. Nobody ever enjoyed doing a half-hearted job anyway, and I think it's time we began awarding A's for effort.

Samuel Gompers, the father of the labor unions has said: "Doing for people what they can and ought to do for themselves is a dangerous experiment. In the last analysis, the welfare of the workers depends upon their own initiative. Whatever is done under the guise of philanthropy or social morality which in any way lessens initiative is the greatest crime that can be committed against the toilers. Let social busybodies and professional "public morals experts" in their fads reflect upon the perils they rashly invite under this pretense of social welfare." I agree. Doing anything to diminish a man's confidence in his own abilities hurts him gravely. It hurts us all.

Obviously, in order to permit our training and development program to work to its greatest capacity, we need some effective new legislation. Lifting some of the excessive restrictions and regulations which now hamstring employers would not only permit them to train and hire more young people, it would free us all to act more independently, and with greater dedication.

That is one of the beauties of our training system. It helps people explore their full potential and experience the thrill of accomplishments, as Mary Lou discovered the night she stepped into the spotlight. Nobody will ever have to hold any benefits for her! She has learned her craft and developed the character traits necessary for lasting success in any field. She has learned that the more willingly you give . . . the more you grow.

Americans always do things best on a voluntary basis and that is really the heart of our program. It must be undertaken freely and with the utmost good will for it to succeed. And it is not for everyone. It is not for the person who puts money first and human needs second. It requires an employer who cares . . . cares enough about his nation and our young people to want the very best for them. It means he must be willing to share not only his profits but also his time . . . invest not only his money, but also his concern. If he is willing to do this, however, he will find a joy and satisfaction in life he never dreamed possible.

THE QUALITY OF LIFE

I believe in this plan with all my heart, not only because I know from experience what it can do, but because it is rooted in God's laws, and after forty-seven years in the world of entertainment, I know that these moral truths, as revealed to us in the Mosaic laws and the teaching of Christ, are as true and valid today as they were centuries ago. They work just as well in business as they do in our personal life.

That is the real value of our teaching and sharing system. It springs from a spiritual source, and thus adds to the total quality of our lives. It brings a full measure of compassion and hope, feelings of usefulness and faith in the future . . . and the joy and serenity that come from building a solid character. It helps to build life. And I know by now that earning a living is never enough. But earning a life is.

DR. DALE PARKER'S ESSAY, "WHAT OUR FLAG MEANS TO ME"

Mr. CHILES. Mr. President, our lives seem filled with the events of the day, every day—the Vietnam war, pollution, education and urban problems and many other areas of concern for which we are constantly seeking improvements. Sometimes it gets easy to become fearful that the fabric of our land, that which symbolizes the greatness of our country, is being forgotten—or at least overlooked.

But I am convinced that an understanding of the real meaning and value of our country rests in the vast majority of us, because I am often exposed to some evidence of that fact. For instance, I have just had an opportunity to read an essay by Dr. W. Dale Parker of Titusville, Fla., which won the "What Our Flag Means to Me" competition sponsored by the Gannett Publishing Company of Florida. The essay is brief, but the message is clear and sound and heartwarming. Mr. President, I ask unanimous consent that Dr. Parker's essay be printed in the RECORD.

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

WHAT OUR FLAG MEANS TO ME

(NOTE.—This article, by Dr. Dale Parker of Titusville, Florida, was announced as the winner of the "What Our Flag Means to Me" contest sponsored by the Gannett Publishing Company of Florida. The announcement was made May 28, 1971.)

Our flag is a symbol of my country. It represents the actions and reactions of all Americans everywhere. I was born in historical Virginia and educated in Williamsburg, where tradition began. When gazing upon the stars and stripes I am reminded of Lexington, Concord, Thomas Jefferson, the Declaration of Independence, Lincoln's Gettysburg Address, the Constitution and the Bill of Rights.

Our flag is a symbol of my debt to my country. It is an inspiration to me and to my family. It represents the honor of citizenship in a great country of great people whose adventure and sacrifice brought us from a rough stone to a polished gem.

Our flag is a symbol of the American people. It represents sacrifice, struggle, courage, freedom, loyalty, faith, equality, achievement, peace and opportunity as well as such problems as pollution, drugs, poverty, loneliness, discrimination, riots and war. It represents adventure and the exploration of earth resources and space; of men landing on the moon.

Our flag is a symbol of my home and family; the way we live and the help we give to others to make life a little easier and happier. It is a symbol of me as a human individual living in a great land. I dream that someday I may contribute something, in a small way, for the privilege of calling America my home. The American flag is our flag and my flag; the only flag in the world which has brought, and is still inspiring, faith and hope to so many millions of people all over the world.

THE IDEOLOGICAL CRIMINAL

Mr. SCOTT. Mr. President, the April, 1971, edition of Court, which is published bimonthly by the North American Judges Association, included an article by Prof. William Stanmeyer of the Georgetown University Law Center entitled "The Ideological Criminal." I ask unanimous consent that it be printed at this point in the RECORD.

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

THE IDEOLOGICAL CRIMINAL

(By Prof. William Stanmeyer, Georgetown University Law Center)

For the last eight years I have been directly involved in the academic world, and during that time I have seen that famous statement of Voltaire's about the rights of his opponents to speak paraphrased to read. 'I disagree with what you say, so I will defend to *your* death my right to silence you!"

I come here as an emissary, unfortunately, from occupied territory in America's Second Civil War.

And although I say this to enliven the discussion, I feel it is accurate. The war is *not* between Black and White, not between North and South, not between Business and the University, nor even between those above 30 and those below 30. It is, as I hope you will see from the four points that follow, between those who are willing to work within the system of law and those who want to destroy the system of law; who I call "ideological criminals."

A NEW KIND OF CRIMINAL

My first point is the "ideological criminal" or, more accurately, the ideologically-motivated criminal. A year and a half ago, in the April, 1969, issue of the American Bar Association Journal, I wrote an article entitled "The New Left and the Old Law." There I tried to describe the mentality of the person who commits a crime for a political purpose and to show how different he is from the "traditional criminal." For instance, the ideologue commits his bombings, disruptions, arson, even kidnapping, as part of the self-styled "Movement;" the traditional criminal operates as a loner or part of small gangs.

The ideologue is politicalized to the nth degree; he eats, breathes, sleeps "racial politics." The traditional criminal, it appears, is largely a-political. The ideological criminal is not primarily interested in money, although it is useful for The Cause. He is interested in discommoding the Establishment. When a few partisan ideologies were able to work their temporarily mindless followers up to the point of burning a branch of the Bank of America in California, their purpose was neither psychotic arson nor financial self-aggrandizement: it was to destroy a despised symbol, one which in their own minds they had endowed with a political significance that they had been taught to hate.

Usually the ideologically-motivated criminal seeks maximum publicity for his actions. The older, traditional criminal type preferred to live unknown to the public at large or the law enforcement apparatus. The ideologic, on the other hand, often wants maximum exposure. He wants the press and TV to pick up what he does—which they do quite readily—and multiply his image and influence to others. He views his actions as educational, whatever direct results they achieve; thus we now have a few highly-politicalized, I might say, self-politicalized, lawyers who in defending "radical" clients will call a press conference every day of the trial so they can spread their venom attacking the system of criminal justice in everyone's living room on the ten o'clock news.

In fact, there have been cases where individuals deliberately violated a criminal law—say, burglary, or defacement of property such as draft records or corporate files—just to trigger off a trial where they would have a forum—*in the courtroom*, later in the papers and on television—to argue their views of the Vietnam war. They are usually highly incensed when the judge will not permit their political harangues to change the trial from a question of breaking and entering to one of international war crimes. What sort of grasp of the judicial process does the citizen have who thinks he has a "right" to argue politics in any forum, even a courtroom?

The ideologue wants to have confrontations because this is an education process by which he can draw in and recruit the uncommitted. The idea is to goad police or school administrators or both into some sort of overt physical action which will possibly hurt somebody—someone hit over the head or caught in a cloud of tear gas—and then the student on the sidelines sees the blood or feels the pain, talks about it in the dorms and coffee shops, and comes to realize how "repressive" the Establishment is.

The ideologically-motivated are not really as interested as you might expect, in the overall goals of these escapades. At Columbia, for example, Mark Rudd said he didn't care about Morningside Heights, that he didn't even know where the gym was. As for the Institute for Defense Analysis, a government-contract research operation with perhaps half a dozen professors involved, Rudd said he didn't give a hoot about it—but that he used it as a pretext to get the students aroused, a building seized, the cops called, and violence to follow.

Now when someone like me tries to point out the excesses of the violent radicals and explain their motivation—which is nothing less than an arrogant attempt to destroy this society—some apologist usually stands up an says, "You are stifling dissent"—or being repressive, or fascist, or whatever. The objection, if sincere, is silly, because the 1960's were the Decade of Dissent, when freedom in many places turned to anarchy, when Free Speech on the steps of the Berkeley library turned into Filthy Speech, when the violent radicals started living their cherished "thoughts of Mao" by using, as Mao urges, the barrel of a gun to inflict their revolution on the rest of us.

But because the objection is made, though it is naive, it deserves a response. Simply, I am criticizing what the radicals call "resistance," not dissent; the violence of a few in the Movement, not the many who want legitimate social reform. The existence of particular social evils, even serious ones, does not make a society universally bad, any more than a man who has a head cold or even an ulcer should be executed. Nor is any evil in this society so great that it justifies murder—for the bombing death of that grad student at Wisconsin in the math building last summer was murder—to express one's "protest." I am not criticizing dissent as such, but the perversion of it; I support Voltaire's original point, not the paraphrase of it which I gave at the beginning.

A QUESTION OF FAITH

My second point is to call your attention to the peculiar religious dimension of the radical movement. The radicals have a political faith and are on a great religious crusade. Faith is something we pragmatic Americans play down. Yet it moves mountains—and blows up buildings.

The Mohammedans killed the infidels not because Allah or God wanted the infidels killed but because the Mohammedans, for a thousand years or more, *believed* Allah wanted them killed. The Nazis in the Second World War killed six million Jews, not because those Jews really were evil but because the Nazi faith made them *believe* the Jews were evil. Again, the Communists have killed countless millions, from the Berlin Wall to the Siberian camps—some have estimated 83 million in 54 years—all the price of attaining the "classless society" which—despite the total absence of any proof such a thing can be achieved—they *believe* they can accomplish. The radical movement is a kind of faith. It has its saints—Che Guevara, Mao, Lenin; its martyrs—Tom Hayden, Bernadine Dohrn, other student radical leaders pursued by the law. It has its sacred rituals, such as baptism-by-immersion-in-a-mob-storming-a-building. It has its redemptive acts: bombing a building. It has its theologians, such as Herbert Marcuse, whose books I will discuss in a moment. It has its schisms in the ranks—during the last year two or three factions claimed to be the "real" S.D.S. and anathematized all rivals, even while trying to outdo them in converting—or destroying—the infidels.

I might remark to judges that in my opinion an ideologue who is nearly fanatical about his political religion will hardly be converted by 30 days in jail, if convicted of disorderly conduct or fomenting mob action; nor will five years behind bars teach him the error of his ways, if convicted, say, of trying to bomb the Dean's office or attempted arson at the university computer. For misdemeants, at least, I would recommend—and this is not entirely facetious—the judge sentence them to reading Shirer's Rise And Fall Of The Third Reich and Robert Conquest's The Great Terror (which describes the breakdown of law in Stalinist Russia) and writing books reports thereon, meeting weekly with members of the Bar and non-radical students to discuss these books, and other similar intellectual experiences that might teach them where their storm-trooper conduct leads. However unorthodox such a "punishment," the suggestion is meant to point out that we are dealing with a different kind of criminal and thus, if we would rehabilitate him at all, we must deal with his mental set or outlook. We also might look to the cause of his alienation and offer some spiritual antidotes. I turn to that next.

"THE GREAT REFUSAL"

My third point is: how did they get this way? True, today's radicals are part of the first generation which grew up nourished on TV and now think you can rearrange a world with the ease of changing a station on the set. True, also, they have been glutted by creature-comforts from the cradle to college, that would make ancient kings jealous. But these are not central to one's values and goals, and in themselves hardly warrant the near paranoiac conduct of the arsonists and murderers. Let me suggest, rather, a deeper cause: they have been taught to hate this society.

I call your attention to the Gospel According to Herbert Marcuse, who still teaches, though in his seventies, at San Diego State. I have a long article on his jurisprudence, such as it is, in the October 1970 issue of the St. John's Law Review and commend it to you. Briefly, Marcuse's 1964 book, One Dimensional Man, asserts that American technological society, by its very success in satisfying material needs, is "repressive," even "totalitarian." Though a Marxist, he admits that unionized workers are hardly revolutionaries and grants that the two-class dichotomy that Marx believed would erupt in revolution does not exist in the U. S. Rather, the entire society is absorbed, he says, by affluence, so much so that we all—not just the bourgeoise—refuse to consider the "radical alternative," we all have a vested interest in the status quo, we all attempt to co-opt dissent by yielding to the dissenters in trivia but keeping the essence of the system the same. The clever system is so repressive, he says, that we are controlled by it without even realizing our bondage!

What to do about it? For those who have "learned how to think radically," he preaches what he calls "The Great Refusal" or—also his phrase—"cultural subversion." In his more recent book, An Essay On Liberation, he urges his student followers to "cop out" of this society in every way possible: by promiscuous sex, to undercut and eradicate Puritanical moral standards; by linguistic perversions, using words in a different context from their usual referent—such as repeating in bull sessions, on the streets, in the underground press, that the police are "pigs;" in life-style, in dress, in habits, in social contacts, in reading, in resisting the

"Rules of the Game"—the laws—which he says are rigged in every way possible the students must, he says, build a biological substratum that will make it easy to extract their souls from society spiritually. He wants them to be here physically, but spiritually be—no place. They become psychologically rootless. I call this a reverse-rehabilitation process, a process of self-alienation. A person can "talk himself out of love" with his spouse by dwelling on her bad points, overlooking her good features, and concocting in his mind some glamorous alternative—until finally getting a divorce is a foregone conclusion. Likewise, a student can "fall out of love" with his country and the values it stands for, by constantly thinking only about its bad points, forgetting or never noticing its good points, and, with the help of a Marcuse, who mixes up a head potion of one-half Marx, one-half Freud, stirred with revolutionary rhetoric, swallowing untested the idea "the Alternative," which to achieve he must divorce himself from society's values.

Marcuse's final book is more like an epistle than a gospel. It is called "Repressive Tolerance," one of three essays in a book called, A Critique of Pure Tolerance. Impatient with the slow pace of cultural subversion, Marcuse constructs a rationale justifying violence: democracy is wrong, he says, now that the people cannot make reasonable—i.e., radical—choices, being co-opted as they are by the hyper-productive technological society. Thus one must "withdraw tolerance" from those individuals and groups in this society whose ideas impede "liberation"—as defined by Marcuse—and bestow it on *only* those who are progressive. Thus one must prevent people from speaking, if they would speak for armaments rather than disarmament; if they would support warfare rather than welfare; if they would oppose such "progressive" proposals as centralized governmental control of the economy or large subsidies for the poor—or amnesty for rioters. We saw this "withdrawal" of tolerance" in practice last year at Georgetown, when a score of radicals, some not even G.U. students, drove Mayor Alioto from the stage as he began a talk, preventing some five hundred guests from hearing him. The pretext, apparently, was that he runs the city where the civil Mandarin of the West, Hayakawa, stifles dissent—3,000 miles from Washington, but what matter? when you're endowed with infallibility as is a Marcusean radical, you have a right, to silence anyone who is not progressive, like you.

Marcuse is only one of a number of radical writers who preach anarchy as a prelude to total destruction of this society. But his books are in paractically every college book store. Though his prose reads like a bad translation from medieval German, he does get a few gut images across to his readers, and these filter down to the rank and file activists who are just looking for conceptual justification for their tantrums.

Before I turn in the last point to some brief suggestions on what to do about the floating sub-cultures that the Marcuseans have created, it should be noted that in a free society under the Rule of Law, violence is just as wrong when perpetrated by the Right as by the Left, and that I would guess the F.B.I. is just as vigilant to try to penetrate the Minutemen as the Weathermen. So my failure to comment herein on the Ku Klux Klan or the Minutemen or any other Rightist group that is prone to take the law into its own hands is by no means an endorsement of anything they have done or stand for. One simply cannot say everything at once.

But there is a larger reason: the violent radicals on the Left are *now* in action—kidnapping Deans, bombing buildings. Moreover, their type of mindlessness is fostered in the citadels of the mind, of all places, by elaborate scholarly tomes, by breezy essays in the intellectual journals, by an "underground press" that boasts 300 separate papers and a readership over a million—and most of all, by activist young professors in the social science departments of most of our larger universities. I know of no time in history when anarchy was taught with gusto by people whose job it is to purvey wisdom. If you want a parallel, imagine what you'd think if judges urged lawbreaking, or doctors' medical journals extolled the virtues of cancer.

WHAT TO DO

In the New Left Article in the A.B.A. Journal I urged some steps that Bar associations and businessmen could take to blunt the violent radicals' attack on society. The goal is to vaccinate the susceptible students, who are uncomfortable with the idea of violence but whose resistance is low, against the ideas of the Marcuses, who preach revolution. The weapons in America's Second Civil War so far are largely ideas. The bombs, bullets, burnings of banks and such come after ideas have sunk into minds which are ready for them, because they are empty minds in terms of having alternate ideas or values they can hold onto.

I believe we have to deal with an alien subculture in this country, developing like a cancer in the body, which is a seed of cells uncontrolled by the overall structure, moving along through the system and eating and disrupting and growing despite the overall structure of the body, and finally reaching such proportions that the body cannot function as a whole.

This is what happens with the kind of spiritual cancer that is developing in our culture. And what do you do with cancer? If you cannot root it out, at least isolate it or neutralize it so that it does not spread to the healthy cells. And the first step in prescribing a cure is to diagnose what it is that the renegade cells feed on.

Marcuse's ideas feed on ignorance, ignorance of the legal system he attacks as repressive, ignorance of the business enterprise system he attacks for (of all things!) its abundance. His student followers are romantics, not realists; they live on the mountaintop of theory, not in the marketplace of practice. They simply have not had any lived experience with this society's creative and productive institutions. Their idea of "law" is Perry Mason or the cop throwing tear gas; they are utterly ignorant of the thousands of controversies and conflicts that civil law resolves, of the wealth-mechanism that corporation law develops, of the channels for creative endeavor that contract law opens, of the protection of human dignity of tort law. They don't understand that far from being "repressive," the legal system liberates us from the jungle of resolving conflict through violence. And they match their ignorance of law with a similar ignorance of business, its problems, its workings.

Yet the fault is at least partially ours. For we have not provided them the lived experience of the real workings of society so that they have a basis for realism. We have not insisted on courses in the legal system for our high schools and colleges; we as citizens and beneficiaries of the most productive system in all history have not insisted that our schools provide even one course, taught or at least advised by a businessman, in the methods of producing wealth, a wealth which, never having lacked, they do not appreciate, and never having worked for, they would redistribute according to romantic a priori formulas. And we lawyers and judges have not demanded that the schools provide courses in "political due process," the method of running a free society nonviolently. Nor, except for faltering attempts on the yearly Law Day, have we ourselves offered the schools much counsel about the legal system.

If we would restore respect for that system, we must persuade our Bar associations to arrange lectures, short-term courses, dialogues in public and in private with students of all viewpoints, TV programs, essays in student papers—in a word, a professional exposition in every medium—on the Rule of Law, given in a way that will stimulate questions, given by men who can answer them. I recommend each Bar association set up a "Committee on Law and Social Change" to undertake these tasks, chair it with a realist who understands that this is the most important "continuing legal education" program of all, because if properly managed, it will win America's Second Civil War.

OUR NATIONAL EDUCATIONAL SYSTEM

Mr. INOUYE. Mr. President, the need for a revitalization and reform of our national educational system is rapidly becoming more apparent and more urgent. The 20th century has brought, among other things, a great proliferation of knowledge and revolutionary advances in science and technology. It is evident that the life style of the latter part of this century and the next is adapting and will continue to adapt itself to these changes. Unfortunately, our educational system has neither responded to nor taken advantage of this revolution.

It is for this reason that I rise today to reinforce my commitment to the principles of the Educational Technology Act of 1971 which was introduced in behalf of Senator EAGLETON and myself on June 4, 1971. The purpose of this legislation is to provide the necessary funds to implement an educational technology program which will become an integral part of our school system.

To achieve this goal, the authorized funds are to be used for the following purposes: first, the application of existing technology in preschool, elementary, and secondary schools; second, the development of new educational equipment; third, the expansion of existing use of technological equipment for educational purposes; fourth, training for teachers in the effective use of educational technology and; fifth, research in this field.

As you are aware, the technological advances of the 20th century are phenomenal. We have recognized, but not as yet begun to utilize the full potential of the advances. This statement is particularly applicable in the field of education. As a result of a lack of funds and a basic resistance to change which is characteristic of our school system, the use of instructional technology in our schools has been extremely limited. Although these factors have severely impeded progress in this area, we can recognize the great potential of the field by looking at the few instances where the use of educational technology has been effectively implemented. The most well-known and acknowledged success in this field is the preschool television series "Sesame Street." In addition, the application of technology in the field of language instruction through the audio-visual technique has significantly altered the approach and the effectiveness of the acquisition of a second language. Merely recognition of the results of applied tech-

nology in these two examples is evidence of the fact that instructional technology holds great promise for advancement in teaching methods and learning opportunities.

At the present time, the only source of funding for educational technology is title III of the National Defense Education Act. The Senate Appropriations Committee has recently allocated a total of $90 million, a $40 million increase over funding in fiscal year 1971, for this purpose. These figures are a clear indication of a new awareness and acknowledgment of the potential and importance of the field of educational technology.

The field of educational technology is new. We cannot estimate the possible impact that an extensive use of these materials could have on our educational system; however, we do know that the use of instructional technology has tremendous potential and could significantly improve the quality of the education our children receive.

I believe that the quality and relevancy of our educational system will have a tremendous influence on the future of America as a people and a Nation. We must make every effort to allow our educational system to catch up with the times. The Educational Technology Act gives us an opportunity to do this; we cannot afford to pass up such an opportunity.

DEWEY AND ISRAEL

Mr. SCOTT. Mr. President, I would like to direct the attention of my colleagues to a letter to the editor of the Evening Star from Mr. Bernard Katzen, former special consultant to the State Department. The letter describes the role the late Governor Dewey played during 1948 in the disapproval of the "Bernadotte Plan" for the Middle East.

As my party's national chairman at that time, I had arranged for a delegation to meet with Governor Dewey, whose presentation undoubtedly contributed to his decision to advocate rejection of the "Bernadotte Plan." Governor Dewey's decision clearly had strong impact on President Truman, who reversed his position and pledged support for Israel.

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

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

DEWEY AND ISRAEL

SIR: The obituaries of the late Thomas E. Dewey touched upon many facets of his distinguished career. Omitted was a dramatic episode which shaped the destiny of the State of Israel. It is of particular relevance in light of the current Middle East crisis.

Following the creation of the State of Israel in May, 1948, the US appointed a commission headed by Count Folke Bernadotte of Sweden to recommend a peace settlement. Nearing the completion of the commission's labors, Count Bernadotte was assassinated. The commission's report, however, was published posthumously and became known as the "Bernadotte Plan."

Some of the highlights of this plan included the following: Truncation of Israel by severance of portions of the Galilee, including the city of Safed—severance from the Negev (constituting about 55 percent of its territory) with the concomitant deprivation of its only outlet to the Red Sea, constituting Haifa a free port and establishing an open corridor from that port to the borders of its hostile Arab neighbors and taking away the Israeli part of Jerusalem and internationalizing the city.

Objective Middle East experts were practically unanimous in agreeing that the implementation of the Bernadotte Plan would have rendered the State of Israel economically, politically and geographically unviable. When the plan was publicized, a wave of shock and dismay swept the international community friendly to the new state. This reaction was intensified when the then Secretary of State, George Marshall, announced his support of the plan. President Truman backed Marshall's decision. This evoked a storm of protest which made headline news throughout the country. Delegations of citizens from the public and private sectors went to Washington to plead with President Truman to reverse Marshall's decision and to reject the Bernadotte Plan—to no avail.

However, one intervening factor had to be reckoned with—the impending presidential election which pitted Truman against Dewey by overwhelming odds. There was common agreement that if Dewey were elected, John Foster Dulles would be named Secretary of State. Against this background, Marshall had gone to Paris in advance of the September, 1948 meeting of the UN assembly. As related personally to me, Dulles, who was preparing to go to Paris as a member of the U.S. delegation, had received a cable from Marshall that he was most anxious to confer with him on the Middle East and the Bernadotte Plan upon his arrival. So eager was Marshall to contact Dulles that he met him at the airport. The impact of Dewey-Dulles support for the Bernadotte Plan would insure the passage of a UN resolution favoring the plan. Dulles, who had been in communication with Dewey, rejected Marshall's plea. The contemplated approval by the UN Assembly of the Bernadotte Plan had been aborted.

On October 21, 1948, a teletype message was sent by Dewey, from Albuquerque, N.M., to the American Christian Palestine Committee and released to the press, in which Dewey pledged to Israel wholehearted political, economic and territorial support, rejecting the provisions of the Bernadotte Plan. Two days later, President Truman, in an equivocal response to the Dewey statement, reversed himself, repudiated Marshall's position on the Bernadotte Plan and pledged support for Israel.

It is not inappropriate to quote Carlyle: "The history of the world is to be found in the biographies of great men."

BERNARD KATZEN,
Former Special Consultant to the State Department, Assistant Campaign Manager, Presidential Campaign, 1948.

CONSTITUTIONALITY IS UNCHALLENGEABLE

Mr. McGOVERN. Mr. President, we have heard in recent days some amazing statements about the U.S. Constitution.

It has been suggested in the Senate that the amendment we propose—to end the deployment of American forces in Indochina by the end of this year—would be in violation of the Constitution.

That assertion has been made by Senators who have supported prohibitions on U.S. involvement in military operations in Laos and Thailand. It has been made by Senators who have voted in favor of restrictions on U.S. assistance to certain countries. Such proposals do not, of course, differ at all in principle from our proposal.

For some the Constitution seems to be an extremely flexible instrument. Limitations on Executive authority in military and foreign affairs that they support are directly in line with the Constitution. Limitations they oppose violate it.

Mr. President, if the Constitution is involved with this amendment, it is because this amendment is the one means through which we can directly confront the responsibilities the Constitution gives us to exercise our independent judgments on questions of war and peace.

In fact there is good reason for believing that the President, by continuing to prosecute the war in Vietnam even though the Gulf of Tonkin resolution has been repealed, by continuing to seek more than the return of our prisoners of war and the protection of our troops during their systematic withdrawal, has overstepped his authority as Commander in Chief.

But, we do not raise that issue. No Senator need make that determination in voting on this amendment. We do not seek to declare the war unconstitutional.

We simply seek to end it, through the exercise of the same powers the Congress exercises virtually every time it adopts an authorization or an appropriations bill.

Mr. President, in this connection the lawyers committee on American policy toward Vietnam has done a very helpful paper on the constitutional issues raised by our amendment.

It discusses in some detail the historical relationship between the President and the Congress on war powers issues.

It concludes—

This analysis demonstrates that Congress has untrammelled authority to determine that its appropriations are not to be used for military operations in a particular theater beyond a designated date. And that is precisely what the McGovern-Hatfield Amendment does—and its constitutionality is unchallengeable.

Mr. President, I ask unanimous consent that the study to which I have referred be printed at this point in the RECORD.

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

CONSTITUTIONALITY OF MCGOVERN-HATFIELD AMENDMENT TO H.R. 6531 (VIETNAM DISENGAGEMENT AMENDMENT)

The McGovern-Hatfield Amendment provides basically that no funds authorized or appropriated under the Selective Service Act or any other law may be expended after December 31, 1971 to support the deployment of United States armed forces in or the conduct of United States military operations in or over Indochina. The Amendment expressly reaffirms the President's authority (as Commander in Chief) to fully protect American forces, to arrange asylum and other means of protection for the civilian populations of Indochina, and to continue supplying assistance to those countries in amounts authorized by the Congress. These provisions guarantee that the Amendment in no way interferes with the President's authority during the period prior to December 31.

The Amendment also contains explicit

provisions assuring that the withdrawal of American troops will not be implemented without the certain knowledge that all American prisoners would be released by the time that withdrawal was completed.

The Vietnam Disengagement Amendment is clearly a proper exercise of Congress' power under the Constitution to control the expenditure of funds, and in no way impinges on the President's powers as Commander in Chief. In principle, it operates no differently than would a bill cutting off or restricting the expenditure of foreign aid monies in a given country.

Any challenge to the constitutionality of the McGovern-Hatfield Amendment must of necessity be predicated on the premise that it impinges on the President's authority as Commander in Chief. Here it must be noted that any authority which the President may have had under the Tonkin Gulf Resolution was withdrawn when the Congress repealed that Resolution on December 31, 1970, which repealer was signed by President Nixon himself on January 12, 1971.

The President's authority as Commander in Chief to conduct military activities is narrowly circumscribed under the Constitution.

Article II, Section 2 of the Constitution provides that "(t)he President shall be Commander in Chief of the Army and Navy of the United States," but the legislative history of the Commander-in-Chief clause indicates that the power so delegated to the President was quite limited in scope. The Constitution was written with the desire to avoid many of the evils of the monarchies of Europe. The Framers were aware that while kings and princes made wars, it was the people who paid with their money and lives. Thus, by voice vote the Constitutional Convention refused a proposal to give the President the power to declare war and limited his powers instead to those of Commander-in-Chief.[1] These Presidential powers were intended to be substantially less than those traditionally exercised by the English monarch. Though the king could declare war and raise and regulate armed forces, the Constitution reserved these powers in the new republic to Congress alone.

The Constitutional concept of a "Commander in Chief" was derived from the experience of the Revolutionary War. It was the relationship of the Continental Congress with General Washington which was the model for the military powers assigned to the President. That relationship was expressed in the Commission as Commander in Chief granted to Washington on June 19, 1775:

"And you are to regulate your conduct in every respect by the rules and discipline of war (as herewith given you) and punctually to observe and follow such orders and directions from time to time as you shall receive from this or a future Congress of the said United Colonies or a committee of Congress for that purpose appointed." "The Writings of George Washington," p. 482 (Worthington Chauncey Ford, ed. 1889)

The essentially "command" nature of the office of Commander in Chief was emphasized by Alexander Hamilton who said that it "would amount to nothing more than the supreme command and direction of the military and naval forces as first General and Admiral of the Confederacy." Henry Cabot Lodge, ed., The Federalist (C. P. Putnam's Sons, 1908). pp. 430–431. Hence it is clear that the framers intended that the conduct of military hostilities by the President be subject at all times to the directives of Congress.

The Framers of the Constitution would be horrified at the suggestion that the document they fashioned would give the President the authority to conduct a sustained military operation in a distant land, using what is essentially a conscript army, and that Congress lacked the authority to limit the scope or duration of the military operations.

Debate in the Constitutional Convention on this subject confirms the intent of the Framers to give to Congress ultimate control over the power to wage war as well as the formal power to declare war.[2] The instrumentalities for the effective exercise of this power were as varied as the needs that might arise. At the minimum the Framers would have viewed an appropriation limited to the provision of funds necessary for the withdrawal of troops as a proper exercise of that power. Parliament had exercised such a power in 1678,[3] and it was the conscious design of the drafters of the Constitution to give Congress more power over foreign affairs and over warmaking than the Parliament had possessed.

Justice Jackson, concurring in the Youngstown Steel case,[4] made the point in these words: "(The President) has no monopoly of 'war powers,' whatever they are. While Congress cannot deprive the President of the command of the army and navy, only Congress can provide him an army and navy to command." [5]

The constitutional language is quite emphatic in stating that there is a distribution of power between the executive and the legislature with regard to military matters. The "executive power" (Article II, Section 1) and "commander in chief" (Article II, Section 2) provisions are more than balanced by impressive catalogue of congressional powers set out in Article I, Section 8, which give Congress basic and substantial authority over military matters.[5a] Of prime importance, of course, is the express power to declare war. The power "to raise and support armies" is qualified by the injunction that "no appropriation of money to that use shall be for a longer term than two years." No other power of Congress is restricted in this manner. The restriction, interestingly, does not apply to the provision giving Congress power "to provide and maintain a navy." The two-year restriction necessarily means that Congress was expected to exercise surveillance over the Army in operation and, inevitably, over the President's stewardship in his capacity of commander in chief. Congress would not be able, at the commencement of a President's term, to appropriate funds for Army purposes for the duration of that term. Nor could one Congress bind a future Congress to a program of appropriation for maintenance and support of armies.

The essential purpose of specifying that the President is to be commander in chief of the Army and Navy is to maintain civilian control over the military. The clause also prevents Congress from investing a rival to the President by designating some person other than the President as commander of the military forces. Nothing in this particular clause, however, may be construed as a limitation on Congress in the exercise of its express powers, nor does the language of the clause give the President the authority to determine the scope and extent of military operations free from Congressional limitation or control. The Constitution says, in effect, that Congress may determine the ends of military operation, and that the President has control of the means. Available contemporary authority seems to support this conclusion.[6]

The Supreme Court has upheld the limitations on the President's war power intended by the Framers of the Constitution in those few cases that have dealt with the President's power as Commander-in-Chief. In Little v. Barreme,[7] the Court held that the President had exceeded his powers in ordering the Navy to seize ships coming from French ports, since Congress' consent to hostilities was limited to ships going to French ports. In Fleming v. Page,[8] the Court, while not expressly deciding the point, nevertheless addressed itself to the scope of the President's war-making power. "His duty," wrote the Court, "and his power are purely military. As commander-in-chief, he is authorized to direct the movements of the naval and military forces placed by law at his command . . . ." [9] In Ex Parte Milligan,[10] the Court held that the President's military power to establish military courts of general jurisdiction could not be exercised in areas where constitutionally established courts were in operation. In a concuring opinion Mr. Chief Justice Chase made the following observation pertaining to the division of military powers between the executive and legislative branches:

"Congress has the power not only to raise and support and govern armies but to declare war. It has, therefore, the power to provide by law for carrying on war. This power necessarily extends to all legislation essential to the prosecution of war with vigor and success, except such as interferes with the command of the forces and conduct of campaigns. That power and duty belong to the President as commander-in-chief.[11]

From the statement of the Chief Justice one can clearly infer that neither branch may interfere with powers expressly granted to the other. Thus, the President, as Commander-in-Chief, may not interfere with either the powers of Congress to raise, support and govern the armed forces or to declare war.

It is clear that the President does not acquire power simply because he believes that a particular course of action is necessary or desirable in the efficient conduct of current hostile military operations. The Steel Seizure Cases arose in the setting of the Korean War. Steel production was interrupted by a labor dispute, and the President directed the Secretary of Commerce to take possession of the steel mills involved so that production would not be interrupted while Congress was considering possible legislative solutions to the problem. The majority of the Supreme Court (six to three) held that the President had acted in excess of his authority, since there was no legislative authorization for the seizure.[12]

There is neither legal nor historical support for the proposition that Congress would be trespassing on the Presidential prerogative if it should assume to forbid sustained military operations in particular areas or to direct that a specific military venture be brought to an end.

The Nixon Administration opposed the Cooper-Church amendments barring the use of funds to finance the introduction of American ground combat troops into Cambodia or Laos on the claim that it interfered with the Presidential prerogative. It has sought, however, to comply with the literal terms of the inhibition against use of ground forces and advisers in Cambodia or Laos.[13] If this resolution were in violation of the Constitution, there would be no need to observe it. The attempts at compliance indicate the legitimacy of the exercise of Congressional authority.

Congress has the authority to direct the President to bring hostilities in a particular theater to an end, either immediately or within the confines of a specified schedule. The power to declare or to recognize war manifestly connotes the power to call for the end of a conflict. The President has no inherent power to direct that a conflict be continued until it fulfills the President's objectives.

No war, whether declared or undeclared, may be maintained without Congressional support. Congress alone has constitutional authority to make provision for men and materiel. Congress is free to exercise its appropriation power in the control of military involvements and commitments as it sees fit.

Footnotes at end of article.

It may determine that certain funds are to be used for housing or education rather than for military hardware, and the President must comply with its directives. It may prohibit the use of an appropriation for a particular item of materiel, and the President is not authorized to violate the directive even though he thought it unwise. This analysis demonstrates that Congress has untrammelled authority to determine that its appropriations are not to be used for military operations in a particular theater beyond a designated date. And that is precisely what the McGovern-Hatfield Amendment does—and its constitutionality is unchallengable.

Submitted by: Lawyers Committee on American Policy Towards Vietnam

By: JOSEPH H. CROWN,
Cochairman, Hoch Reid, Director of Research.

FOOTNOTES

[1] J. Madison, Debates in the Federal Convention of 1787, at 418–19 (G. Hunt & J. Scott eds. 1920).

[2] See 2 M. Farrand, Records of the Federal Convention 313–19 (1911).

[3] E. Wade & G. Phillips, Constitutional Law 152 (2d. ed. 1935).

[4] Youngstown Sheet & Tube Co. v. Sawyer, 343 U.S. 579, 634 (1952).

[5] Ibid at 644.

[5a] The catalogue of congressional powers in section 8 of article I is impressive. Congress is given the power to "lay and collect Taxes . . . to provide for the common Defense and general Welfare of the United States"; "to declare war"; "to raise and support armies," with the important qualification that "no Appropriation of Money to that use shall be for a longer Term than two Years"; "To provide and maintain a Navy"; "to make Rules for the Government and Regulation of the land and naval Forces"; "to control and regulate the militia"; and "to make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers and all other Powers vested by this Constitution in the Government of the United States, or any Department or Officer thereof."

[6] The *Federalist No. 69* (Hamilton) observes that the Presidential power is less substantial than the power possessed by the British Crown, noting it does not embrace the power to "declare war" or to "raise armies." The Federalist No. 74 (Hamilton) stresses the need for unitary command of operations as the justification for the power.

[7] 6 U.S. (2 Cranch) 170 (1804).

[8] 50 U.S. (9 How.) 602 (1850).

[9] Id. at 614.

[10] 71 U.S. (4 Wall.) 2 (1866).

[11] Id. at 139.

[12] See fn. 4.

[13] The Administration has resorted to legalism and subterfuge in assisting the Cambodian regime while contending it was not violating Congressional restrictions. See Dudman, *U.S. Deception in Cambodia,* St. Louis Dispatch, Jan. 28, 1971 at 1–C. Use of American forces in Laos, see TIME, Feb. 22, 171, p. 24.

MAO TSE-TUNG'S CHINA

Mr. DOMINICK. Mr. President, on Friday, June 11, the distinguished Senator from Alaska (Mr. GRAVEL) expressed some confusion about my remarks of the previous day before this body concerning the admission of mainland China to the United Nations and the record of that Government in recent years. I say confusion, because I do not believe he gave my remarks the attention they required. The Senator from Alaska alluded to a statement about bodies floating in the Tonkin Gulf. What I had referred to was the hundreds of dead bodies found floating in the bay of Hong Kong—bodies of those who failed in attempts to escape Mao's tyranny, or who otherwise fell victim to the cruel repression of the Communist government. There is little reason for confusion on this important subject. One need only travel through Asia and speak to the leaders of nations in that area to learn about the real Communist China. The distinguished Marine Corps lieutenant general, V. H. Krulak—now retired—recently completed such a trip and reported his findings in a speech before the World Affairs Council in San Diego on March 4. I would invite the attention of my colleague, the Senator from Alaska, and all my colleagues in this body to those remarks. I ask unanimous consent that the speech be printed at this point in the RECORD.

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

ADDRESS BY LT. GENERAL V. H. KRULAK

China—the oldest state in the world. One quarter of all mankind, embodying a culture of depth and continuity unmatched elsewhere on the globe.

One quarter of all mankind; a people who have evolved, in six fateful decades from an Oriental Empire to a communist society.

One quarter of all mankind, most of whom now have memory of no other sort of life than one characterized by deprivation, mass coercion and terror.

In 1809 Napoleon said, "Let China sleep. When it awakes, the world will be sorry."

China is indeed awake and, unless the world faces realistically the nature of that awakening, it is indeed likely to be sorry.

In one brief discussion, it is not possible to treat adequately all the aspects of Red China's interface with her neighbors and with the world at large.

A real understanding of this interface involves consideration of the burden on the little nations of Southeast Asia who must live with a hungry and acquisitive China; of their problems of survival.

It involves an understanding of the race between China and India for modernization and power.

Of the hunger of Japan for Chinese raw materials;

Of the impact of fertilizer, antibiotics and the pill on China's future.

Of the dispute between China and the U.S.S.R. over millions of square miles of border area.

Of the tragic turmoil that has beset China for 25 years;

Of the true state of affairs in Peking today.

But in the interest of time and simplicity, I will speak today on one matter only—what is happening to Mao Tset-Tung's government; where it is headed today, and what it means to us.

We are faced with a crisis—nothing less—where the matter of recognition and U.N. membership of Red China are concerned. What should we do, in our own self-interest?

This, of course, has to be a product of what China is; what she means and, more important, who is speaking for the 750 million people. In short, just what is going on in Peking? Can we deal with Mao Tse-tung? Should we deal with him?

And that was the purpose of a trip which I recently made to the Far East—to learn the answers to those questions.

I visited Japan, Taiwan, Thailand and Hong Kong.

I spoke to government leaders, U.S. and foreign diplomats, businessmen, journalists, military people, and personal friends in these areas and hammered continually on the basic question—How strong is Mao's government? What is it doing? Where are its aims? Where is it going? What does it all mean to us?

I believe I found some of the answers.

Just as skilled doctors are likely to disagree on either the diagnosis or treatment of a disease, so the many people to whom I spoke were not unanimous on either the situation in Red China or what needs to be done about it. Mostly, they spoke confidentially and with great candor.

I was impressed, in the end, that their viewpoints did not diverge greatly, and from it all, I believe I was able to distill a clear picture of how a group of real experts sees the situation.

First, let us talk briefly of background. Recall that the Chinese society has lasted for over 2 millenia, based always on the family as the embodiment of the Confucian ideology and as the fabric which held the people together.

The Manchus understood this, and tried to exploit the Confucian system. So did the Mongols before them.

But not the communists. After 2,000 years of family existence, when the communists came into power in 1949, the first thing they sought to destroy was the family.

In a society which had been largely independent of oppressive central government domination in 20 centuries, the Maoists undertook almost overnight to break up the family as a bourgeois instrument of inequality.

They took the farmer from his wife;—they dismembered the family fishing crew. They took the children from their parents, set up boarding schools and nurseries, said that all children belonged to the state and tried to teach them to despise their parents.

As a basically independent people, the Chinese had shown an astonishing amount of initiative over the centuries.

The communists undertook to destroy this initiative, and to substitute slogans and theories.

Since they were looking for mechanical efficiency more than anything else, the communists turned their back on the greatest reverence of all where the Chinese people are concerned,—the land.

They did such outrageous things as desecrate sacred burial areas, bulldozing over graves and otherwise affronting an ethic that went back for 2,000 years.

They did all of this in order to break with the past and to change the attitude of the people into one of complete subjection to the communist system.

The years between 1950 and 1965 were a constant procession of experiments—experiments involving millions and millions of people, and each aimed at destroying the old order and replacing it with something that would be kindred to Marxist theory.

Each of the experiments gradually faded off in the face of stubborn resistance on the part of the Chinese people. They just would not change. Sometimes they went through the motions. They nodded their heads obediently. But, in the end, they ignored the orders.

Mao Tse-tung and his closest advisers could not stand for this and, in 1966, they launched the Great Proletarian Cultural Revolution which was probably the bravest and, at the same time, the most foolhardy idea that anyone has ever attempted to perpetrate on a great mass of people.

Mao realized that he was growing old; that all of his previous experiments had been failures and that he had the opportunity for no more than one more big endeavor. He determined that the only way to correct his previous mistakes was to destroy completely his whole system and to recreate a brand new

one which followed the most idealistic communist design.

It is not easy for the world to realize that, despite his personal brutality, Mao is a romantic, a pure Marxist; probably the greatest Marxist theoretician alive.

He sees his destiny clearly—as the man who never compromised; the man who was charged by fate to bring the real essence of Marxism to reality; first, in the lives of 750 million Chinese, and ultimately throughout the world.

Nothing dare stand in the way of his great experiment; least of all the lives and welfare of the people involved. Mao has been given to violence in the face of disagreement since his childhood, which was turbulent because of his impatience and his violent temper.

His consummate brutality where his colleagues and his people are concerned should be no surprise to anyone who reads his history. The blood of millions is on his hands.

The Great Proletarian Cultural Revolution was born of a series of experimental failures, each one going to defeat in the face of quiet stubborn resistance by the millions of peasants that are China.

First, there were rural communes, separating 300 million husbands, wives and children, aimed at converting the whole land into impersonal "production units." Children were to be wards of the state. Men and women were to be allowed to cohabit, not as a part of normal existence, but simply for procreation.

It was a failure.—It resulted in less food, lower lower industrial production, more work and unfulfilled promises.

Then there was total change. Mao determined—almost overnight—that there would be a general subordination of everything to industrialization—"The Great Flying Leap Forward."—

This was intended to project China dramatically into the world's manufacturing producers. It included a program of ten million crude backyard blast furnaces, presumably to make industrial steel.

It was a failure, too. The people were lost in a welter of complicated instructions. The backyard steel was almost worthless, and there was a by-product of famine because of reduced emphasis on feed production.

Then a dramatic re-shift was decreed—a return from industrialization to a new emphasis on agriculture.

The country was hungry—Five million dead of famine in a single year.

This, too, was a failure, simply because the bulk of the increased food production went to the cities, and not to the farmer who raised it.

He quickly lost interest.

The next experiment was a period of self-criticism; a program where Mao encouraged critics of Maoism to speak out freely. He called it his "Thousand Flowers" program, aimed at getting to the heart of their lack of progress by encouraging critics of the regime to speak their minds.

That failed too. Mao and his cohorts were shocked by the volume and violence of the criticism. They simply could not take the truth. Almost a million so-called activists were ultimately executed for speaking their mind. Ten million more were uprooted and sent to prison or work camps. The brief period of candor came quickly to an end.

Then the Maoists decreed an attack on science and technology, condemning them as opponents of the classless society. This failed too. It took only a brief year or two to make clear that technicians, scientists and trained men were needed to make the machinery of government and commerce go.

They were far from finished. An effort was made to convert cities into pure Marxist urban communes, with every act of city living and working completely communized. No initiative; no personal freedom.

Failure. Inefficiency in administration, bureaucracy and stupidity resulted in chaos, hunger and just plain refusal of millions of stubborn Chinese to work.

Then the Maoists tried a mass birth control program to help fight famine.

Failure. The Chinese family would not cooperate.

In the face of this incredible pattern of experimentation with the lives of his people and the unvarying pattern of failure, there was a brief and significant period in 1965 and 1966 when things grew better. This was not because of any improvement in government or enlightenment in leaderhip but simply because of exhaustion.—The Communist Party relaxed its pressure to experiment, probably because they were worn out and devoid of ideas.

For a brief moment, the people were left alone to live their own simple lives. The result was almost miraculous—more food, more tranquility, more consumer goods;—not only because the low level party functionaries were tired of putting their efforts behind Maoist experiments with the lives of the people.

Mao himself, in 1966, was sick with Parkinson's disease; 74 years old, a consummate failure in his effort to prove that Communism is a practise as well as a theory. Weakened physically and mindful that his years were numbered, he determined to make one last major push; one designed to transcend in both scope and results all of those experiments that preceded it.

He decreed what amounted to an attack on his own party mechanism, or the machinery and principles of Marxism.

His scheme was to wipe the slate clean, get rid of every official who had exhibited any doubt whatever of the efficacy of Maoism, purge the intellectuals who had raised questions regarding the regime, wipe out the remaining large businessmen, and try again to create an absolutely classless, totally communized society. The only people to be left undisturbed were farmers and laborers in industry.

The Red Guards were Mao's instrument; schoolboys in the main; boys who had never been off the farm or out of the classroom.—He turned them loose in the Autumn of 1966 with a free hand to eliminate every vestige of anti-Mao thought. Mao and his cohorts expected that the youths would have done their purging in a month or so, and they certainly expected that the youngsters would respond to the direction of the party leaders.

But it did not work that way. They went wild—killing, stealing, battling among themselves, losing sight completely of the Marxist idealism that was supposed to govern their actions.

The rampaging of the several million irresponsible youth simply crystallized and intensified the opposition to Mao—both in and out of the party. Anti-Mao groups took courage and came out into the open. The country was in turmoil. Strikes and even street fighting between the Red Guards and the contesting factions were common. Wherever he could get someone to obey, Mao's repression was brutal. Deaths and imprisonment were the order of the day.

The government in Peking existed in form, but not in any substance. The fact was, in 1967 and part of 1968, nobody was in charge at the top. It was a hollow shell. Low level civil functionaries did pretty much as they pleased. Many simply stopped functioning. People everywhere felt relief at the lack of government supervision, and were free to criticize Mao and his minions. Under the influence of anti-Maoists, things grew substantially better, particularly in the countryside.

Mao saw that his regime was tottering—about to be engulfed in civil war, involving not just the party, but the cities and farms as well. In desperation he finally turned on the farmers and laborers, whom he had spared previously. He declared that all dissident farmers and industrial workers had to be purged, too. He ordered the people's liberation army to enter the battle to restore and keep the peace.

The only problem was, large segments of the liberation army were not loyal to Mao. The great bulk of the forces insisted on remaining aloof; refusing to enter the conflict, refusing to intervene in Mao's behalf; willing at most, to keep some semblance of law and order in the countryside.

In the end, the army was loyal only to itself. Its leaders realized that it stood as the only stabilizing power in all China. They were not committed to ideology as much as to maintaining the focus of power, and building up their nuclear strength against a possible confrontation with the Russians. They are tough men, they are patient men. They have the strength, and it grew clear, as early as 1968, that they would ultimately run the country.

With political opposition visible on all sides, with the army insisting on staying in the wings, Mao saw his era coming to an end and, like the real fighter that he is, elected to give it one final try.

Almost with a wave of a wand, in late 1968, he went all the way. He declared that henceforward all of China—urban and rural—would become a truly proletarian state, with absolutely every act of authority discharged by committees of the people.

Whether it was a store, a farm, a factory, a newspaper or a school, it would be administered by committees of the persons doing the work. Everyone would have the same pay and the same privileges. Committee members would be subject to instant recall by their fellow workers.

Of course, the idea collapsed. The Chinese people were fed up with arbitrary experiments that disrupted their lives. They were patient and quiet, but simply ignored Mao and his directives. He was defeated by his own philosophy. He had always said, "Let the masses manage the affairs of the state." They did.

That brought us up to about 1970—a year or more ago. Mao since has had to offer a procession of face-saving compromises—just to stay in a position of nominal authority—more freedom for the farmer, amnesty for his enemies, concessions to the army. That is what is going on now. The Mao regime is trying desperately to put on the face of success; to preserve the fiction that their Marxist innoculation has taken on the Chinese people; that he and his cohorts are in fact the nation's leaders.

The fact is, they are not. They are hated and ignored today, and another in the long train of Chinese dynasties is passing. Although among the shortest, and certainly the most oppressive, like all of its successors over a 3,000 year span, like the Mongols and the Manchus, it will simply have to leave some mark on the amorphous Chinese people.

The Chinese administrative procedures of the future will certainly see the effect of Maoist totalitarianism. The viciousness of Mao's 20 years of attack on his enemies will be felt everywhere, and the Maoists mania of totally isolated superiority will make relations with the outside world most difficult for his successors to engineer.

Mao believed he and his China were destined to make over the world. His successors are going to have to make up their minds that wars of national liberation are really not their bag; that they will be lucky if they can manage their own internal affairs while maintaining some facade of sovereignty in facing the outside world.

They have grave economic problems, brought on by a quarter of a century of

experimentation. They have serious agricultural problems. Even though this year's grain harvest was good, it is still less than needed for a bare subsistence diet.

In the face of these facts, all of which are available to the Department of State and thus to our legislators in Washington, it will be well to go directly to the subject of Red China recognition, and the United Nations.

It is obviously a major issue facing the United States this year. In addition to the Communist countries, several of the larger non-Communist nations have established some form of relationship with Peking; Britain, Canada, France, Italy, Sweden and Norway are the principal ones.

Last year about 40% of the required 66% of the United Nations were in favor of seating the Maoists. Now the pressure is on us.

There the key phrase is, "Establish a meaningful dialog."

Some of the U.S. diplomatic people to whom I spoke, some of our business people, some of our foreign friends, speak to the wisdom of our "talking meaningfully to a people who constitute a quarter of all mankind." And the implication is that we should do it at once.

But by no means does everyone feel this way.

Others contend that, applied to the conditions of today, this is the worst sort of sophistry, and I have to agree.

Even if we could somehow talk to the Chinese people at large, they wouldn't know what to talk about. They are simple, provincial folk, whose horizon does not extend far beyond their own village. Eighty-five percent of them are existing at the subsistence level or below. Their only aim is to survive; their only satisfaction, caring properly for their elders; their only pleasure, sleeping with their wives.

A dozen times I was reminded that the government which purports to represent them does not. Nobody really does. As I have said, the Maoist leadership is a failure. The great leap forward failed. The great flying leap failed, and the great proletarian cultural revolution failed in a wave of unprecedented blood letting.

Mao has largely lost the helm to a group of generals to whom power and not dialectic is the key and the objective.

What Senators Fulbright and McGovern and our "meaningful dialog" proponents are really contending is that there is some benefit to be found in intercourse, not with the men in the fields and factories, but with a tiny hard core of men,—Mao and his threadbare satellites.

And just who are they?

They are a band of nihilistic Marxist brigands who have survived literally by killing off the opposition wherever they found it. Their murders have numbered 15 million since 1949.

They are a group of arrogant and frightened men who have failed in every one of their social experiments, who inspire no loyalty among their people, who really have less popular mandate than Atilla the Hun.

They are a group of perennial losers who, in 1967 and 1969 came within an eyelash of being destroyed as they attacked the very fabric of their own regime.

They are a group of vicious minds who labor under the grotesque idea that they must remake the world; who hate us and all we stand for with a bitterness that defies description; who have supported, sustained and nourished our enemies wherever and whenever they could.

Dialog with them? We might as well get in bed with a nest of rattlesnakes, that is, assuming they would be willing to get in bed with us, which is doubtful.

There is a Chinese proverb that is applicable here,—"If you wish to know the road ahead, inquire of those who have travelled it."

Inquire of our British cousins.

They were anxious to create a "meaningful relationship" with Mao and his bandits because of the economic benefits. "Seven Hundred and Fifty Million Customers," they said. After two years of humiliating haggling, they finally got the Maoists to sign a paper that was supposed to begin a diplomatic and economic give and take.

What become of it?

Ask the British businessman, a tiny trickle of trade, perhaps sixty million dollars annually, and a negative trade balance at that.

Seven hundred and fifty million customers—all broke.

Ask Sir Donald Hopson, Her Majesty's Ambassador to Peking, who, at the beginning of the Red Guards fiasco in 1966, had to stand while Mao's bullies beat him physically, sacked his Embassy and violated the Embassy's women before his eyes.

Ask the Russians—Mao's idealogical cousins, and bandits in their own right. Ask them about dialog with the Chinese Marxists.

Ask the Black African countries that have been disillusioned by their presumed Chinese benefactors.

Ask them to tell us why they threw the Reds out.

Ask them all. Ask them all just how much "meaningful dialog" they had with a "quarter of all mankind". And ask them how they would behave if they had it all to do over again.

The fact is, the United States of America has an opportunity today that comes to a few generations. It has both the chance and the challenge to contribute directly to the peace of the world by standing up and telling it like it is, to say, with the confidence of the world's own experience, that there is no such thing as "meaningful dialog" with cut-throats, that where the Mao group is concerned, no written agreement has any value.

"You cannot wrap fire with paper," said a Chinese philosopher.

We can be the rallying point to the whole world on this issue if only we cease equivocating and raise our national voice with the truth.

Dialog with China? There is no argument there. Certainly, we must have it and, if it were definitely in our selfish national interest to do so, we would be justified in dealing with the cut-throats this very day.

But it is not in our selfish national interest. There is no pressure whatever on us to dignify them or help perpetuate them. There is no pressure whatever on us to demoralize the opposition to Mao inside China.

There is no significant promise of fruitful trade with them; not now, or in the early future.

There is certainly no promise of greater security for us in talking with Mao and his irresponsible chauvinist comrades.

It will be far better to talk when there is someone respectable and responsible to talk to. If we will just wait, the Chinese people will throw them out for us. All we need to do is be patient.

"There is a day to cast your nets, and a day to dry your nets," say the Chinese.

We will do well to dry ours for awhile. And that, I submit, should be our national policy.

CONCLUSION

At the beginning, I offered the generalization that China is in both torment and in ferment, and that her torment is critical to the world.

I hope the picture I have projected through the eyes and lips of others, gives meaning to those words.

I hope I have been able to underscore truths that we cannot—that we dare not—elude.

First, the peace of the world—the tranquility of the United States of America—are at stake in Asia.

Second, the economic well-being—the standard of living—of the United States of America—are at stake in Asia.

If we walk away from our commitments there, we can expect results so bitter that a generation of Americans will have to pay dearly—in terms of encouragement beyond measure to Red China, with the specter of a Communist dominated Southeast Asia—to include Singapore, Burma, Malaysia and maybe Indonesia.

Whether we like it or not, whether we want it or not—the United States of America has a role to play in Asia.

Ming Yun I Ting.

It is decreed.

If Americans believe in their country and their future, they will heed this ancient counsel.

AMERICA MUST WAKE UP TO THE DANGER OF PAKISTAN CRISIS

Mr. CHURCH. Mr. President, Crosby S. Noyes, the noted editor and columnist for the Washington Evening Star, has written a succinct critique of the Pakistan civil war and the threat it poses to world peace. He urges the United States to face up to the danger of the Pakistan crisis. He writes:

It is a question of whether the United States, as one of the major suppliers of aid to Pakistan, is going to join in the effort of repression and contribute to the threat.

Mr. Noyes continues:

It is the height of self-deception to pretend that any part of this aid is going to help the wretched millions in the eastern province. What it is doing is sustaining the government in Islamabad in a campaign of repression that is unparalleled in modern history, and creating the conditions for a major catastrophe.

I agree with this analysis. That is why Senator SAXBE and I have offered a remedial amendment to the Foreign Assistance bill.

I ask unanimous consent that the text of amendment No. 159 to S. 1657 be inserted at this point in the RECORD.

There being no objection, the text of the proposed amendment was ordered to be printed in the RECORD, as follows:

SEC. . All military and economic assistance, and all sales of military equipment and weapons, whether for cash, credit, or any other means, to Pakistan, authorized or appropriated pursuant to this or any other Act, and all licenses for military sales, shall be immediately suspended and no commitments or expenditures, including the provision of debt relief, shall be undertaken or made, until distribution of food and other relief measures, supervised by international agencies, take place on a regular basis throughout East Pakistan and the majority of refugees in India are repatriated to East Pakistan: *Provided, however,* That these provisions shall not prohibit expenditures of previously appropriated funds pursuant to binding written agreements between the Government of Pakistan and the Agency for International Development in force on or prior to June 8, 1971.

Mr. CHURCH. I think the Congress and the Executive should heed Mr. Noyes' conclusion:

In the long run, it will not be possible for West Pakistan to keep the more numerous population of the eastern province subjected by force. It will not be possible either, for India to absorb the millions who have fled the repression. It is time for the United States to face up to the desperate urgency of the situation that is developing and to draw the proper conclusions.

I ask unanimous consent that the article by Crosby S. Noyes be printed here in the RECORD.

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

[From the Washington Evening Star, June 15, 1971]

WE MUST WAKE UP TO DANGER OF PAKISTAN CRISIS

(By Crosby S. Noyes)

The situation that has developed in East Pakistan and western India is not only a human tragedy of staggering proportions, it also is a threat to world peace which this country can ignore only at its own considerable peril.

The apparent indifference of American public opinion to what is going on is ominous and ugly. It implies either a parochialism that borders on lunacy or else a belief that the problems of Asia are so vast and intractable that there is nothing that can be done about the agony and destruction of millions of human beings.

The facts, at least, are brutally clear.

Since March 25, when West Pakistan launched its campaign of murderous repression against its secessionist-minded eastern province, upwards of 6 million East Pakistanis have fled across the Indian border into West Bengal. They have brought with them an epidemic of cholera which has spread like wildfire through some 500 makeshift refugee camps set up near the border.

Despite the frantic efforts of the Indian government and sporadic help from the rest of the world, the situation is completely out of control. No one knows how many thousands of exhausted men, women and children already have died. At least 100,000 new refugees still are arriving daily. Cholera has now spread to Calcutta, whose population has swollen to 12 million and whose sanitation is the worst of any city in the world.

The influx poses an intolerable threat to the Indian government, whose own population is chronically near the starvation point. Millions of dollars are being spent to feed the refugees by a country desperately short of everything except people. West Bengal already is the most unstable of the Indian states and the arrival of millions of destitute Pakistanis is a prescription for disaster on a vast scale.

India's Prime Minister Indira Gandhi has told the Parliament in New Delhi that "conditions must be created to stop any further influx of refugees and to ensure their early return."

"If the world does not take heed," she said, "we shall be constrained to take all measures as may be necessary to ensure our own security and the preservation and development of the structure of our social and economic life."

But the conditions for the return of the refugees have not been created, and the world is taking incredibly little heed of the dangers involved. Although the government of West Pakistan continues to talk reassuringly about how quiet and secure conditions in the eastern province are today, the people keep coming and none shows a disposition to return.

And so the Indians are talking publicly and seriously about the possibility of war. Even a man like Jaya Prakash Narayan, who has devoted his life to the teachings of Gandhi and worked for years in the interests of India-Pakistan reconciliation, does not rule out the possibility as a last resort.

Narayan has been in this country trying, without much apparent success, to alert American officials to the gravity of the danger. In his view—and that of a good many neutral observers as well—the disintegration of Pakistan is irreparable. The question is simply whether West Pakistan, in its effort to rule its eastern province as a colonial possession, will create a threat to India which cannot be tolerated.

It also is a question of whether the United States, as one of the major suppliers of aid to Pakistan, is going to join in the effort of repression and contribute to the threat. Arms aid to the government of West Pakistan has been "under review" since March. But economic aid, in the form of loans and grants, is still continuing.

It is the height of self-deception to pretend that any part of this aid is going to help the wretched millions in the eastern province. What it is doing is sustaining the government in Islamabad in a campaign of repression that is unparalleld in modern history, and creating the conditions for a major catastrophe.

In the long run, it will not be possible for West Pakistan to keep the more numerous population of the eastern province subjected by force. It will not be possible, either, for India to absorb the millions who have fled the repression. It is time for the United States to face up to the desperate urgency of the situation that is developing and to draw the proper conclusions.

DATE IS BEST WAY OUT

Mr. McGOVERN. Mr. President, in the Washington Post on April 11 of this year, one of this country's most prominent diplomats, Mr. Charles W. Yost, wrote one of the most compelling pieces I have seen on the sources of our involvement in Indochina, the errors of our policy, and the best means of extrication.

As Members of the Senate know, the President thought so highly of Mr. Yost's distinguished record as a career diplomat that he appointed him as U.S. Ambassador to the United Nations, a capacity in which Mr. Yost served for 2 years, through February of this year.

Among the conclusions of his article is the recommendation that—

We should promptly and publicly fix a date for the total withdrawal of *all* U.S. military forces from South Vietnam—subject only to North Vietnamese agreement to commence releasing U.S. prisoners as soon as the date is fixed and to complete the release of *all* prisoners *before* withdrawal is completed.

Mr. President, I ask unanimous consent that the article I have described be printed at this point in the RECORD.

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

A WAY TO DISENGAGE FROM VIETNAM

(By Charles W. Yost)

In 1968 I prepared for the Carnegie Endowment on International Peace and Council on Foreign Relations a paper in which I urged that the recently commenced negotiations in Paris be used to seek a political settlement which, I pointed out, would require "substantial and painful concessions" by both sides.

It was perfectly clear that Hanoi would not accept a settlement which left the Thieu-Ky government in power indefinitely or which provided for elections to be carried out by that government, even with some international supervision. There is a strong tendency among Asian voters, even in relatively free elections, to accept "the mandate of heaven"—that is, to vote for the party in power. To Hanoi, elections managed by the present Saigon government would mean loss of all it had fought for so long and so hard.

My paper suggested, therefore, that we explore seriously and urgently in Paris whether the North Vietnamese would accept a neutral interim government to carry out elections, a government from which both the Thieu partisans and the National Liberation Front would be excluded or, alternatively, one in which both would be included but in a minor role. If this were possible, I thought an immediate cease-fire could be brought about and the war rapidly wound down. If Hanoi insisted on an interim government which the NLF would clearly control, that would be unacceptable to our side and the negotiations would fail.

This paper was just about to be circulated to the members of the two organizations which sponsored it when I was offered by the incoming Nixon administration the post of U.S. ambassador to the United Nations. The first request which was made to me after I accepted the post was that this paper not be circulated. It was clearly inconsistent with the policy which the administration intended to follow.

During my two years' service with the administration, I was not involved in any way in the formulation or execution of its policy toward Southeast Asia. My advice was never asked on any substantive aspect of the problem nor was I involved in any National Security Council deliberations on it. I therefore watched from the sidelines with growing apprehension and heartache the prolongation of our military effort in Vietnam far beyond what seemed to me a rational or justifiable point.

In October, 1969, I was moved to submit a memorandum to the administration in which I made this argument as strongly as I could. I urged that we either "bring about a drastic change in the character of the Saigon government as a basis for political settlement" or, if that was considered to be unacceptable, that we "substantially accelerate troop withdrawals without a political settlement."

I never received any response to this memorandum. On the contrary, the Paris negotiations were allowed to degenerate into a charade and troop withdrawals continued at the same deliberate pace which in April, 1971, still leaves 300,000 American troops in Vietnam. Even last Wednesday's announcement by the President of slightly accelerated withdrawals would leave about 180,000 Americans there at the beginning of 1972, nearly seven years after our major involvement in the war began.

It was and still is quite clear that, despite the Nixon Doctrine and the commitment to "Vietnamization," the President and his national security adviser, Dr. Henry Kissinger, continue to believe that "victory," in the sense of the maintenance of power of the Thieu-Ky government, can still be achieved, and that continued substantial U.S. participation in the war for this purpose is not only acceptable but necessary.

They contend that all their military actions, both defensive and offensive into Cambodia and Laos, are designed to reduce American casualties, to protect American forces as they withdraw and to secure the release of American prisoners of war. Actually, there seems little doubt that, if the administration were prepared either to ac-

cept a political settlement involving a change in the Saigon government or to fix a proximate date for the total withdrawal of U.S. forces the North Vietnamese would be only too willing substantially to reduce hostilities as well as to release all U.S. prisoners by the time U.S. withdrawal was completed.

AN EMOTIONAL BASIS

It appears more likely that the real reasons why the President and Kissinger are preoccupied with at least the appearance of victory in Southeast Asia are: (1) the simplistic conception stamped on their minds in their politically formative years and never relinquished of an apocalyptic bipolar global struggle between communism and the "Free World" in which any setback to either side anywhere threatens critically the delicate balance of power everywhere; (2) their fear that the loss of South Vietnam after the expenditure of so much American blood and treasure in its defense would produce a domestic political upheaval in the U.S. which would discredit their administration and throw the Republican Party into the arms of its right wing, and (3) the panic which seems to overcome any American President at the thought of being the first "to lose a war."

These deeply felt emotions are, I suspect, much more decisive with the President and Kissinger than are the more prudent considerations which led them to proclaim the Nixon Doctrine. They cannot yet bring themselves to renounce military "options" involving U.S. forces which they still hope will preserve the status quo in South Vietnam and which the American public could still be persuaded to tolerate. The President has, partly by the exercise of his own rhetoric, persuaded himself, as President Johnson did earlier, that the "loss" of South Vietnam, however it came about, would be an intolerable "humiliation," would cause the U.S. to be considered by both foes and friends, "a pitiful, helpless giant" and would fatally blot the reputation in history of the President who presided over it.

Actually, of course, the more leaders use this sort of language in public, the more they create the atmosphere which could make it self-fulfilling. It is at least as reasonable to contend that the U.S. has, after six years of massive engagement itself and a vast buildup of the ARVN, far more than fully met any obligation it might have had to self-determination in Vietnam. If the government of South Vietnam cannot in 1972 maintain itself without U.S. military involvement, it is unlikely to be able to do so in 1973 or at any time thereafter.

Moreover, it would now seem to be demonstrated that no practicable expansion of the war is likely to be profitable or even tolerable. The Cambodian "incursion" last year and the Laotian "incursion' 'this year, while they produced marginal tactical advantages, have had two much more prejudicial strategic consequences: (1) they have seriously overextended the South Vietnamese forces which we have been trying to prepare to defend their own country and, in the Laotian case, have badly damaged their morale; (2) they have so aggravated U.S. public dissatisfaction with the whole Southeast Asian enterprise that, as the polls indicate, a majority of Americans now wish to withdraw almost immediately. Under these circumstances no further expansion of the war, concerning which the President still seems determined to keep his "options" open, lies within the realm of political reality.

In this connection, neither the administration nor the public has faced up to the role, present and future, of U.S. airpower in Southeast Asia. The impression is, however, emerging that the massive way in which it has been used in South Vietnam since 1965, and in Laos and Cambodia more recently, is not only indecisive and often counterproductive in a war of this character, but is so undiscriminating between combatant and noncombatant, so devastating to the lives and livelihood of friends more than of foes, so cruel and inhuman in its scale and consequences, that it is unjustifiable under either the laws of war or the laws of humanity.

AN ABSOLUTE DEADLINE

In summary, in light of all this tragic history and these inexorably accumulating facts of life, what should the United States do *now* about getting out of Southeast Asia? I would propose the following five steps.

1. We should promptly and publicly fix a date for the total withdrawal of *all* U.S. military forces from South Vietnam—subject only to North Vietnamese agreement to commerce releasing U.S. prisoners as soon as the date is fixed and to complete the release of *all* prisoners *before* withdrawal is completed. This date should preferably be Dec. 31, 1971, but, if this should turn out not to be logistically feasible or if agreement on the release of prisoners could not be obtained soon enough, it might be March 31 or even June 30, 1972, but certainly no later.

2. At the same time that we fix a date for withdrawal, we should propose a general cease-fire, to take effect at once or at any time prior to completion of withdrawal. We should *not*, however, make withdrawal conditional on a cease-fire. Acceptance of a general cease-fire would mean that the status quo throughout South Vietnam, and perhaps Laos and Cambodia as well, would be frozen while the Americans were withdrawing. It seems unlikely that such a freezing for a period of many months would be acceptable to either the North or South Vietnamese. On the other hand, after a date had been fixed for U.S. withdrawal, local cease-fires to facilitate withdrawal might be quite feasible.

3. Before announcing a fixed date for U.S. withdrawal, we should offer the South Vietnamese government a last opportunity to negotiate a political settlement on the only basis on which it might conceivably be negotiated—that is, an interim government acceptable to both sides to carry out elections. Obviously, if Saigon were willing to try to negotiate such a settlement, it would have a better chance of doing so successfully while the Americans were still militarily present in Vietnam and participating in the Paris negotiations. Since, however, I very much doubt that the Thieu-Ky government would agree to negotiate a settlement of this kind, even faced with the prospect of early U.S. withdrawal, I should not suggest delaying for this purpose for more than one month the announcement of a terminal date for U.S. withdrawal.

4. We should, simultaneously with this announcement, propose to all participants in the Geneva Accords of 1954 and 1962 return to the full application of those accords, with such modifications as changed circumstances require or as seem desirable to all concerned, but specifically including withdrawal of *all* foreign forces (including North and South Vietnamese) from Laos and Cambodia and reaffirmation of the neutralization of these two countries. One modification of the accords which would be most desirable, if it could be obtained, would be the creation of more effective supervisory machinery than the old International Control Commission. If a new Geneva Conference were necessary to accomplish these ends, as it very likely would be, such a conference, with the same or larger participation, should be convened as soon as possible. The conference could also concern itself with Vietnam, if the governments of both North and South so desired, but it would not necessarily do so.

5. We should at the same time reiterate the offer we have made in the past to contribute substantially to a program of economic rehabilitation, reconstruction and development in North and South Vietnam, Laos and Cambodia, to be carried out preferably under United Nations auspices.

Achievement of the objectives proposed under these five points seems to me realistic and practicable. Achievement of the objectives apparently still being pursued by the administration seems to me an empty fantasy, the continued pursuit of which under present circumstances would be disastrous to the security, welfare and moral character of the American people.

EIGHT ERRORS CAUSED OVERINVOLVEMENT

(By Charles W. Yost)

The direct and massive U.S. military involvement in Southeast Asia beginning in 1965 was grossly disproportionate to any national interest the United States had in the area, and soon proved to be prodigiously damaging to the welfare of the Vietnamese and Laotian people. There are many reasons why this highly motivated but disastrous miscalculation by U.S. leadership occurred. In my view, eight major errors of judgment caused us to get in so deeply:

1. The first was the belief that Communist China had in the 1950s and 1960s both the intention and the capability to extend its dominion beyond its borders, especially southward either through invasion or, more probably, through "wars of national liberation" which it would inspire and support. In the cooler light of hindsight we can now note that, with the exception of the war in Korea, which was certainly felt to be defensive, and the war in Vietnam, which derives almost wholly from Vietnamese rather than Chinese inspiration, Communist China has shown little intention or capability of involving itself directly or indirectly in military adventures ouside its borders.

2. The second mistake in judgment, the "domino theory," was the belief that Southeast Asia outside Vietnam was acutely vulnerable to wars of national liberation or to subversion and takeover; that if South Vietnam fell, others were almost certain to follow. This error arose from an undiscriminating extrapolation of the situation in South Vietnam, which for 10 years prior to 1954 had been deeply infested at the grassroots with Communist cadres, to the rest of Southeast Asia, which had not been penetrated to anywhere nearly such a degree. Of course the extension and conduct of the war in recent years have made Laos and Cambodia much more vulnerable to takeover than they were in the 1950s.

3. A third error in judgment was the belief that North Vietnam, if partially or wholly victorious in the South, would serve thereafter as a compliant instrument of Communist China. Actually, as the history of the past 25 years has amply demonstrated, only the Yugoslav Communists have rivaled the North Vietnamese in stiff-necked recalcitrance and independence.

4. The fourth error was in imagining that NATO could be duplicated in Southeast Asia and in setting up there a purported military coalition which was in fact only a facade for unilateral U.S. support of several weak countries. Nevertheless, SEATO had the effect of committing the United States to a deeper and more formal involvement in Southeast Asia than was wise, without in fact significantly increasing its capabilities there.

5. Perhaps the most decisive mistake made in Vietnam and, for a time, in Laos was, on the one hand, U.S. insistence that regimes it supported be 100 per cent anti-communist and antineutralist and, on the other, its failure effectively to insist that the support

it so unstintingly provided these regimes be used to carry out reforms which might have given them an expanding popular base.

6. The sixth mistake arose from the extravagant faith in "counterinsurgency" which swept Washington in the early 1960s. Based on the correct assessment that Communist aggression was henceforth more likely to take the form of insurgency than of massive attacks across frontiers, it nevertheless enormously overestimated the capability of *U.S. forces,* no matter how thoroughly trained for this purpose, to conduct this highly sophisticated and acutely political type of warfare in environments where language, customs and physical conditions were so wholly alien to them.

7. The seventh error was also a military one: U.S. insistence on organizing and training most of the Vietnamese forces, from 1954 on, to fight a European or Korean-type war rather than to counter insurgency. Serious efforts have been made in recent years to correct this error but even now the ARVN is still trained to fight with massive air and artillery support, which obviously will be far less effectively available when the Americans depart.

8. The final error of judgment occurred repeatedly *after* our massive involvement, when we so often neglected or fatally compromised potential opportunities for negotiation, either for ephemeral military advantage or for fear of causing trouble with and for the Saigon government.

A FEDERAL JUDICIARY COUNCIL

Mr. ALLOTT. Mr. President, an editorial in the May issue of Judicature speaks with clarity and force on behalf of S. 1440, a bill to establish a Federal Judiciary Council.

So that all Senators can consider this editorial I ask unanimous consent for it to be printed in the RECORD.

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

IN SUPPORT OF THE PROPOSED FEDERAL JUDICIARY COUNCIL

In a widely-publicized interview last December, Chief Justice Warren E. Burger called attention to a function of the Lord Chancellor of England which presently has no counterpart in this country. He said:

"The Lord Chancellor in England is the highest judicial officer, but he devotes only a limited time to purely judicial duties. He is also Speaker of the House of Lords and a member of the Prime Minister's cabinet. Thus, he has access and constant communication with all three branches of government and can keep the executive and legislative branches fully informed on almost a day-to-day basis."

Although our governmental system is based upon the principle of separation of powers, the three branches, executive, legislative and judicial, are closely interrelated and interdependent in many ways. In the federal system, the executive appoints the members of the judiciary, and the Congress appropriates the funds for their salaries and operating expenses. Each of the other two branches has its own responsibility for the judicial branch, yet there never has been and still is not, any permanent official channel of communication between them.

The nearest thing to it has been the addresses of the chief justices before the American Law Institute and the American Bar Association, which have served in an informal way as an annual report on the state of the judiciary. To this should be added, of course, the comprehensive annual reports of the Administrative Office of the United States Courts and the frequent appearances of representatives of the judiciary before budget and other committees in connection with appropriations and other legislation affecting the judiciary.

Now a bill, S. 1440, introduced by Senator Gordon Allott of Colorado, proposes establishment of a new agency, the Federal Judiciary Council, composed of two representatives each of the executive, the legislative and the judicial departments,

". . . whose purpose shall be to advise the Congress, the Executive and the Judicial Conference of the United States on matters affecting the administration of the courts of the United States."

The bill proposes that the Council report to the Congress at least once a year—

". . . with respect to the impact of proposed legislation on the administration of justice in the federal courts, the desirability of legislation to modernize court procedures and thereby ease court congestion, the necessity for additional personnel and facilities, and the appropriate allocation of judicial functions to the federal courts."

In his statement on the Senate floor, Senator Allott noted that the proposed council would be quite a different entity from the Judicial Conference of the United States, which is composed entirely of judges representing all parts of the federal system, or the Federal Judicial Center, which is a research and educational arm of the judicial branch. The Federal Judiciary Council would undoubtedly draw heavily on these and other agencies and resources in formulating and substantiating its recommendations, and as an organ of all three branches of government its pronouncements could be expected to carry more weight than those from any one branch alone.

Some people have thought that there are already too many organizations and agencies in the field of court improvement, and they automatically recoil at the thought of another one. We suggest that the great progress of the past decade has been precisely because so many were on the job. Whenever it appears that another one could serve a particular purpose, it should be welcomed by all. The National Center for State Courts endorsed by the President and the Chief Justice in Williamsburg will render a useful service as a means of communication, coordination and cooperation among them.

In another equally important dimension, the proposed Federal Judiciary Council can be a medium of communication, coordination and cooperation between the judicial and the other two branches of the government with respect to their common interest in judicial matters. Its concept comes very close to the ministry of justice which we have long urged as a needed addition to our governmental structure. Enactment of this legislation will provide a valuable boost for the score or more of state judicial councils, and a useful new ally to those agencies already at work on improving the administration of justice in the federal courts.

CAMBODIA REVISITED

Mr. CHURCH. Mr. President, more than a year has passed since American ground combat troops, air forces, and naval squadrons invaded Cambodia. Mr. Henry Bradsher, chief diplomatic correspondent of the Washington Evening Star, revisited this once peaceful country to take another look at the results of this U.S. intervention. His findings bode badly for the future. He reports:

The proudly independent and theoretically nonaligned nation of Cambodia has become an American dependency. U.S. economic aid, U.S. armaments, and U.S. tactical air support are essential to its continued existence in its present unified non-Communist form.

While Mr. Bradsher was sending his dispatches out of Phnom Penh on the state of Cambodian affairs, South Vietnamese troops were being routed from Snoul, a key Cambodian border town. The reports and the retreat cast more doubt on American claims of success in last year's invasion and on the administration's assurance that the South Vietnamese can hack it.

I ask unanimous consent that Mr. Bradsher's series on Cambodia be printed in the RECORD.

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

[From the Washington Sunday Star, May 23, 1971]

INTERPRETIVE REPORT—CAMBODIA: U.S. DEPENDENCY

(By Henry S. Bradsher)

PHNOM PENH, CAMBODIA.—The proudly independent and theoretically nonaligned nation of Cambodia has become an American dependency. U.S. economic aid, U.S. armaments, and U.S. tactical air support are essential to its continued existence in its present unified, non-Communist form.

From the lowest level of political awareness among the Cambodian people to the top of the government, there is an assumption that they will continue to need American aid—and will get it. There is no sign that the dependence on American help will end in the foreseeable future. The need might, instead, grow.

The assumption is that the United States has a moral obligation to Cambodia which is as strong as any written treaty, and that the United States has helped create and has accepted this obligation.

Neither Washington nor Phnom Penh has sought to establish a formal treaty tie.

A treaty would destroy Cambodia's claim to neutrality, so officials here do not want one. They feel they have the best of both worlds this way: most kinds of U.S. help that a treaty would provide, but the continued claim of neutrality.

The claim has been rejected by many nonaligned nations since the dependence began developing in April 1970. But it remains a potentially useful diplomatic tool.

As for the United States, it has not sought to formalize by treaty or even to specify clearly the nature of its commitment, beyond references to the Nixon Doctrine. The mood of the U.S. Congress is felt here to be the main reason for this vagueness, even though in no other country has that doctrine been used to develop such a degree of dependency.

The American help provided to Cambodia within an understood rather than written framework has been limited both in nature and in manner of application.

This help does not include "ground combat troops," the component which distinguished U.S. help to South Vietnam from aid to other Southeast Asian nations. Cambodia once wanted them, but that time has passed.

The help has so far been provided for the Cambodians to use themselves. There is no evidence of a system of covert control by Americans, of the kind that distinguishes U.S. help to Laos, being built up here.

U.S. ROLE STUDIED

Some observers here see the possibility, however, that a U.S. role in managing Cambodia could grow out of the present dependence. They think this is implicit in the relationship, despite American assertions that it will not be allowed to happen.

Cambodians show a spirited pride in the right to run their country.

It is a pride of having escaped the autocratic tutelage of Prince Norodom Sihanouk, whom they ousted from power on March 18, 1970. While his country has moved into dependence upon the United States, he has become a Chinese client in Peking.

Parallel with this pride, there is a developing psychology of reliance upon the United States. Few Cambodians see any inconsistency in this.

Conversations with a number of private and official Cambodians reveal an assumption that it is only just and right for the United States to have the responsibility of providing this help into the indefinite future, since Cambodia is the victim of Vietnamese Communist aggression.

Cambodians emphasize to Americans the Communist aspect, although what many of them fear the most for historic reasons is Vietnamese imperialism.

The help which Hanoi receives from other Communist countries is often cited as meaning the United States automatically should help Cambodia. The point is made by officials who would reject the bolder idea of their being proxies in a broader East-West conflict instead of simply defending the Cambodian homeland.

The American attitude has seemed from here to have been more obscured than clarified by public statements.

Aid "involves no commitments," the State Department has said. "The U.S. government is committed to a neutral government in Cambodia," Secretary of Defense Melvin Laird has said.

AN UNWRITTEN TREATY

The Cambodian foreign minister, Koun Wick, said in an interview that he feels there is an unwritten treaty between the two countries.

"I am convinced that there really is a moral obligation of the United States to help," he said. "We are confident that the United States will continue to help us."

But he expressed apprehension about what might happen when U.S. military power is withdrawn from neighboring South Vietnam.

The foreign minister suggested that perhaps U.S. tactical air support for the Cambodian army could be continued from bases in Thailand or the Philippines after American warplanes are withdrawn from South Vietnam.

The president of the National Assembly, Yem Sambaur, said in a separate interview that "people are afraid of being dangerously exposed when the United States leaves Vietnam. The United States must continue to help us as long as the war goes on."

The thought has occurred to a few Cambodians that the United States might be propping their country up only long enough to extricate itself from Vietnam. But this is looking farther ahead than most people here are doing.

CARE DURING CRISIS

Despite the potential power of the United States over a dependent country, it is generally agreed by Cambodians and diplomatic observers here that there has not been significant U.S. interference in Cambodian internal affairs up to now.

The U.S. Embassy here was especially careful not to appear too interested in the recent cabinet crisis. An Asian ambassador commented that U.S. Ambassador Emory C. Swank "might go down in Cambodian history as 'the invisible ambassador.'"

But a European ambassador noted that all the possible new cabinet combinations being discussed during the crisis involved people dedicated to continuing the policies which Washington approves. This ambassador wondered whether the United States would be so forebearing if a "peace party" willing to compromise with Hanoi arose as a possible government here.

A frequent refrain in conversations with Cambodians is the need for American advisers in civilian government jobs.

There is an eagerness to learn new and presumably better ways of doing things, to be brought up to date on world practices. Some political leaders say advisers would benefit Cambodia without acquiring undue influence.

"For 10 or 12 years we got bad advice and did things the wrong way," said one senior leader, referring to Sihanouk's heyday, "and now we need to be told the right way to do things."

The U.S. Embassy does not want to hear any requests for advisers. The "low profile" which it understands that Washington wants to try to keep in Cambodia is inconsistent with putting Americans into advisory roles.

Nonetheless, in the process of giving military and economic aid, embassy officials find themselves also giving advice.

AMERICAN HELPFULNESS

This ranges all the way from getting army recruiting temporarily halted so that records can be sorted out, to providing officials into ordering fuel far enough ahead to prevent temporary shortages, to insisting that truck convoys be planned enough in advance to insure that air cover can be arranged.

When asked about such examples of an indirect U.S. role in making the government run properly, senior Cambodian officials at first look blank.

Then, when asked about specific cases, they dismiss them as simply being examples of American helpfulness. There is no resentment, no concern about interference.

The number of Americans in positions to offer advice is small.

The economic aid section of the U.S. Embassy has only four officers, which is hardly enough to keep up with Washington's paperwork requirements on foreign aid. This number is kept artificially low, however, by the use of temporary duty personnel.

The military aid office has 16 "military equipment delivery team" members. Swank has to approve each case of additional American military men coming in from South Vietnam.

The bulk of the military aid work is done in Saigon, with the embassy here housing only the forward detachment. This is the same pattern that was established for American military aid going into Laos through Thailand when Swank was the No. 2 man in the U.S. Embassy in Laos.

The Cambodian inclination to take advice is more noticeable on the military side.

From the American in daily contact with the Cambodian general staff to the U.S. officers in South Vietnam who plan river convoys up the Mekong to Phnom Penh, there is a lot of advice given and accepted.

VISIBLE AID TOTAL

The total amount of visible U.S. aid to Cambodia in the fiscal year ending June 30 is $262.4 million. It is likely that such invisible items as the cost of tactical air support and American contributions toward the operations of South Vietnamese troops in Cambodia more than double this figure.

For the fiscal year beginning July 1, the U.S. government presently plans visible aid of about $310 million. Almost half of this will be for ammunition.

In terms of U.S. support for South Vietnam or even for Laos, this is fairly cheap. But its impact on Cambodia is tremendous.

Almost all the things which this agricultural, unindustrialized country cannot produce itself for its army and for its civilian economy are now being provided by the United States. U.S. aid covers virtually all import needs.

[From the Washington Evening Star, May 24, 1971]

WAR IN CAMBODIA KILLING ITS ECONOMY

(By Henry S. Bradsher)

PHNOM PENH, Cambodia.—Cambodia will earn just about enough money from its exports this year to pay the interest charges on foreign loans. There might be a little change left over.

That assumes, however, that the already grim economic predictions of officials here do not turn out to be too optimistic—as has been happening regularly in the first 14 months of war in Cambodia.

As for paying for all the things that an agricultural country needs to import in order to be part of the modern world, Cambodia cannot.

It will remain part of the world economy, and its 7 million people will enjoy some of the benefits of modernization—but only because of American aid.

U.S. PICKS UP BILL

Virtually the entire import bill is being picked up by the United States. Small amounts of economic aid have come from Australia and Britain, but Japan has stalled off a Cambodian request for $20 million.

The United States has promised $70 million in import aid and $8.5 million in PL–480 commodities in the year ending June 30. The Nixon administration has asked Congress to allocate Cambodia another $110 million for the fiscal year beginning July 1, and some PL—480 items might be added.

The Indochina War has destroyed Cambodia's ability to support itself at much better than subsistence level for the time being.

In some ways, it is only temporary destruction. Rice would be available for export if internal transportation could be restored. In other ways, the destruction is more permanent. Rubber estates, for example, would take some time to restore, when and if peace returns.

ESTIMATES FAR OFF

Six months ago 1970 exports of rice, rubber, corn, beef and other items were expected to earn $45.6 million despite the war (1969 was $62 million). The National Bank now gives the 1970 figure as $40.2 million.

Imports last year were held down by the government's conservatism, in view of the declining exports, to about $37.5 million. But the economy demands far more on a recurring annual basis than that.

The estimates six months ago were 1971 needs of $78 million in civilian imports. Now the estimate is around $90 million with higher transportation and related costs plus inflation pushing the total to the $110 million aid figure.

Last autumn an American economic survey estimated the loss that would be caused to the Cambodian economy by the war in 1971 at about $100 million, including extra import needs. Now, a not directly comparable figure for estimated 1971 losses just from lower domestic production is $136 million.

And exports, which had been guessed at maybe $20 million in 1971, and were more recently estimated by the Cambodian government at $14 million, now look like they'll be around $10 million.

$8.4 Million Interest Compared with these export earnings, Cambodia owes $8.4 million interest on its foreign debt this year.

It already has paid out $3 million, including $780,000 to the Soviet Union, East Germany and Czechoslovakia. But it decided not to pay $606,000 due to Yugoslavia, which has recognized the exile Cambodian government of Prince Norodom Sihanouk in Peking.

Foreign Minister Koun Wick said in a recent interview that Cambodia is considering asking for a debt moratorium because of the war.

The main export in the first three months of 1971 was rice, always Cambodia's mainstay.

The rich rice growing area around Battambang in southwestern Cambodia, the one major area little touched by the war, is continuing to produce good crops. Nationally, rice planting was down 28 percent at the end of 1970.

Getting rice to foreign markets is a problem.

The railroad from Battambang to Phnom Penh and the sea has been cut. Highway transportation is uncertain because of guerrillas. Thailand, which is trying to sell its own rice surplus, has been difficult about letting Cambodia export in the past.

RUBBER EXPORTS HALTED

The second most important export in the past, rubber, has stopped entirely. Estimates of the cost of getting rubber plantations back into production start at $14 million and rise according to the delay before they can be reopened.

Some things which Cambodia used to make for itself—in factories built with Chinese, Czech and other aid money—now must be imported. These include cement and rubber tires. Some factories have been destroyed or heavily damaged in fighting.

The transport problem has also contributed to inflation by making it more difficult to get local products to market.

But the major factor in inflation has been the doubling of the money supply from March 1970 to March 1971 as money was printed to pay the tremendous new bill for the armed forces, whose size has increased 600 percent.

Measuring inflation is difficult. A large part of the population lives close to the soil. Most basic necessities like food are sold on an unorganized basis.

The National Institute of Statistics calculates, however, that the working class price index in Phnom Penh, which now has about a million persons, rose 84 percent from March 1970 to February 1971, fell slightly in March and rose again last month.

SALARY INCREASE

The government has recognized this by increasing the pay of its employees. But it is unable to take the basic steps of restricting expenditures or increasing domestic revenue.

U.S. aid will help marginally. Some of the imports financed by it as normal needs of the Cambodian economy, such as gasoline, tires and paper products, will be sold to consumers. This will drain a little money out of the economy.

American aid officials are determined not to get involved in providing new and abnormal types of consumer goods for the sole purpose of sopping up money to check inflation, as the United States has done with sad results in South Vietnam.

American aid instead is intended only to meet Cambodia's foreign exchange requirements at their normal peacetime level, plus providing for additional civilian import requirements caused by the war.

With inflation hardly checked, the value of the Cambodian riel has dropped sharply from the official 55 to one U.S. dollar.

U.S. aid agreements recognized this by figuring a rate of 83. The extra is called a "war tax" that consumers have to pay for goods brought into the country with American aid.

On the black market, the riel has plummeted to more than 160 for a dollar.

It is a small black market. Chinese businessmen and some Cambodians are willing to pay an unusually large amount of riels for the few dollars available. The situation does not permit a proper evaluation of the current international value of Cambodia's money.

[From the Washington Evening Star, May 25, 1971]

POWER STRUGGLE LOOMS IN CAMBODIA

(By Henry S. Bradsher)

PHNOM, PENH, Cambodia.—The recent cabinet changes in Cambodia are having the unplanned result of reviving the National Assembly as a political factor.

The intentions of some assembly leaders to reassert its constitutional powers, in order to combat alleged corruption and abuse of government power, could lead to conflict between the assembly and the cabinet.

The possibility of conflict is heightened by the antipathy of some politicians toward the effective head of the government, Maj. Gen. Sisowath Sirik Matak, who is premier-delegate.

Some observers do not expect a major conflict to develop. They feel that all political elements want the prosecution of the war to take priority over politics.

EFFICIENCY ISSUE

But other observers foresee the possibility of a political division that could affect the war effort and the U.S. role here, particularly in the area of executive efficiency versus parliamentary responsibility.

The United States, which has been trying to encourage governmental efficiency, would have to be careful not to appear to carry this to the extent of encouraging authoritarian tendencies.

Sirik Matak, whom the Americans consider efficient, arouses apprehensions among critics who charge that he still acts in the authoritarian manner of his royal ancestry although the country has become a republic.

The recent cabinet changes ratified and widened Sirik Matak's powers as head of the government on behalf of the sick premier, Marshall Lon Nol. Lon Nol's personal popularity provides the political backing for Sirik Matak.

In the changes, one of the nation's most experienced politicians, Yem Sambaur, was dropped from the cabinet.

Yem was then elected assembly president, defeating a supporter of Sirik Matak.

OUSTER OF SIHANOUK

Yem is now determined to revive the powers of the assembly in Cambodia's parliamentary system. Never very strong under Prince Norodom Sihanouk, the assembly had atrophied in the 14 months since it voted him out of power.

The assembly president then, Brig. Gen. In Tam, went off to fight the war. So did a number of deputies. Others were silenced by membership in the government.

Phnom Penh's students took over by default the role of an opposition.

"Now the assembly must be respected," Yem said in an interview after his election to succeed In Tam, who joined the new cabinet.

Yem said he planned to reactivate assembly committees so they would better oversee cabinet ministries. Instead of officials answering to student groups, the assembly must be the main forum of public review, he said.

Yem repeated widely heard—and widely believed—charges of corruption.

The assembly must investigate these charges and eliminate corruption, he said. Only by eliminating it can Cambodia insure that it will continue to get foreign aid, he declared.

"If people in Washington, if the U.S. Congress, begin to think that their aid money for Cambodia is being used in bad ways, to make a few people rich, then they won't continue to help us," Yem said.

Will Yem's revived assembly get into conflict with the cabinet?

He denied it would, but quickly added that anyway the constitution provided for the assembly to do its duty, and that duty could not be shirked because of possible trouble.

Yem was premier of Cambodia for 15 months in 1949–50. When Sihanouk was ousted in March 1970, he became foreign minister.

There was talk then of a triumvirate, with Lon Nol, Sirik Matak and Yem jointly controlling the new government. But Yem was never so important as the other two.

He soon slipped further below them, becoming minister of justice and parliamentary affairs in the cabinet reshuffle last July 1. Then recently he was dropped.

Sirik Matak supported another former cabinet minister, Op Kim Ang, to succeed In Tam as assembly president.

But Yem, the old parliamentarian, upset him by a vote of 35–34.

YEM'S SUPPORT

Yem's margin of support—and the proportion of assembly members favoring a more active role now—might be wider than that close vote. Several Yem supporters reportedly were absent. Several blank ballots could have signaled an initial reluctance to cross Sirik Matak which is now removed.

Besides Yem, several others left the government and became advocates of assembly assertion. One is Duc Rasy, who had dared to criticize Sihanouk before his ouster. Others include Hoeur Lay Inn, Keo Sranas and Trinh Hoanh.

Cambodia is still trying to write a new post-Sihanouk constitution.

A new constitution would require new elections. But Sirik Matak has separately raised the possibility of elections for a new assembly.

If the present members become too difficult, the government might try to prevent further extensions of their already-expired terms. The government itself would have to be reconstituted from any new assembly, however, so this involves risks.

And trying to conduct elections while the war continues, creating insecurity in large but not too populous areas of the country, would be difficult.

[From the Washington Evening Star, May 26, 1971]

TEN PERCENT OF CAMBODIANS TERMED WAR VICTIMS

(By Henry S. Bradsher)

PHNOM PENH.—About one-tenth of Cambodia's population of 7 million has been classified by the government as war victims.

Most are refugees who have fled the fighting to Phnom Penh and other cities, some are Vietnamese residents who have fled from aroused Cambodian nationalism to South Vietnam, 15,000 have been wounded and 6,500 killed.

Some 18,000 homes have been destroyed, mostly by mortar fire and other ground combat.

MOST NON-AERIAL

The government's commissioner general for war victims, Tian Kim Chieng, estimated in an interview that only about 20 percent of the war's destruction had been caused by aerial bombardment.

Although the Cambodian air force flies some tactical air strikes, and the South Vietnamese air force helps, most of the aerial firepower poured into Cambodia has been American.

But Tian did not think the United States has been responsible for much of the destruction that has created the war victims.

The Cambodian government has not appealed directly to the U.S. government or any other relief for war victims. It has issued

general, rather low-keyed appeals to the world at large.

One of the biggest responses has come from Japan. Its Red Cross has given $3.7 million in equipment.

The International Committee of the Red Cross and Catholic Relief Services are among others that have responded.

Experienced relief officials in a position to be thoroughly familiar with the situation in Cambodia, but not in a position to be quoted by name, say the situation here is pretty good compared with the plight of refugees in many other countries.

There is no starvation. Most of the people classified as refugees have moved in with relatives in the cities or otherwise disappeared from view.

The refugee camps around Phnom Penh now do not look nearly so bad as a lot that this correspondent has seen around Asia.

A FOREIGN ELEMENT

There is a sad illusion in this, however. Last summer there were worse refugee camps in Phnom Penh. They housed ethnic Vietnamese who were trying to escape to South Vietnam after many Vietnamese had been murdered in a venting of Cambodian hatred.

A report on war victims just issued by Tian says 102,130 Vietnamese have now been repatriated to South Vietnam. The Saigon government estimate is nearer 200,000.

Many of them are living now in far worse conditions in South Vietnamese camps than what one sees in Cambodia. So some of the worst of the Cambodian war problem is outside Cambodia.

There also are three groups of Cambodians who fled abroad when the war started because they could not get into safer parts of their own country. Tian estimated 10,000 in South Vietnam, 2,000 in Laos and 1,600 in Thailand.

The flight of people from guerrillas in rural areas and from fighting between the North Vietnamese and Cambodian armies in the countryside and small towns has swollen Phnom Penh's population. Rough estimates, which are the best available, say the capital has gone from 600,000 to a million people since the war began.

Tian lists only 200,000 refugees in Phnom Penh, however, with just 1,523 of them in camps and some 30,000 getting government food and clothing rations. He says Battambang, the nation's second city, has 4,285 in camps, and its population has swollen from 60,000 to 100,000.

SOME IN OTHER CENTERS

Other refugees have been grouped in provincial centers and army towns.

Of the war deaths, fewer than 500 were civilians and the rest military. About 1,000 civilians have been wounded.

The government pays hospitalized civilians as much per week—about 92c, or the cost of three chickens in rural areas—that the bottom rank of government employees earn per day.

Since it was established in July, Tian's department has been provided the equivalent, at the legal exchange rate, of $121,000 in government money for its work.

War victim work by other departments and private agencies raises the amount spent or available to $2.63 million, according to Tian's report. This does not reflect the Japanese contribution.

OPPOSITION TO CERTAIN FARM LABOR LEGISLATION

Mr. TOWER. Mr. President, recent editorials in both of the major Dallas newspapers voice opposition to any farm labor legislation which would permit the firing of farm workers for their refusal to pay dues or fees to labor organizations. The views expressed in these editorials are worthy of your consideration.

The first of these editorials appeared in the June 1 edition of the Dallas Morning News, the second was published in the June 3 edition of the Dallas Times Herald.

Mr. President, I ask unanimous consent that these editorials be printed in the RECORD.

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

NO FORCED UNIONISM

Congressional leaders who have been toying with a proposal to allow farm workers to be fired for not paying union dues have received a solid vote of nonconfidence from the American people opposing the idea.

A survey contracted by the National Right to Work Committee reveals that Americans oppose such legislation by a 5-to-1 margin.

Reed Larson, executive vice-president of the Right to Work Committee, said that the attitude against forced unionism of farm workers cut across all categories of the 2,061 persons interviewed.

Some congressional elements have discussed the closed shop provision in regard to farm labor legislation. It is basically the same attitude that prevailed in 1969 when forced unionism was considered a "sweetener" necessary to get union leaders' approval of reorganization of the Post Office Department. Opposition from the public saved the right to work for postal employes.

Farm workers, like all other workers, should have the right to join or to abstain from joining a union.

Forcing union membership through legislation weakens both the value of unions and the basic right of all workers to decide whether or not they desire to join a union.

FREEDOM FOR FARM WORKERS

Interesting, indeed, is a poll taken by Opinion Research Corp. of Princeton, N.J., in which it's disclosed that 68 per cent of Americans oppose compulsory unionization of farm workers.

What makes the poll so interesting is not merely the degree of support for the right-to-work principle, but the breadth of that support, as well.

Opinion Research Corp. found that every sub-group queried—including young people, Democrats, Republicans, union members, and farm workers themselves—think agricultural workers should make up their own minds about joining unions (notwithstanding that a compulsory unionization clause is likely to crop up in farm labor bills to be considered this year).

By a nine to one margin, farmers and farm laborers are against forced union membership for the laborers. By a six to one margin, young people (ages 18–29) oppose it. And so, by a 2-to-1 edge, do union members themselves.

The finding is impressive. For it shows that although the right to work is protected by statute in only 19 states, a thumping majority of Americans understand the need to be free from unnecessary coercion on the job.

Whatever farm labor law Congress ultimately passes should include right-to-work guarantees—just as last year's postal reform legislation did. For without those guarantees, well-meaning reform would result in serious loss of freedom.

JUSTICE DEPARTMENT WITHDRAWAL OF OBJECTION TO VIRGINIA REAPPORTIONMENT PLAN

Mr. HART. Mr. President, last Thursday, following the announcement by the Department of Justice that it was withdrawing its objection to the Virginia reapportionment plan, I was contacted by several members of the press, who asked me whether I had any reservations about the nature of the Department's action. In response to these inquiries, I issued a statement late that afternoon, which was reported, in part in the press.

I did express some concern about the ambiguity of the Department's statement explaining its action. So that my concern may be clearly understood, I ask unanimous consent that the statement I issued yesterday be printed in the RECORD.

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

SENATOR HART QUESTIONS ATTORNEY GENERAL'S APPLICATION OF VOTING RIGHTS ACT GUIDELINES TO VIRGINIA REAPPORTIONMENT

Only recently, the Justice Department assured members of Congress, including myself, that the Attorney General would apply the correct standard for reviewing submissions under Section 5 of the Voting Rights Act, namely, that the burden of proving there is no discriminatory effect would be upon the State—just as it is when the State sues under Section 5 in the District Court here in Washington. These assurances were obtained only after repeated and widespread expressions of concern from members of Congress and the civil rights community that the Attorney General was applying an erroneous view of who bore the burden of proof when such changes were under review.

This week the Department specifically assured my office that this burden of proof would be applied by the Department in any reconsideration of its earlier objections to the Virginia reapportionment law.

Today the Department has announced it is withdrawing its objections to the portion of the Virginia law dealing with the state assembly. The Department indicated it felt compelled to withdraw its objection because of the decision by the United States Supreme Court in *Whitcomb* v. *Chavis*, which reversed a lower court's disapproval of multi-member districts in Marion County, Indiana (Indianapolis). The Department's Statement read simply:

"Inasmuch as our objection was based on the decision of the United States District Court in *Whitcomb* v. *Chavis*, and that decision was reversed on June 7, 1971, by the Supreme Court, our objection to the House multi-member districting is hereby withdrawn."

This announcement is extremely disturbing. It raises serious questions about the Attorney General's willingness to apply the burden of proof he has recently agreed to follow.

In the *Whitcomb* case, the Supreme Court made clear that multi-member districts were not automatically unconstitutional, and that several important questions had to be answered by whichever party bore the burden of proof—questions concerning the actual impact of the multi-member districts on the access to and exercise of political power by minority group members. In *Whitcomb*, the burden of answering these questions fell on the plaintiffs challenging the plan and the Supreme Court found that it had not been met.

On its face, the Justice Department's statement today suggests a mechanical application of the legal principles controlling in the *Whitcomb* case. But the decision in *Whitcomb* was not under the Voting Rights Act of 1965; the Attorney General's review of the Virginia plan is. The applicable law is different because the burden of proof under the

Act is on the state to demonstrate that there will not be discriminatory impact.

In *Whitcomb*, the opponents were required to demonstrate the discriminatory results; they failed. In Virginia, once the opponents of the districting raised the possibility of discriminatory impact, Virginia was obligated to demonstrate that in fact it would not occur. If the Attorney General makes clear that he finds Virginia has met its burden of proof by supplying evidence which satisfactorily answers the questions posed in *Whitcomb*, that is one thing. But if, as today's ambiguous statement suggests, he merely assumes that, since multi-member were upheld in *Whitcomb*, they should be approved in Virginia's case, then it is open to serious question whether the Attorney General recognizes the difference which the Voting Rights Act is supposed to make in placing the burden of proof on the submitting State. I hope the Attorney General will clarify this decision in the near future.

POLITICAL PROCESSES IN VIETNAM

Mr. ALLOTT. Mr. President, some American critics have become very fastidious in rendering judgments from afar about the domestic political processes of South Vietnam. These critics are invited to consider the informative column by John P. Roche in today's Washington Post. So that all Senators can consider the moral of this story, I ask unanimous consent that it be printed in the RECORD.

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

THICH THOC THO WRITES A MEMO

(By John P. Roche)

Recently the distinguished Vietnamese historian, Thich Thoc Tho, a graduate of the Ecole Polytechnique and the Sorbonne, came to the United States under an educational grant. Before leaving Saigon he was asked by his government to prepare a confidential report on how the Americans, at a comparable state in their development, had handled the political opposition, the press, and other related topics.

With its second Presidential election looming up in the fall, the Thieu government, always anxious to please public opinion in the United States, hoped that Dr. Tho might be able to give them some tips. Dr. Tho spent six months exploring American history from 1775 to 1785 and prepared a remarkable memorandum. Since the existence of this memo will doubtless be denied the moment we reveal it, it should be noted that the facts have been checked and are accurate.

"Well before the British attempted to destroy their autonomy," wrote Dr. Tho, "the American provinces were accustomed to electing their local officials, legislatures, and in some cases governors. When in 1775 the British moved to destroy their power and war broke out, there was little change except that the Royal governors (formerly appointed by the King) were replaced by men chosen by the new states in varying fashion. The franchise was broadened and the electoral process continued to function as before.

"Considering the fact that the war continued for seven years (and was only won by the intervention of French mercenaries on the side of the Americans) this struck me as remarkable. As we well know, it is hard to keep the democratic process going in wartime, and from all accounts there were sizable numbers of pro-British insurgents—indeed, they constituted a whole army in the back country of the Carolinas commanded by a Lord Rawdon. Did these insurgents, on election day, put away their guns and go in town to vote?

"Curiously the answer came to me in Boston's Old North Church, famous in local myth for the activities of one Paul Revere. Accompanying a friend whose daughter was singing in the choir, my attention wandered (the mass was in something called Episcopal, which seemed like rather poorly translated Latin) and I began reading the innumerable plaques on the wall. And one right next to me suddenly brought a revelation. It read:

" 'In Memory of the Rev. Mather Byles, Jr. Rector of this Parish 1768–1775 and of the Parish of St. John, N.B. (New Brunswick, Canada), 1788–1814. Loyal to the King he was Banished by the Act of 1778 "to suffer death without benefit of clergy" if he should return.'

"Some quick research in old statutes indicated that what was done in Massachusetts was the pattern in other states: the Tory insurgents were outlawed under penalty of death! Beyond that, it was a felony to express verbal or written support of the King —the Virginia law of 1776 to this effect was probably drafted by the famous Jefferson. The First Continental Congress in 1774 did indeed call for freedom of the press, but this was defined narrowly as 'the diffusion of liberal sentiments on the administration of Government.' Outside of the area controlled by the Tory insurgents, no newspaper was ever known to support the British invaders.

"What this comes down to is that the American Establishment (to use a current term) simply drove out the insurgents, excommunicated them in the literal sense of the word, and then held free elections among themselves. I am not suggesting that we emulate them; given the present moralistic mood of the anti-war forces in the United States, this would be folly. But if the clamor gets too great, it might be enjoyable to ask Senator Kennedy if he would object to our enacting the Massachusetts Act of 1778."

Yours faithfully,

THICH THOC THO.

TWENTY-TWO YEARS AGO TODAY

Mr. PROXMIRE. Mr. President, 22 years ago today President Truman transmitted the International Convention on the Prevention and Punishment of the Crime of Genocide to the Senate. It has languished here ever since.

Only 14 Senators from the 81st Congress are here today. A new generation of Americans have reached adulthood since President Truman first urged this august body to ratify the convention. The United States succeeded in sending men to the moon but failed to declare genocide an international crime.

In his letter of transmittal, President Truman stated:

By the leading part the United States has taken in the United Nations in producing an effective international instrument outlawing the world-shocking crime of genocide, we have established before the world our firm and clear policy toward that crime. By giving its advice and consent to my ratification of this convention, which I urge, the Senate of the United States will demonstrate that the United States is prepared to take effective action on its part to contribute to the establishment of principles of law and justice.

What has happened to this leadership of which President Truman wrote? Seventy-five nations have ratified the Convention; but not the United States. We have fallen into disrepute throughout the world because our deeds do not live up to our words. The hallowed documents of this Nation—the Declaration of Independence and the Bill of Rights—declare our dedication to human rights for all men. Yet the Senate has been unwilling to support this guarantee of the most basic human right—the right to life.

Violations of this right have studded all of human history. The pogroms were a genocidal attempt by the Russian Government to wipe out the country's Jewry. For 27 years Turkey tried to solve its "Armenian problem" by slaughtering its Armenian minority. The 2 million Armenian dead is overshadowed only by the 6 million Jews eradicated by the Nazis regime in Germany during World War II.

The barbarity of the German war machine led the United Nations in December 1946 to declare genocide an international crime. The Genocide Convention translates the United Nation's declaration into a formal treaty. The General Assembly unanimously approved the convention in 1948.

Why has the Senate failed to give its consent to the convention? Attorney General Mitchell informed the Secretary of State that ratification of the convention would present no constitutional problems. In February of last year President Nixon urged the Senate "to consider anew this important convention and to grant its advice and consent to ratification." He went on to say ratification "will demonstrate unequivocally our country's desire to participate in the building of international order based on law and justice."

Mr. President, the Nation and the world have waited 22 years for the Senate to act. The arguments and counterarguments for and against the convention have been made and remade. The time has come for a decision.

I ask the Senate not to allow the 23d anniversary of the convention's transmittal to be the 23d anniversary of the Senate's international disgrace.

MAYOR JAMES E. WILLIAMS

Mr. PERCY. Mr. President, the job of a city mayor traditionally has been tough, but it had its glamorous side as well. There was prestige, power, and recognition. Today in our large cities, the problems have grown to tremendous proportions, and the glamour has all but disappeared. Though names like Daley, Lindsay, and Yorty still draw forth images of latter day glory, for most mayors of decaying cities, theirs is a thankless, grinding job. Such a city is East St. Louis, Ill., and such a mayor is James E. Williams.

Mayor Williams' name calls forth no images of power, and it is a name with, as yet, little or no national recognition. But he is a man who has voluntarily taken on one of the toughest jobs imaginable, and he is determined to do that job well and honorably.

The city of East St. Louis, with an unemployment rate of 17 percent, with one out of every 12 citizens a victim of a major crime last year, with industry moving away, and with bankruptcy looming ahead, with schools on the brink of closing, is in trouble. However, James Wil-

liams has chosen to stand and fight for his people and his city. But he cannot succeed in this struggle alone. The city needs new vitality and new people to breathe life back into it. One of the top priorities is the national recruitment of a chief of police.

The least that we in Congress and we as citizens can do is recognize the task that is faced by Mayor Williams, and by all big city mayors, and give them all of the support we can in their vital endeavor to save our cities.

Mr. President, I ask unanimous consent that an article from the June 6 Chicago Tribune that outlines the difficulties Mayor Williams faces be printed in the RECORD.

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

BLACK MAYOR FACES EAST ST. LOUIS WOES

EAST ST. LOUIS, June 5.—James E. Williams, the first Negro mayor of East St. Louis, needs only to glance out his window at City Hall to see the magnitude of the problem facing him.

Across the street in the city's business district is a row of seven shops. A clothing store, a shoe repair shop and a fruit stand are still in business. But the other four are vacant, and two of them have boards over the windows.

STORES ARE SYMBOLS

The vacant stores symbolize what may be Williams' greatest challenge—the economic headaches of a predominantly Negro city.

"Businesses have been leaving the city for the last 10 years," Williams said in an interview. "Getting economic development moving again is a tough nut to crack, but we're going to crack it."

It is, indeed, a very tough nut. The unemployment rate in East St. Louis is currently running at about 17 per cent. Many of the large industries that once provided the jobs for East St. Louis families have left the area.

The big aluminum and steel plants have vanished, and many of the electrical supply companies have gone. Swift & Co. is building an addition to its packing plant, but two other large packing houses near the stockyards have left town.

BLEAK ENVIRONMENT

East St. Louis' industrial decline has occurred chiefly over the past 15 years. Some blame high taxes and corruption in government. Although some of the plants that have closed have simply been discontinued by their companies, others have moved to places that offer more economic opportunity in an environment that is not as bleak as that of East St. Louis.

"What we need is a climate of confidence in city government," Williams said. "This is a factor businessmen consider and, if we can project the image of a more responsive government, we'll make some progress. We're looking for more employment—any kind."

In his campaign, Williams puzzled politicians by snubbing the offered endorsements of both Republican and Democratic committeemen. He was inflexible in maintaining his independence.

The theme of Williams' campaign was that, if he won, the people would take control of the government and throw out the politicians. Williams' campaign won the bulk of the white vote to give him his margin of victory.

"Not bad for someone born in a town where a black man couldn't be a policeman," Williams says with a smile.

POLICE CHIEF NEEDED

Even though the city's economic problems will probably be the enduring concern of Williams' administration, the new mayor would like to handle two other matters as top priorities.

"The first is the national recruitment of a chief of police," he said.

East St. Louis needs a police chief and a police force it can be proud of.

The police department is in less difficulty now than it was in the days of Buster Wortman, the Southern Illinois rackets boss who died about three years ago. Wortman sought to control everything on the east side of the St. Louis metropolitan area—including the East St. Louis police department. He never quite succeeded, but he did become a powerful force within organized crime.

The Wortman gang no longer exists. But organized crime still thrives in East St. Louis in the form of narcotics and gambling, especially the numbers racket.

CRIME RATE HIGH

The more immediate concern of residents is street crime. About one of every 12 persons living in the city was a victim of a major crime last year. Persons living in other parts of the St. Louis metropolitan area avoid East St. Louis at night and may even drive out of the way to skirt the city.

East St. Louis has about 500 city employes and a semi-monthly payroll of roughly $170,000. City Treasurer Horace W. Mickens has said the city will not have enough money for the July 10 payday. The city has a deficit of about $1 million and practiced deficit financing for the last 20 years. Last year, for the first time, the city's bankers refused to take part in the deficit financing.

A NEW FOREIGN POLICY, NOT NEO-ISOLATIONISM

Mr. CHURCH. Mr. President, those who oppose our military participation in the Indochina civil war and who critique Pax Americana are far from being "neo-isolationists," as the charge is sometimes made. What we seek is a better balanced foreign policy.

John L. Steele, in an excellent article in Time magazine, points this out:

To label the critics and reappraisers of U.S. foreign policy neo-isolationists is . . . escapist.

He says:

Few things threaten U.S. power more seriously than excessive or misguided intervention; the Viet Nam War has done more than any other factor in recent years to reduce U.S. global influence. Seeking to rationalize U.S. commitments abroad is the very opposite of isolationism, because only such rationalization can restore and maintain the U.S. position in the world.

I ask unanimous consent that this featured article in the May 31 Time magazine be inserted here in the RECORD.

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

HOW REAL IS NEO-ISOLATIONISM?

Isolationism, it would seem, is once again on the rise. President Nixon has used the term neo-isolationist to describe certain of his senatorial critics who would alter U.S. foreign policy or who seek a greater role for the Congress in shaping it. Once the name of a popular and viable political doctrine, isolationism today—with or without "neo" attached to it—is a pejorative word. It has no real validity in a world of instant communications, internationally linked economies, and nuclear weapons that can bridge continents at Mach 23 speed. Properly speaking, the term suggests someone who would like to disengage the U.S. from the rest of the world and return to a 19th century insularity. No doubt some Americans are experiencing an emotional recoil from foreign commitments as a result of Viet Nam and domestic troubles. But apart from a small group of myopic radicals totally obsessed with the need for revolution at home, there are hardly any real isolationists left.

The conflict between the President and an influential minority of the present Senate is real; but the heart of the dispute is not isolationism *v.* internationalism. At issue is a desire to put space and time limitations on the fighting in Indochina, to strike a new balance between the President and Congress in committing military forces to combat abroad, and to avoid further proliferation of U.S. commitments round the globe without congressional sanction. There is also a feeling that the nation's values should be reexamined so that more money will be spent on domestic priorities and less on extravagant weapons systems that may prove to be redundant, provocative or both.

However arguable their proposed alternatives may be, none of the leading Senate critics of the President's foreign policy can be fairly accused of being isolationist. Republican Jacob Javits of New York—the only Senator who has been cited by name in Nixon's attacks—wants to curb the President's war-making powers. But Javits sided with his party's leader last week in voting against Senator Mike Mansfield's amendment to reduce U.S. forces in Europe by half. John Stennis of Mississippi, who shares Javits' views on war powers, is generally the Senate's stoutest defender of Nixon's defense-budget and national-security policies. Mansfield, whose defeated amendment may have seemed isolationist, supports the President's effort to negotiate peace in the Middle East, an enterprise that certainly depends on U.S. power and willingness to use it. Even the most publicized of the Senate doves who want a speedy and definite end to the Viet Nam War—such men as John Sherman Cooper, William Fulbright and George McGovern—are not isolationists in any real sense of the word.

In fact, many of the proposals that White House officials have so casually referred to as neo-isolationist no more deserve that description than does the Nixon Doctrine. First enunciated by the President at Guam in July 1969, it was a major effort to rethink U.S. world policy and lower the American profile abroad. Quite rightly, Historian Manfred Jonas argues that applying the term isolationist to contemporary Senators tends to confuse rather than illuminate their stance. "They earnestly believe that there are limits to America's power," he writes in *Isolationism in America*, "and that to overstep these limits means courting failure and nuclear war. To call the course they propose isolationism is to misread both the history of the '30s and the record of American foreign policy prior to that time."

From the perspective of the '70s, it is all too easy to dismiss America's past isolationism as inevitably misguided and foolish. As Selig Adler points out in *The Isolationist Impulse*, the doctrine in many ways is "woven into the warp and woof of the American epic." From the very beginnings of the U.S., immigrants envisioned it as a way to a new existence. "They reasoned," Adler wrote of the colonists, "that God Himself had intended to divide the globe into separate spheres. America was the 'New Zion,' and Providence had served this 'American Israel' from a timeworn, corrupt and warring continent."

Until the outbreak of World War I, the U.S. consistently followed a policy of isolationism—at least in the all-important sense of acting alone—even as its actual isolation from the rest of the world gradually disappeared. To be sure, the U.S. invaded Canada in 1812, and gradually eliminated the British, French, Spanish and Mexican presence from within its continental borders. It also fought Spain in Cuba and the Philippines. But in all these enterprises, the U.S. took a unilateral stance and confined most of its treaty obligations to such limited matters as fishing and sealing rights, immigration and trade.

These sporadic ventures into international affairs point to a basic ambiguity in American history. On the one hand, there was a desire to keep clear of other continents' internecine squabbles; on the other, an almost mystical sense that America had a mission to spread freedom and democracy everywhere. This evangelistic belief was strongly reinforced by the waves of immigrants, who periodically tried to involve the U.S. in the revolutionary movements of their homelands. By and large, political leaders of all parties did their best to cool this interventionist ardor. As early as 1821, Secretary of State John Quincy Adams was forced to counter a popular enthusiasm for Greece's struggle against Turkish overlordship. While the U.S. would always view sympathetically the struggles of foreign peoples against tyranny, he said, "she goes not abroad in search of monsters to destroy."

By the closing decades of the 19th century, time began to run out on the traditional faith. U.S. foreign trade doubled between 1870 and 1890. Navy Captain Alfred Thayer Mahan, a visionary military strategist, saw the seas as an "open plain" and urged the country "to cast aside the policy of isolation which befitted her infancy." The isolationist past was decisively rejected by Woodrow Wilson's intervention on the Allied side in World War I, but it was revived by the disillusionment that followed his crusade to make the world safe for democracy. The anti-internationalist movement reached a peak of influence in the years just before World War II. Its primary goal was to prevent the U.S. from becoming entangled in the looming war in Europe. Hapless remnants of isolationism persisted for a decade after the war ended, as a score of Senators (most of them Midwestern Republicans) sought unavailingly to defeat such undertakings as the Truman Doctrine, the Marshall Plan and NATO. But for all practical purposes, the doctrine died with the Japanese attack on Pearl Harbor. Senator Arthur Vandenberg wrote in his diary: "That day ended isolationism for any realist." The postwar efforts to keep the flame alive were merely, as Arthur Schlesinger Jr. put it, "the last convulsive outbreak of an old nostalgia."

No serious political figure now suggests that the U.S. could or should put aside the burden of global responsibilities it has assumed through necessity and moral conviction. But just how large that burden should be and how it should be borne obviously needs reappraisal. This quest for reappraisal was inspired by Viet Nam. But other factors would have brought it about even without the Indochina conflict.

During World War II, the U.S. acquired a mental habit of considering itself nearly omnipotent and the defender of freedom all over the globe. This self-image carried over into the cold war, when U.S. power was needed to halt Communist expansionism. That stance is no longer possible because reality has changed; the U.S. no longer has a nuclear monopoly, its economic resources have limits, and other nations do not necessarily agree with the U.S. definition of freedom or the good life. Moreover, Communism has become fissiparous and more amenable to negotiated détente.

In this new situation, which has actually existed for at least a decade but which the U.S. is not yet really accustomed to, foreign policy will have to depend less on military force and direct Marshall Plan-style economic heft and more on diplomacy, trade and political maneuvering. French Journalist-Politician Jean-Jacques Servan-Schreiber, among others, has argued that the U.S. will have to choose between continued international power and the building of "an ambitious civilization" at home. For the foreseeable future, the U.S. will obviously insist on both, but Servan-Schreiber is right in asserting that the U.S. will have to rely more on sheer intelligence than sheer force. Secretary of State William Rogers puts it another way; he says that "there are lots of ways to influence people. The force of reasoning and the force of public opinion have a lot to do with influencing nations."

Though Japan and China are bound to play a growing role, for a long time to come the position of the U.S. and the Soviet Union as the world's two nuclear supernations will remain intact. Widely held ideas that emergent or neutralist nations can "soften" or replace the two-power role have proved illusory, as even India learned when Peking's 1962 strikes across the northern mountains brought Indian pleas for military aid from any quarter. East-West ideological battles are bound to continue, though perhaps in abated form, and so will jockeying for political and military advantage. But the two superpowers will carry on laborious negotiations: the Berlin meetings, the SALT talks and the anticipated discussions of mutual force reductions in Europe are examples. This delicate diplomatic work is not helped by Senate efforts to mandate U.S. troop reductions in Europe—or by a hard-nosed presidential response that finds "unacceptable" even a congressional request that negotiations be speeded up.

Most Americans, including most Congressmen, want to prevent American entanglement in future Indochinas. To accomplish that, it is not necessary—or wise—to impose overly stringent and sweeping limitations on U.S. influence abroad. But the nature of that influence must evolve in new ways. Viet Nam should teach us—as it did the French—that modern armies and industrial strength are not effective in all regions of the world or the automatic answer to wars of "national liberation" (even those backed by other nations). Both Congress and the President should jointly re-examine the security treaties and agreements that now bind the U.S. to more than 40 countries. Many of these "commitments" are more apparent than real, since they cannot be carried out without the approval of Congress. The purpose of these agreements, as the late Senator Walter George once noted, was to deter potential aggressors "from reckless conduct by a clear-cut declaration of our intentions." Often it has been shown that intentions cannot be made all that clear—resulting in misunderstanding by friend and foe alike. Rather than bog the nation down in the cement of firm treaties, President and Congress might explore less formal but more flexible commitments in the form of diplomatic notes or presidential statements.

As for the nation's military presence, there is no question that the U.S. today has too many troops scattered about in too many places. Even apart from the dollar drain, it is hard to justify the 375 major foreign military bases and 3,000 minor military facilities that the U.S. has positioned all over the globe in recent years. The White House has talked about "reducing our presence," while maintaining our commitments abroad—and Congress should be clued in more to discussions of how this can be done. One specific proposal: Congress could establish a small, select "National Security Committee," composed of members with expertise in military and foreign affairs, that would periodically discuss diplomatic problems with the President on a secret but utterly frank basis. Both Congress and the President can move away from an inflationary, supercostly military procurement policy that seems, at times, aimed more at breaking the Soviets by outspending them than by providing the U.S. with what it really needs for deterrence and defense. Unless this is done, says former Under Secretary of State George Ball, the U.S. economy is in danger of becoming "a Strasbourg goose with an overdeveloped liver."

These problems, as well as such lesser matters as reorganizing foreign aid and restoring the stature and influence of the State Department, require creativity on the part of Congress and the President. The prickly members of the Senate Foreign Relations Committee are not alone in thinking that the balance in U.S. diplomatic decision making has tilted too far in the direction of the Chief Executive. Fortunately, there is a fairly recent example of the kind of cooperation needed: the historic postwar collaboration between President and Congress that established the policy of containment against Soviet aggression, the Truman Doctrine and the Marshall Plan. Then, as now, the White House and the Congress were controlled by opposing parties. Nonetheless, an exceptionally fruitful relationship developed between Democratic President Harry Truman and a Republican-controlled Congress in which Arthur Vandenberg was the foreign relations leader. Why should any less be expected from a Republican White House and Democratic Congress?

Isolationism carried into the 20th century is essentially a flight from reality. To label the critics and reappraisers of U.S. foreign policy neo-isolationists is equally escapist. Few things threaten U.S. power more seriously than excessive or misguided intervention; the Viet Nam War has done more than any other factor in recent years to reduce U.S. global influence. Seeking to rationalize U.S. commitments abroad is the very opposite of isolationism, because only such rationalization can restore and maintain the U.S. position in the world.

FLAG DAY

Mr. WEICKER. Mr. President, on June 14, 1777, 194 years ago, the Continental Congress resolved:

That the flag of the thirteen United States be thirteen stripes, alternate red and white; that the union be thirteen stars, white in a blue field, representing a new constellation.

Thus was created the emblem of this Nation known most widely around the world.

Some people have attributed special significance to the colors of the flag. Blue supposedly represents justice or a covenant against oppression, red defiance or daring, white purity or liberty. However, this is not what we honor today. In the words of Henry Ward Beecher:

A thoughtful mind when it sees a nation's flag, sees not the flag, but the nation itself. And whatever may be its symbols, its insignia, he reads chiefly in the flag, the government, the principles, the truths, the history that belong to the nation that sets it forth.

Consequently, we honor not merely the flag, but what it represents, and commit ourselves again to the achievement of its ideals and continuation of its traditions.

What are these ideals and traditions? They are well known to all Americans. According to the Declaration of Independence, they include the proposition that—

All men are created equal, that they are endowed, by their Creator, with certain inalienable rights, that among these are life, liberty, and the pursuit of happiness.

These ideals and traditions also include the reasons stated in the Constitution for this Nation's creation:

In order to form a more perfect Union, establish Justice . . . and secure the Blessings of Liberty . . .

The flag represents such basic watchwords of our free society as "freedom of religion," "freedom of speech," "freedom of assembly," "due process of law" and "equal protection under the law."

With our Government "of the people, by the people, and for the people," we should all be proud to be flag wavers, if by waving the flag we celebrate this Nation's finest goals and traditions, if we wave the substance as well as the symbol.

President Wilson, honoring Flag Day in 1917, said:

This flag, which we honor and under which we serve, is the emblem of our unity, our power, our thought and purpose as a nation. It has no other character than that which we give it from generation to generation. The choices are ours. It floats in majestic silence above the hosts that execute those choices, whether in peace or in war. And yet, though silent, it speaks to us—speaks to us of the past, of the men and women who went before us, and of the records they wrote upon it.

We celebrate the day of its birth; and from its birth until now it has witnessed a great history, has floated on high the symbol of great events, of a great plan of life worked out by a great people . . .

In honoring the flag, all Americans should reaffirm their allegiance to the highest values and traditions it embodies, and pledge their determination to respect and defend against all who would remove or defile them.

THE PENTAGON PAPERS

Mr. McGEE. Mr. President, the Washington Evening Star, in its Tuesday publication, carried an editorial comment on the recent divulgence of a 47-volume study conducted by the Pentagon—supposedly represented as a definitive work on how this country became involved in Vietnam.

However, as the Evening Star editorial pointed out, the work is anything but definitive in its scope. A number of defects are, indeed, apparent. For example, the material used in the report came only from the files of the Pentagon. No other arm of the executive branch, including the files of the President, was included in the report. In addition, according to published reports, the study was carried out by researchers, historians, and analysts who shared Defense Secretary McNamara's dim view of the process of our involvement in Vietnam. This hardly provides the groundwork for an all-inclusive, objective analysis of a very complex situation.

One must concede that the personal bias of those involved in the compilation of the work certainly taints the objectivity of the study. What objectivity there is contained in this massive 2.5-million-word study is further called into question when one views the fact that the public will have access to only a minute portion of these volumes. The American people will receive only a glimpse of what is contained in these volumes, and one must question the validity of such a condensation. The limitations of the published reports are indeed very great.

The Evening Star editorial also comments that the report "tends to confirm the general suspicion that Lyndon Johnson, during his campaign for the presidency, was something less than totally candid about the prospects for a widened war."

I would go further and state it was of necessity the President was not candid in this respect. The decision to escalate our involvement came only after North Vietnam had committed frontline troops, equipped with highly sophisticated and modern weaponry, to the conflict. The South Vietnamese defenses were ill-prepared to meet such an assault, and the President could hardly have been candid without telegraphing our moves in response to this threat. This was the point in the war at which the North Vietnamese were launching a massive offensive through Pleiku in an effort to split South Vietnam in half. They came very close to succeeding in their goal.

The complexity of our involvement in South Vietnam is of great significance. It cannot be accurately assessed by a small segment of our executive branch of Government, or any other branch of government for that matter. It is, therefore, within this context that the American people and their elected representatives must not rush in their judgment of a work which hardly gives a glimpse of the total picture. It is imperative that the emotionalism which apparently has been spurred by the printing of a portion of this study not deter this country from completing the goal of withdrawal from this conflict.

The real tragedy of decisionmaking relative to Vietnam has been overlooked. It is a fact that at every crucial point requiring decisionmaking the factors present in each decision would add up to almost 50–50 for or against a decision. When the decision was made, there was always an excellent case against it.

This seems to be a characteristic of our times in a nuclear age. It is this factor which seems to be flagrantly disregarded in the fragmentary content of this report. It is well that we become accustomed to this fact of life, because I daresay it will be a vital element in decisions made by any President in the future, no matter what party.

I also suggest that Congress and the American people refrain from making rash judgments as to our involvement in this conflict. High emotionalism has been associated with our involvement in this conflict, almost from its inception. Due to the irrationality which always accompanies such emotionalism, judgment would best be left for future historians to assess. At this time a completely honest and objective assessment of our involvement in Vietnam is impossible. The American people and Congress should allow the rightness or wrongness of our actions to be evaluated by the historians whose objectivity will not be clouded by the emotion of the times.

I, therefore, ask unanimous consent that the Washington Evening Star editorial be printed in the RECORD.

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

[From the Washington Star, June 15, 1971]

THE PENTAGON PAPERS

There is no questioning the fact that the Pentagon study of America's involvement in Indochina is the most fascinating news story of the day. Other people's secrets are invariably intriguing. And when the diaries, the private letters, the gossip and the personal conversations involve presidents, ambassadors, generals, cabinet officers, and foreign heads of state, the fascination is irresistible.

So the massive secret Pentagon study, now being published in part by the New York Times, will be avidly read, here and around the world. It presents a unique insight into the operation of the executive, previously reserved for those at or near the top levels of government. It represents, so far as is known, a unique attempt by one part of a government to document and assess a complex sequence of events and decisions. It is certainly the first time that thousands of classified documents, accompanied by secret explanatory notes and interpretive text have been handed to a newspaper for publication.

There will unquestionably be a prolonged public debate—and quite possibly a judicial debate as well—about the propriety and the legality of the unauthorized delivery of the documents to the Times by the anonymous donor, and of the newspaper's decision to publish the classified material. It is an interesting topic for theoretical discussion. But of more immediate interest are the facts that have been revealed, and the use that will be made of those facts.

It is still too early to draw any final conclusions about the Pentagon papers. The public has only been shown a small sampling of the 40-volume work. The beans will be spilled in daily installments throughout this week, unless the government's legal move to halt publication is successful. Any final assessment of the material must wait until the job of letting us in on the government's secrets is completed.

It is possible, however, to draw some preliminary conclusions from the papers published to date. The Pentagon study restates the historical truism that the roots of our Vietnam involvement extend back to the Truman administration's decision to support France in her colonial war in Indochina. It tends to confirm the general suspicion that Lyndon Johnson, during his campaign for the presidency, was something less than totally candid about the prospects for a widened war. It offers evidence that counters the widely held theory that the United States blundered blindly up the path of escalation, suggesting instead that President Johnson and his advisers had their eyes open when they took the fateful steps.

It is also possible, and even more important to recognize the limitations of the Pentagon study. It is not what many observers seem anxious to make it: A definitive history of the executive decision-making process on Indochina.

The study was ordered by Defense Secretary McNamara in 1967, at a time of personal despair over the progress of the war. It was carried out by some 40 researchers, historians and analysts who, according to published reports, shared the secretary's dim view. The material was drawn not from the entire exec-

utive branch; it was selected from the files of the Pentagon—one highly specialized arm of the executive. It is available to the public after a further process of refinement by the Times, which has made its own determination of what part of the 2.5-million-word study is fit to print. And most Americans will read a condensation of the Times condensation of the Pentagon condensation of one part of the total, infinitely complex picture.

The Pentagon study is a fascinating and important addition to the public understanding of the governmental process. Its release and publication also constitute a major security breach. It may dim a few illusions, tarnish a few reputations, embarrass a few allies, amuse and astound a few enemies. It unquestionably will provide much grist for Communist propaganda mills and intelligence services. But it should not, in view of its built-in limitations and distortions, be seized upon by Congress, the administration, or the public as a cause for panic. It must not be allowed to disturb, retard or accelerate the delicate process of disengagement now so well under way.

AMERICA AND PAKISTAN: A GREAT HUMAN DISASTER

Mr. CHURCH. Mr. President, has the United States become a nation so numbed and so wounded by its experiences in Indochina that it is unable to respond at times of great human disaster such as that taking place in East Pakistan?

Anthony Lewis, in a perceptive column from London, raises this important question, comparing U.S. attitudes toward Pakistan and Vietnam. In the United Kingdom, for example, he points out:

Children are coming home from school asking their parents for a few pence to give for relief of the East Pakistan refugees.

Yet, in America, he says:

By contrast, the flight of five million refugees into impoverished India, with disease and starvation threatening, has evidently had no great public impact.

Mr. Lewis says:

The present episode shows the distortion in American values that has occurred because of Vietnam, the disproportion in our weighing of political and human interests.

The revelations in the McNamara papers shows this clearly, and I concur with Lewis' observation that—

If our sense of proportion were more balanced, how would we compare our relative interest in South Vietnam and India?

There is, however, a growing momentum in the Congress and the press for the United States to be more forthcoming in its approach toward the serious crisis in East Bengal and the real potential of war between India and Pakistan. Pertinent legislation is now before both Houses. More and more details of the monstrous acts that have occurred in East Bengal are being surfaced. Mr. Lewis writes:

The only solution imaginable to stabilize life in Pakistan and get the refugees back is some form of independence, with Yahya's army out.

His conclusion is well taken.

It would be reassuring—

Says Lewis—

if one felt the United States had a sense of proportion about the interests involved. The State Department took pride this week in the amount of American aid authorized for relief of the growing disaster. In fact, that sum, $17.5 million, is a little more than half what we now spend on the Vietnam war every day.

I ask unanimous consent that Anthony Lewis' article on America and the world be printed in the RECORD.

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

AMERICA AND THE WORLD: I

(By Anthony Lewis)

LONDON, June 11.—All over England this week children are coming home from school asking their parents for a few pence to give for relief of the East Pakistan refugees. In the newspapers the refugee tragedy has been the dominant story for many days; the largest-circulation tabloid has spread a relief appeal over page one. The House of Commons has been debating how Britain can do more to help.

In the United States, by contrast, the flight of five million refugees into impoverished India, with disease and starvation threatening, has evidently had no great public impact. A news agency manager remarked the other day that the stories from India were getting little play in most U.S. papers.

President Nixon has made no public statement on the disaster since it began three months ago with the intervention of Pakistani troops in East Pakistan. But then no reporter has asked him a question on the subject at a press conference.

Why? The United States does not have Britain's historical relationship with India, but that is not a sufficient answer. Americans have traditionally been generous in helping at times of great human disaster, whatever the historical or political context.

A major reason must be Vietnam—the wounding effect of the war on American attitudes toward the world. "It is part of the turning inward after Vietnam," a wise U.S. official said of the limited public reaction to the Pakistan disaster.

Looking at it another way, the present episode shows the distortion in American values that has occurred because of Vietnam, the disproportion in our weighing of political and human interests. If our sense of proportion were more balanced, how would we compare our relative interest in South Vietnam and India?

South Vietnam has a population of 18 million. Historically, its society has had little connection with Western law or political ideas. The country is governed by a general who jailed the runner-up in the election, the peace candidate, and who is now busy rigging the terms of the next election.

Until John Foster Dulles staked out an American responsibility there in 1954, hardly anyone would have conceived of South Vietnam as of particular strategic interest to the U.S.

India is the world's second most populous country, with 554 million people at last count. No one who has read E. M. Forster would make the mistake of equating Indians with Englishmen, but the legal and political systems of independent India remain recognizable like those we know in Britain and the United States. The Prime Minister is in office as the result of a free election and is trying to deal with terrible problems by democratic means. The stability of a continent depends on her success.

On behalf of Nguyen Van Thieu and his colleagues in Saigon we have spent 45,000 American lives and many billions of dollars, and still we are not ready to put a terminal date on our involvement. We cannot do that, President Nixon says, until we are sure Saigon has a reasonable chance of keeping the Communists out after we leave; otherwise there might be a "bloodbath" in South Vietnam.

Well, there has just been a bloodbath in East Pakistan, one of the largest and most blatant in a very long time, and the sounds of protest from Washington have not been audible. President Yahya Khan sent his army in to wipe out the results of a free election. Tens, probably hundreds, of thousands were massacred directly; millions have fled; now epidemic and famine threaten both the refugees in India and those who remain in East Pakistan.

A reporter for the British Broadcasting Corporation, Alan Hart, said a few days ago that unless the situation is stabilized in East Pakistan sufficiently to get the rice planted in the next few weeks, "It is possible, probable, that 20 million or more East Bengalis will be starving by September and October." Mr. Hart added: "All my instincts tell me that it may already be too late . . . unless the outside world imposes its will and its aid on Yahya Khan."

Officials in Washington must know all that as well as Mr. Hart. The reality is that Yahya Khan will have to be pressed hard to allow effective, internationally supervised aid in East Pakistan—and that the only solution imaginable to stabilize life in Pakistan and get the refugees back is some form of independence, with Yahya's army out.

But there is no sign of willingness in Washington to press Yahya Khan. The attitude there is, as one close observer put it: this is an awful situation, but we'd better not get our hands in too deep or we'll get burned again.

There is no pretending that any outside government can easily bring about a decent solution in East Pakistan. But it would be reassuring if one felt the United States had a sense of proportion about the interests involved. The State Department took pride this week in the amount of American aid authorized for relief of the growing disaster. In fact that sum, $17.5 million, is a little more than half what we now spend on the Vietnam war every day.

THE RETURN OF OKINAWA

Mr. HATFIELD. Mr. President, tomorrow, the treaty will be signed providing for the return by the United States of Okinawa to Japan.

In my opinion, Senate consideration and discussion regarding ratification of this treaty should be limited to the merits of the treaty, and should not stray to other issues.

I will have more to say at a later date regarding the substance of the treaty. Today, however, I want to call attention to the widespread support in the press for limiting our discussions to the merits of the return. We must not let extraneous issues cloud our consideration of the treaty.

I also would note the wide geographical distribution of the newspapers represented in these editorials and articles. I ask unanimous consent that they appear at this point in the RECORD.

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

[From the Washington Post, June 4, 1971]

THE CRUCIAL TEST OF OKINAWA

The imminent signing on June 17 of an agreement returning Okinawa to Japan

brings close what is probably the most crucial test of the United States' relations with its most valuable Asian ally since World War II. It was a notable achievement for the leaders of the two countries to agree in 1969 that Okinawa—seized as war booty in 1945 and later transformed into a major American strategic base—should be returned. It is quite another matter, more difficult and more important, to proceed to the signing and ratification, for signing means that the extremely difficult details will have been worked out and ratification means that the resultant product will have been approved by the two legislatures.

Although some details must still be wrapped up, the trans-Pacific consensus is that the main hurdles lie in the United States Senate. Quite properly—since a change in a treaty (the Japanese peace treaty) is involved—Mr. Nixon decided to submit the Okinawa transfer to the Senate, rather than conclude an Executive agreement. He erred, however, by allowing our textile dispute with Japan to get badly out of hand. Rightly or not, the suspicion now is widespread that he would not really mind if the Senate held up Okinawa reversion in order to put pressure on Tokyo on textiles.

Defeat in the Senate on Okinawa is less likely than delay, but even delay would be extremely costly: it would provoke anti-American outbursts in Japan and call into question the basis of mutual confidence on which future Japanese-American relations must be built. The President does not have the luxury of being able to start over again on textiles. He could, however, announce at the time of signing of the Okinawa agreement that he considers its prompt ratification by the Senate to be of the utmost national importance and that he regards textiles as an issue quite apart. Responsible senators would welcome such a statement. Wise statesmanship commends it.

[From the New York Times, Apr. 19, 1971]

BRINKMANSHIP WITH JAPAN

A major crisis with Japan that could damage American security interests severely is looming as a result of President Nixon's decision to hand back Okinawa by treaty, rather than executive agreement. A treaty would require a two-thirds Senate vote; the alternative course would require at most a majority vote of both houses of Congress.

The White House decision, if not reversed shortly, could make the Okinawa accords now being negotiated with Tokyo hostage to the Southern textile lobby and other protectionists interests. The protectionists would need at most the votes of 34 Senators to block Okinawa's reversion and gain leverage on Japan to reduce its exports to the United States.

The Japanese suspect that Mr. Nixon chose the treaty route for this very purpose—to fulfill his campaign promise to the textile industry and thus keep open a "Southern strategy" for the 1972 elections. Mr. Nixon's Okinawa decision was made known during the angry week in March when he denounced as an inadequate "maneuver" the Japanese textile industry's plan to curb its own exports starting July 1—a plan initiated by chairman Mills of the House Ways and Means Committee.

Okinawa is an emotion-laden issue for the Japanese. Any delay in its return would be extremely embarrassing to Premier Sato, who is committed to regaining administration of the island and the rest of the Ryukyu chain by 1972.

It was only Mr. Nixon's November 1969 pledge to hand Okinawa back, in return for non-nuclear base rights, that enabled Mr. Sato to push through renewal last year of the Japanese-American security treaty. If the Nixon pledge now becomes a poker chip for textile protectionists on Capitol Hill, the result could be anti-American riots that might ultimately force abandonment of United States bases not only in Okinawa but in Japan proper. However, more is at stake than bases.

Japan, now the world's third industrial nation, is the linchpin of American strategy in the Far East. The future stability of the area and the progressive reduction of the American presence, as projected by the Nixon Doctrine, depend heavily on Asian arrangements in which Japan is expected to play a key role politically and economically, as well as in its own conventional defense under the American nuclear umbrella. These prospects will be endangered, as former Under Secretary of State George Ball and others have warned, if President Nixon's Okinawa pledge is not kept, Japan ultimately might go "Gaullist and seek its own nuclear weapons."

Some American diplomats are so concerned at the risks in submitting an Okinawa treaty to the Senate that they are suggesting a delay of several months to see what effect the Japanese textile industry's export-restriction plan has on the level of shipments and whether the plan can be improved by further negotiation. A delay that kept all options open would be wiser than losing control by submitting the Okinawa accords in treaty form.

Much better still would be an executive agreement. That could break the linkage between Okinawa and textiles. The northern Ryukyus and Bonin Islands, with the same legal status as Okinawa, were returned to Japan by executive agreement—without a Congressional vote. This option should not be foreclosed for Okinawa, given the possibility that Congressional act, even by majority vote, might be paralyzed by the protectionist lobbies. But the likelihood is that a majority vote approving Okinawa's reversion by executive agreement could be obtained in both houses, if a serious effort was made to do so.

[From the Boston (Mass.) Christian Science Monitor, May 6, 1971]

UNTANGLING OKINAWA

Return of Okinawa to Japan, a highly flammable political issue for Premier Sato's government, is becoming snaggled in the threads of the textile import issue, of deep political interest to Southern United States senators. The result is likely to be a very tangled skein on the loom of international diplomacy.

The two pieces of goods are cut from different bolts of cloth. They should be kept separate.

The Ryukyu Islands should have been returned long ago, with appropriate guarantees from Japan regarding continued use of military bases on Okinawa. Until U.S. relationships with Southeast Asia, the two Chinas, Japan and the U.S.S.R. are on a far more stable basis, military strategists can reasonably argue that Okinawa remains a vital and legitimate strategic Pacific base for the U.S.

But with that proviso, unpalatable as it may be to Japan, everything else points toward a return of the Ryukyu Islands to Japanese control. Prior to the U.S. takeover, formalized in the peace treaty of 1951, Japan has held the islands since 1874. Japan remains their major trading partner today, despite overdependence of the local economy on the U.S. military as an employer. And most of the one million Okinawans wish to go back under Japan's political wing.

The issue has nothing to do with textile exports from Japan to the U.S. Whatever merit Southern senators may have in their arguments that Japan should increase its voluntary cutback on textile shipments eastward—and free trade advocates can make a telling case against any quotas at all—Okinawa's political status is not a proper quid pro quo for senatorial bargaining.

Right now the issue seems to hang on tactics. The administration has virtually assured the Senate it will not give over U.S. control of the islands without the "advice and consent to the Senate;" that is, it will not make an end run around the Senate by resorting to executive agreement. But a treaty requires a two-thirds Senate vote. The Southern bloc thus hopes to use the issue as leverage, either through amassing unfavorable votes, or by use of a filibuster.

Even the threat of these may be enough to make the Foreign Relations Committee hesitate sending a treaty to the Senate floor. So the matter is in suspension as of the moment.

Between the White House and Senate leadership, it is to be hoped that a solution can be worked out that will threaten neither the international issue of Okinawa's future, nor the proper concern and active participation of the Senate in making that decision.

Return of Okinawa to Japan, already stipulated in writing with a deadline of 1972, is too crucial an issue to be allowed to flounder in the mire of domestic politics. Nothing less than a major international crisis would result from a foul-up, jeopardizing the entire United States position with Japan in particular and the Far East as a whole.

[From the Washington Evening Star, May 8, 1971]

OKINAWA AND THE SENATE

A serious threat has arisen to our relations with Japan—America's most powerful and important ally in Asia. The possibility that ratification of a treaty returning the island of Okinawa to Japanese jurisdiction may be blocked in the United States Senate is a matter of grave concern both here and in Japan.

The treaty on Okinawa's reversion has been under negotiation for years. It is an issue of very great political importance in Japan, where the public has been led to believe that a transfer of jurisdiction will take place in 1972. Agreement between the governments is expected later this month. But ratification of the treaty by the Senate has become problematical.

The problem, briefly, is a group of Southern senators, representing the interests of the American textile industry. The lawmakers are demanding sharp restrictions on imports of textiles from Japan. They are threatening to hold the treaty hostage in order to get them. And since ratification requires a two-thirds vote, it is quite possible that in a showdown they will get their way or defeat ratification.

If so, it would be a shocking demonstration of the Senate's growing assertion of its prerogatives in the conduct of foreign affairs. From the outset, the Foreign Relations Committee has insisted that any agreement on Okinawa should be in the form of a treaty, which requires Senate ratification, rather than an executive agreement, which does not. The administration, so far, has gone along with this demand.

But it is unthinkable that narrow, sectional, protectionist interests might be allowed to sabotage an agreement on which our future relations with Japan may well depend. Any major delay in the reversion schedule would be likely to produce repercussions in Japan drastic enough to bring down the pro-American government of Premier Eisaku Sato.

It is unlikely that any voluntary restrictions on exports agreed to by the Japanese textile industry will satisfy the protectionist senators. If they cannot be dissuaded in their opposition by the responsible leadership, the administration may be forced to reconsider its commitment to submit the agreement in treaty form. This indeed is the recommendation of Senate Majority Leader Mike Mansfield, who takes a broader view of

the nation's interests than some of his colleagues.

[From the Corpus Christi (Tex.) Caller, May 3, 1971]

DISTURBING SWITCH

Okinawa, an island in the Pacific not far from Japan, is to Americans the scene of the decisive battle with Japan in World War II. It has been under our control ever since, very much to Japan's discontent.

In 1969, accordingly, Premier Sato visited President Nixon and won his promise to return Okinawa to Japan in 1972. In return we gained rights to maintain a nonnuclear weapons base on the island.

Now—apparently in response to pressure from our textile industry, which is fighting to curb Japanese textile imports—Mr. Nixon has made a disturbing decision with regard to Okinawa. Its return to Japanese jurisdiction will not be handled as an executive decision, but through a treaty. The difference is that whereas an executive decision would require only the bare majority approval of both houses of Congress, a treaty would require approval of two-thirds of the Senate to become valid. That will be much harder to get.

The method chosen by the President does have a political advantage. If the Senate does not approve the treaty by the required two-thirds, Mr. Nixon can, should he wish to do so, tell the Japanese in effect: "So sorry, I tried, but Congress would not let me do this."

The executive agreement method has a precedent. The Northern Ryukyu Islands and the Bonin Islands, in the same general area, have the same legal status as Okinawa. They were returned by executive agreement, not by treaty.

Japan's friendship is important. She stabilizes our Far Eastern position. The friendship of the textile industry also is doubtlessly important to the Nixon administration—to any administration in office—but that should not be allowed to play such a vital role in foreign policy. President Nixon ought to consider the matter anew, and would be acting in the broader national interest were he to change his mind and handle the Okinawa transfer by executive agreement.

[From the Birmingham (Ala.) Post-Herald, May 7, 1971]

TEXTILES AND OKINAWA

President Nixon plans to submit to the Senate a treaty returning Okinawa and the other Ryukyu islands to Japan.

A treaty is the proper constitutional way of handing back the island chain, which the United States has administered since World War II. But it is also a dangerous one.

It is feared some textile-state senators, led by Strom Thurmond, (R-S.C.) will block the treaty until Japan agrees to restrict sharply its textile exports to this country or will attach a quota bill to the treaty.

We sincerely hope the textile protectionists and their shoe-state allies do not take any such short-sighted action. It's wrong to mix hometown politics with foreign policy, and this time it can cause immense difficulties to the nation.

Nixon had many good reasons to reach agreement last year with Japanese Premier Eisaku Sato on the return of Okinawa, hopefully in 1972.

The strategically located island had become the most emotional issue in U.S.-Japanese relations. Okinawans consider themselves Japanese in race, language and culture, and had become more and more restive under American rule.

In Japan itself, the mutual security treaty with the United States and the pro-American Sato government could not have survived without an Okinawa agreement. That may still be the case today.

If the Okinawa treaty is ambushed in the Senate, there could be such riots on the island that our key military bases would be untenable. And Sato's cabinet could be replaced by one hostile to America.

It is, we think, unworthy of a great nation to use diplomatic blackmail, to hold Okinawa for ransom, in the interest of textile mills.

The Senate should be mature enough to separate the two issues, our Asian-Pacific foreign policy and textiles, and dispose of them on their merits.

This time it won't be enough for Nixon, as he often does, merely to send the Okinawa treaty to the Senate and see what happens. He'll have to fight for it. We hope he does—and wins.

[From the Roanoke (Va.) Times, May 7, 1971]

OKINAWA, TEXTILES AND THE SENATE

The dispute between the U.S. and Japan over textile quotas has cast some doubt on the expected reversion next year of the island of Okinawa back to Japan.

Some believe that the Nixon Administration wants to use the Okinawa issue—an emotional one in Japan—as a bargaining card to get trade concessions from that government. This is a ticklish business, bordering on interference in Japan's domestic affairs; for if Washington does not deliver on expectations that it will turn the island back to Japan, Prime Minister Eisaku Sato's government could fall as a result.

Also to be considered, of course, is the future of the considerable American garrison on Okinawa. Apparently there is no serious difference there; Japan seems willing to grant the U.S. rights to continue using military bases on the island if administrative control of the territory returns to Tokyo.

We have misgivings about the advisability of using the Okinawa question as leverage for a textile agreement—misgivings that arise from our doubts that the industry's troubles in this country should have so much bearing on our over-all trade policy. But we disagree with those who feel that, in handling the Okinawa matter, President Nixon should make reversion of the island an executive action, bypassing the Senate where the question could become entangled with the textile issue.

Sen. Harry F. Byrd Jr. of Virginia has pointed out that the Constitution requires the Senate's advice and consent to any treaty entered into by the U.S., and that the U.S. obtained control of Okinawa by our peace treaty with Japan—a treaty ratified by the Senate. Sen. Byrd properly contends that any change in that treaty should not come in unilateral executive action, but only with the approval of the Senate.

The senator notes, with satisfaction, that the Nixon Administration now has formally agreed to submit any such change to the Senate. It is a positive move. We may not necessarily agree with whatever the administration or the Senate does with the treaty. But the Constitutional principle, we think, is clear. And we welcome any development like this that tends to restore the partnership that should exist between White House and Senate in formulating foreign policy.

[From Newsweek Magazine, Apr. 12, 1971]

PLAYING WITH THE FIRE OF THE RISING SUN

(By George W. Ball)

The chronicle of our relations with Japan prior to the second world war begins with ineptitude and ends with disaster. Not only did we affront Japanese pride by slamming our doors on their sons and daughters, but, by prohibitive tariffs, we excluded their goods from our markets. For this protectionist outrage we, of course, paid dearly. By threatening Japan's ability to earn the foreign exchange needed to buy the raw materials required to sustain her then exploding population, we helped encourage her soldiers to gain control of raw material sources through conquest—a course of action pretentiously known as the "Greater East Asia Co-Prosperity Sphere," which ultimately led to Pearl Harbor.

Happily, in the postwar period, we have shown the Japanese a more mature comprehension and a greater awareness of mutual interests; yet the critical test is only now beginning, as—a quarter century after the war—Japan abandons its "low posture" for a more assertive role.

Where that role may lead her no one can say, since Japan is pervasively rootless. More than in any other country, the war tore asunder the fabric of Japanese society and politics. No longer was the Emperor the god-king, with his imperial will expressed through the military. No longer was the state cult of Shinto intact, or the obsession with ancestor worship and the Confucian authority of the family. Today, as a great industrial nation, Japan turns her eyes toward the West; yet even now the atavistic pull of the mainland remains strong, since Japan's Western ties lack the vital adhesive of a common culture, language, literature or history.

Largely because Japan leaped from feudalism to industrial pre-eminence in less than a century, the resemblance between her institutions and those of Western nations is more apparent than real. We watch with dismay as her great industrial companies pursue pricing policies and practices in external markets that subordinate profit to the national purpose. We find the collective spirit of national effort permeating every aspect of society.

SENSIBLE COMPROMISE

Thus to fit Japan into a world system of politics and economics shaped by the traditions of Western individualism will not be easy, nor can it be achieved by America alone. Although European statesmen and business leaders seem deaf to the problem, it remains a common task for the whole community of industrialized nations. Meanwhile, Japanese relations with the rest of the world are becoming more and more polarized between Tokyo and Washington.

Undoubtedly, those two capitals have much to say to one another, but not always with full understanding. Recently they have faced two issues of special urgency: the reversion of Okinawa and the opening of the burgeoning Japanese market to the produce and investment of the West.

On the first issue, President Nixon took a long stride forward when he promised Prime Minister Sato in November 1969 that Okinawa would revert to Japanese administration during 1972. It was a decision long overdue, since how could anyone possibly justify the continued rule by the United States, a whole generation after the war, of more than 1 million Japanese living in Japanese territory? The solution—a sensible compromise that assured the United States the same rights in the Okinawa base as in the bases in the Japanese home islands—came just in the nick of time. It saved the Sato government and forestalled the termination of the security treaty which might otherwise have occurred last spring.

Yet, having taken this statesmanlike step, the Administration is now in danger of throwing away the benefits by deciding not to effectuate the Okinawa reversion by executive agreement, which at the most would require only a majority vote of both houses of Congress, but rather by a treaty, requiring the approval of two-thirds of the Senate.

DANGEROUS SUSPICION

All other things being equal, one could properly regard the issue as deserving full Senate treatment. But all things are not equal, for a totally irrelevent reason—that the Administration has shown a persistent willingness to sacrifice larger interests to

fulfill a campaign promise to the American textile industry. In a so-far futile effort to reduce the inflow of Japanese textiles, not only has it squandered much political capital with Japan but it has proved more Catholic than the Pope by rejecting a proposal of self-restraint from Japanese industry that had been accepted by the chairman of the House Ways and Means Commitee, Wilbur Mills.

In the atmosphere of bitterness and confusion thus created, calm analysis cannot flourish, and suspicion has inevitably developed in Tokyo and elsewhere that the treaty route was deliberately chosen to strengthen the Administration's hand in extracting a more restrictive import limitation from Japan. Yet what could be more grotesque than an attempt to trade off the reversion of Okinawa—a vital step to preserve our security in the Far East—for the appeasement of a single industry and a few Southern senators, at large cost to American consumers and with grave risk of undercutting all hopes of widening access to the vast Japanese market?

Whatever the Administration's motives—and I prefer to draw no invidious conclusions—the situation demands the most careful attention, for we dare not let protectionism again wreck out relations with Japan, as occurred 40 years ago. But, unless the White House vigorously intervenes, the protectionist lobbies may well mobilize the maximum 34 Senate votes needed to block the Okinawa treaty, in the event Japan refuses to grant their protectionist demands. That is an eventuality to make one shudder, for if the President should prove unable to deliver on his promise to hand back Okinawa, there is no doubt that the whole fragile structure of our relations with Japan would come tumbling down. And if that should happen with the only large modern industrial nation in the Far East, it would make defeat in Indochina seem like a pinprick.

[From the Washington Evening Star, Mar. 27, 1971]

BIG RISK FOR SOME SOUTHERN VOTES

(By Milton Viorst)

President Nixon, having lost one battle after another over restrictions on textile imports, has now leveled the biggest gun of all at his chief target, the Japanese—a threat to break the American commitment to return Okinawa to Japan's control.

The President has shocked some of his closest advisers—George Shultz, Henry Kissinger, even John Ehrlichman—with a relentless determination to keep the Southern strategy intact by providing import protection for the South's textile industry.

He has mortified the Pentagon, which has warned him that his obsession with textiles risks undermining American security in the Pacific, increasingly dependent on Japan.

In fact, the President himself said not long ago: "Whether Asia and the Pacific become an area of peace or an area of devastation will depend on what happens between the United States and Japan, more than between any other nations in the world."

Yet Nixon insists, at Japanese expense, on special privileges for the textile industry, although it has been—both before and since the recession—in stronger condition than American industry generally.

The President is still burning over the slap he took a few weeks ago when the Japanese, after the collapse of formal negotiations, announced that they would impose restrictions upon themselves on textiles.

Behind the Japanese announcement was the shadowy figure of Wilbur Mills, chairman of the House Ways and Means Committee, who backed he President on legislated textile quotas last year, but who now feels that they cannot be enacted without undermining the country's entire liberal trade posture.

In a petulant public statement, the President not only complained that the Japanese limitations were inadequate. He also was angry that Mills had usurped diplomatic prerogatives which he believed, quite justifiably, belonged to him.

Unless the President could come up with a strong countermove, however, Mills was in a position to end the matter by blocking further action on textiles in Congress.

The President had two tactical possibilities. One was to limit textile imports—as he had oil imports—by executive order, on the grounds that they impaired national security. But he knew such grounds were ridiculously flimsy. The other was to blackmail the Japanese over Okinawa.

Although the United States had pledged as early as 1951 to return Okinawa, no agreement was reached until Premier Eisaku came to Washington in November 1969.

At the time, Sato was running for re-election on a platform favoring renewal of the U.S.-Japanese mutual security pact. He was under severe pressure from anti-American elements.

President Nixon's promise to return Okinawa by 1972 is regarded as the key factor in Sato's landslide victory. It is further regarded as an indispensable condition of continued Japanese-American amity.

Overtly, the President has done nothing to repudiate the Okinawa promise. But after the Japanese textile announcement, he decided to send the Okinawa agreement to the Senate as a formal treaty, which requires a two-thirds majority.

The President is fully aware, of course, that the protectionist bloc in the Senate has at least a third of the votes and that, even if it did not, it could filibuster the agreement to death.

Though he has made no public statement, the President has let it be known that, without a satisfactory textile agreement, he will do nothing to interfere with such an eventuality.

In the Senate, the protectionists already are busy. Last week, Talmadge of Georgia, representing Southern textiles, and Pastore of Rhode Island, whose shoe manufacturers want to get in on the action, summoned the chief protectionist lobbyists from labor and industry. Together, they made plans to use Okinawa to break Japan's resistance and outflanked Chairman Mills.

Meanwhile, the Japanese press has gotten wind of what is happening and is drumming up public opinion. If America reneges on its Okinawa promise, it is not at all clear that the Sato government can survive 1972. His successor, then, will surely come to power with a strong anti-American bias.

Right, now, Nixon seems indifferent both to the country's pledge and to Sato's fate. Even his own advisers find it appalling that he is taking such risks—especially since it's just for some votes down South.

[From the Washington Evening Star, May 7, 1971]

ECONOMICS SPARKING U.S.-JAPAN CRISIS

(By Carl T. Rowan)

Deep undercurrents of anti-Japanese feeling have burst forth in the press and the public utterances of leading Americans. And there is growing worry in official circles here that a totally unnecessary crisis in relations between the United States and Japan may soon become unavoidable.

It all flows out of the fact that that island nation of 104 million energetic people continues to ride a miracle of economic expansion while we suffer an assortment of difficulties.

A tiny article in the back pages tells us that in 1969 and 1970 Japan had balance-of-payments surpluses totaling almost $4 billion. In the same period the United States suffered deficits totaling $15.5 billion.

So now we hear U.S. Cabinet officers whispering that Japan is waging an "economic war" in hopes of dominating the world.

Leaders of the American textiles industry wage a ceaseless campaign to convince Americans that the Japanese are "Oriental Jews" who resort to all kinds of trickery to take over lucrative markets.

Other American businessmen call Japan "a corporate state," lamenting their inability to compete with Japanese firms which get governmental assistance that Uncle Sam just doesn't give U.S. enterprises.

"Stop Japan," has become the new cry of a segment of American business and industry that is pushing for an end to free trade policies that some feel have led the United States into economic trouble.

Some officials here are convinced that Peking wants to use any warmup with the United States to put the screws on Japan, and that Americans will regret it for years if they let anti-Japanese sentiment get out of hand.

Some close observers of U.S.-Japan relations say that many Americans are simply trying to make Japan the scapegoat for their own business failures.

Others insist that a strong racial factor is at work. Japan is the first Asian nation to occupy the position of third-ranking economic power in the world (after the United States and Soviet Union). Her economy has grown by at least 10 percent for the last 15 years, producing new nationalism and new confidence that have caused the Japanese to say "No!" to Uncle Sam on a variety of issues. The Japanese are reaching out everywhere for markets and raw materials.

A lot of Americans can't quite get used to Orientals playing that role.

But a look at the facts, and at what is at stake, suggests Americans had better get used to it rather soon.

Trade between the United States and Japan reached $10.6 billion last year. The increase alone ($2.4 billion) was three times as much as Japan's total trade with Communist China.

No country except Canada has a bigger trade with the United States than does Japan which has become the first billion dollar purchaser of U.S. agricultural products. This is of vital consequence to middle-class Americans whose pocketbook interests scarcely permit any anti-Japanese excesses.

Much is made of the fact that Japan has an advantage of a billion to a billion and a half dollars a year in trade with the United States, an advantage that Japan maintains by putting quota restrictions on U.S. products such as automobiles, grapefruit, light aircraft and computers.

The figures don't tell the whole truth about Japan's trade advantage. The Japanese import 5 million barrels of oil a day from the Middle East, most of it from American companies. This money doesn't show in the U.S. balance of payments although perhaps two-thirds of it winds up in the United States.

There is also talk about how the United States spends $600 million a year in Japan on military items, a false implication that we do this to defend Japan. About $200 million of this is for oil for Vietnam and many millions are for items to stock PXs in Vietnam—items the United States buys at such a rakeoff that the Japanese to some degree help subsidize the war effort.

The Japanese are aware that their trade and investment policies have been a sore point with Americans, and they are in the process of speedy liberalizations.

But one critical question is whether the anti-Japanese frenzy has been fanned so high that it will be permitted to affect Senate consideration of a treaty to return Okinawa to Japan.

The reversion of the Ryukyu islands (including Okinawa) is a highly emotional issue in Japan. U.S. officials decided on the merits that, 26 years after war's end, the Ryukyus ought to be handed back. An agreement on

reversion will soon be completed after years of tense and tedious negotiation. Anything that upsets that agreement would seriously disrupt U.S.-Japanese relations, throw the Sato government out of power and produce new troubles in an already volatile Far East.

The trade issues ought to be kept separate. But it may be too much to expect the textiles industry or some others to resist the temptation to create a treaty crisis by interjecting their private "stop Japan" emotionalism.

A CHILD'S GUIDE TO VIETNAM

Mr. McGOVERN. Mr. President, the U.S. Department of State, through its Bureau of Public Affairs, has undertaken to explain the war in Vietnam to the young children who have written to either the Department of State or to the President asking questions about the war. Children are always asking troublesome questions, as we all know.

It occurs to me that the Senate might be interested in knowing what the State Department is telling these young people, including such information as the fact that—

The South Vietnamese had showed that they were brave people and we knew that if the North Vietnamese were not stopped from trying to take over another country by shooting and killing, the other countries in Asia would be in danger too from the communists. So we decided to help the South Vietnamese people.

It may also be of interest that—

The Vietnamese communists are especially dangerous because they believe in the use of armed force and terror.

Vietnamization is also described:

President Nixon and all of us believe that a good and just peace is possible. Until the North Vietnamese agree, we must have lots of patience and grit to go on with the talks in Paris and with the fighting in Vietnam.

Mr. President, I ask unanimous consent that this educational document be printed at this point in the RECORD.

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

AN EXPLANATION OF THE WAR IN VIETNAM FOR PRIMARY SCHOOL CHILDREN

Many young school children have written to the President or to the Department of State about Viet-Nam. We have prepared the following explanation for them:

Viet-Nam is a very old country in Asia, about 8,000 miles away from the United States. About 17 years ago, part of the Vietnamese people called Viet Minh were fighting against France which had ruled Viet-Nam for many years. Many of the Viet Minh wanted Viet-Nam to be a communist dictatorship rather than a free country. The Vietnamese communists are especially dangerous because they believe in the use of armed force and terror.

The Viet Minh finally won a big victorry over the French forces. The French and officials from some other countries who were interested in Viet-Nam sat down to talk with the Viet Minh in the city of Geneva in Switzerland. They agreed to make peace and to divide Viet-Nam in two parts. The northern part is held by the communists and is called North Viet-Nam. South Viet-Nam is held by those Vietnamese who do not want to live under Communist rule. It is also called the Republic of Viet-Nam. Many people in the North went to live in the South to get away from the communists. Many more wanted to go too but the communists broke the rules of the agreement made at Geneva and would not let them go.

NORTH VIETNAM ATTACKS THE SOUTH

A few years went by. The North Vietnamese were planning to take over all of South Viet-Nam by elections because there were more Northerners to vote than Southerners and because the communists would make sure, by force if necessary, that more people would vote for the North than for the South. The leaders of South Viet-Nam refused to take part in elections that they knew would not be fair. This made the communist leaders of the North very angry, and they decided to take over South Viet-Nam by force.

When the country was divided into two parts, the communists had left some men in the South who pretended to be like the Southerners. These men received orders to dig up the guns which they had hidden and to kill people in the South so the men in the South would be afraid to fight against the communists. These communists in the South, called guerrillas, would often go into villages at night and kill important people such as the mayor and the school teacher. This would make the villagers afraid to tell the South Vietnamese soldiers where the guerrillas were hiding. The guerrillas did not wear uniforms and it was easy for them to hide in the jungle or to pretend they were villagers. During this time we were sending guns and supplies to the South Vietnamese so they could fight back. We also sent some soldiers to advise them how to fight.

SOUTH VIETNAMESE WANT TO DECIDE OWN FUTURE

As time went on, the North Vietnamese sent more and more men from the North into South Viet-Nam. They began to send soldiers who attacked the soldiers of the army of South Viet-Nam and soon there was a real war going on. The soldiers from the North and the guerrillas were well trained to fight. Things were going badly for the people of the South. They wanted to be able to decide how to run their country for themselves. So they asked us to help them fight the North Vietnamese. The South Vietnamese had showed that they were brave people and we knew that if the North Vietnamese were not stopped from trying to take over another country by shooting and killing, the other countries in Asia would be in danger too from the communists. So we decided to help the South Vietnamese people, and some other countries also decided to help. That way we hoped to keep the war in Viet-Nam from becoming a big war that might put the whole world in danger.

AMERICA AND OTHER COUNTRIES HELP SOUTH VIET-NAM

America promised to help the South Vietnamese and we sent soldiers, ships and airplanes to Viet-Nam. Five other countries also sent soldiers. Over 30 countries gave food, medical supplies and many other things to help the South Vietnamese. We have been fighting very hard for six years to help the South Vietnamese soldiers. Together we have done well and the soldiers from the North are not winning any more. They are still trying to take over the South but they know that the South with our help is stronger than they are. The South Vietnamese are becoming such good soldiers that we are bringing some of our men back to America. In May and June last year American and South Vietnamese soldiers destroyed the communist bases in the next-door country of Cambodia. We did this because the bases gave the communists a chance to attack our men in South Viet-Nam and then to run and hide in Cambodia. Our action in Cambodia made it safe to go on bringing our men home. This year some South Vietnamese forces, with the help of US air power, have moved into the nearby country of Laos to cut the supply lines the communists need to carry on the war in South Viet-Nam.

We and South Viet-Nam do not want to take over the North and we do not want to make the war bigger. All we want to do is to stop the communists from taking South Viet-Nam. President Nixon has said that if the communists go back home to the North and leave the South alone, the war will end. We are having talks with leaders from the North in the city of Paris in France. At these talks, we are telling them that if they will take all of their soldiers out of South Viet-Nam, we will too. But if we take all of our soldiers out of South Viet-Nam before peace is made or before we are sure that the South Vietnamese can take care of themselves, we would be breaking our promise to them. Other countries which are our allies would then believe that our word was no good and they would not respect us. Also, President Nixon is very concerned about our men held prisoner by the enemy. He has said that as long as North Viet-Nam holds a single American prisoner, we will have forces in South Viet-Nam.

WE BELIEVE A JUST PEACE IS POSSIBLE

We are sorry the North Vietnamese are not ready to pull back their soldiers, but we think they will come to see that peace is better than to go on killing. President Nixon and all of us believe that a good and just peace is possible. Until the North Vietnamese agree, we must have lots of patience and grit to go on with the talks in Paris and with the fighting in Viet-Nam.

PAKISTANI STUDENTS IN UNITED STATES OBJECT TO MILITARY EXCESSES IN EAST BENGAL

Mr. CHURCH. Mr. President, over the past 3 months, the world press has carefully and graphically reported the human and political tragedy taking place in East Pakistan. Because of rigid government censorship in Pakistan, however, the local press there has written about the civil war in the East in a much different light, viewing the conflict as a situation whereby a few miscreants and foreigners have stirred up antistate actions. We know from a variety of newspaper and other sources that this is not a true, complete picture of the crisis with such serious international overtones.

An editorial in the Pakistan Student, the official publication of the Pakistan Student Association of America, which represents all Pakistanis studying in the United States, sees the crisis more objectively, too. Interestingly, this nationwide organization is led by West Pakistanis who have had, I understand, close personal as well as working relationships with high Government of Pakistan officials in Islamabad and here. Yet in its April 1971, edition of the the Pakistan Student, the lead editorial opposes its own government's conduct in East Pakistan, basing its charges on what "is present in the Pakistani press itself."

The editorial comments on the two major forces working in East Pakistan prior to the bloodshed of March 25. First, "the predominant, that of the Awami League, wanted full autonomy within Pakistan." Then, "the second called for independence and also threatened guerrilla war as the only remedy for" their "suffering. By destroying the Awami League," it concludes, "Yahya Khan has unwittingly left the field to the advocates of violence. No wonder China is so pleased with the Pakistani Government."

I ask unanimous consent that the editorial, "Does Power Flow From the Gun Barrel?" be printed in the RECORD.

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

DOES POWER FLOW FROM THE GUN BARREL?

The blessed Apostle of Allah said: "I swear by Him in Whose Power is my life, it is essential for you that you enjoin the truth and forbid evil and stop the wicked and turn him towards the truth. Otherwise Allah will carry the corruption of the evil-doers to those who claim to be upholders of Truth and taint them also. Or He will curse them as the Jews were cursed."—Hadis quoted in Ibn Kathir's *Tafsir*. II. 83.

The indecent haste with which India tried to take advantage of the army operations in East Pakistan has proved a boon for the ruling group in Pakistan. As the dust of Indian attacks settles down some hard facts will have to be faced. Events in Pakistan pose questions of a very fundamental nature for every Pakistani. In the last editorial, in our special edition of March 1971, I had given an outline of important events. It is my duty, as one who stands under Allah's Gaze, to continue to present the nightmarish facts, however horrible, to our readers. The proof of what I intend to say here is present in the Pakistani press itself and can be shown to all doubters. If the Pakistani government can prove anything to the contrary we will recant with pleasure.

At machine-gun point the President of Pakistan, Agha Muhammad Yahya Khan, has banned the Awami League and accused its leader of treason. In his speech of March 26, 1971 he declared "Shiekh Mujibur Rahman's action of starting his non-cooperation movement is an act of treason. He and his party have defied the lawful authority for over three weeks." *Dawn* March 27, 1971. We do not agree with Shiekh Mujibur's politics and we criticized him (as opponents in a democratic system) in our January and February issues. But the question arises that, apart from the right of the "gun", what right has President Yahya to accuse Shiekh Mujib of treason? Shiekh Sahib's party had won 167 seats in the elections and thus had a clear majority in the National Assembly. According to the canons of democracy he had every right to rule. Can non-cooperation (general strike etc.) ever be termed treason? If it can be, were all those people who struggled against Ayub Khan, in the Pakistan Democratic Movement (PDM) through 1967–1969, traitors? (Let us make it clear here that the Pakistani government has itself declared that Mujib did not make any declaration of independence. See *Dawn*, of March 28, 1971). The Pak. newspapers like *Jang, Dawn, Morning News, Jasarat* throughout February and March made it abundantly clear that the whole of East Pakistan, every political party, association, organization and group, was solidly behind Mujib and demanding transfer of power. Thus the charge of treason is an insult hurled against the entire population of East Pakistan. Yahya Khan's "Blitz-Krieg" means that if any party in Pakistan ever becomes strong enough to bring about a real shift of power, away from the clique, it will be brutally crushed. If Shiekh Mujib's whole party consisted of a pack of traitors the questions arise that:—

(1) Why was he allowed to fight the elections? If he had any contacts with India, what was our intelligence department doing during 1969–1970? If any proof of contacts was available why was the party not immediately banned and the proof put before the people? Is it not a serious charge against the government that it knowingly allowed "traitors" to fight the election?

(2) If the government wishes to argue that Mujib and a small group had fooled their own party and all the people of East Pakistan, why did it not allow the "traitors" to unveil themselves so that the East Pakistani people may have dealt with them? India certainly could not have helped the "traitors" in the presence of the army. Or would the entire people of East Pakistan have been helpless before the handful of "power hungry and unpatriotic people"?

(3) Why did the President announce in his 'Pakistan Day' message that: "The stage is now set for our elected representatives to work together for the common goal which would accommodate both East and West wings in smoothly working harmonious system"? (Dawn March 23, 1971). Two days later the curtain went up on a fascist clique's take-over. It would not be wrong to presume that while talks were going on the clique was preparing for the shooting spree. The events outlined in our March issue should be read along with this.

It seems that Mujib understood what the government planned to do. Hence his frantic calls to his people to remain disciplined and peaceful and to maintain harmony among locals and non-locals. Before each important meeting he said that someone else should speak for him if he does not manage to come. It is best to record here the words in which Mujib rejected the commission set up by the Martial Law Administrator zone 'B' to inquire into the reasons for the call-out of troops in East Pakistan.

"The only term of reference is: "To go into the circumstances which led to the calling of the army in aid of the civil power in various parts of East Pakistan between March 2 and March 9.' The fundamental issue is thus pre-judged, since what has to be inquired into is whether the development and use of force was in aid of ulterior political purposes and not at all in aid of civil power. The 'commission' is further shut out from inquiring into the actual atrocities, which have been reported from various parts of Bangla Desh, involving thousands of casualties. Thus even the number of casualties and the circumstances in which unarmed civilians were shot down cannot be inquired into."—Morning News, March 19, 1971.

Those politicians who had some connections in the armed forces seem to have sensed what was coming. One day after Yahya Khan postponed the Assembly session (on March 1), in response to Bhutto's threats, Air Marshal (Retd) Nur Khan strongly insisted that "the President must call the session again in March, otherwise irreparable damage will be done. The President is being wrongly advised by a highly placed person. If change of power does not take place West Pakistan will always have army rule." (See *Jang*, of March 4, 1971). Nur Khan kept on warning. Finally his meeting in Lahore was disrupted on March 12 by "People's Guards", heavy stoning took place and while he was leaving his car was badly damaged, its windscreen shattered (*Jasarat* March 14).

Asghar Khan announced after hearing of the postponement on March 1 "I am not surprised. I had already seen this possibility" (*Jang*, March 3). As the military started its killing campaign in East Pakistan Asghar declared in a press conference "Power should immediately be transferred to Mujib. Our hearts are crying tears of blood for the people in East Pakistan. If firing on our innocent East Pakistani brothers goes on I will go there and stand in their front ranks." (*Jasarat*, March 6).

On March 11 he again stressed the need for immediate transfer of power to Mujib. When asked under what constitution would power be transferred he countered that "under which constitution did Ayub take over power in 1958?" He also referred to the necessity of a movement like that of 1968 (Meaning evidently that the struggle was the old one between dictatorship and democracy) (*Jasarat*, March 13). [The same day Maj. General Sher Ali Khan sent a telegram to Yahya Khan urging him not to do anything which would leave him "with the blame for putting an end to this Islamic Republic." (Ibid.)]

Asghar Khan went on with his warnings. On March 19 the PPP guards brick-batted him at Multan. He escaped unhurt but the lawyers protecting him were injured. The Multan district Bar Hall where he spoke was ransacked, the window panes and furniture smashed. This went on for one and a half hours. (*Morning News* March 20). These attacks on PAF heroes did not lead to any arrests. The government obviously had given the go ahead to Bhutto's party.

THE STRUGGLE FOR DEMOCRACY

Any insight into the story of Pakistan in the last 13 years shows that anyone who comes anywhere near dislocating the centre of power in Pakistan is in danger of being branded "traitor". The memory of the Agartala case is still fresh. Mujib, then in jail was suddenly charged with having conspired with India.

No explanation was given as to how he could have carried on the conspiracy from prison and the Agartala conspiracy case which followed made the government the laughing stock of the people. Even Miss Fatima Jinnah, the venerable sister of the Quaid-e-Azam came near to being labelled "traitor" when she became a threat to Ayub Khan's supremacy. Full page advertisements were published in the government-controlled press giving quotations from Indian newspapers with the suggestion that Miss Jinnah had Indian backing! Fortunately for her Ayub Khan's political machinery, firmly in Bhutto's hands, proved too good for her.

By the end of 1967 and early 1968 the Pakistan Democratic Movement had let down its roots into almost every area of Pakistan. It could not be declared "treacherous" as it had support in both wings of the country. Later almost every party, except Bhutto's PPP and Bhashanis' NAP, joined it and under the name of Democratic Action Committee (DAC) it staged country-wide general strikes, almost as powerful as the recent ones in East Pakistan. These brought Ayub to his knees. Meanwhile Bhutto had appeared on the scene as the hero of Tashkent. It was rumored that the government had sent him to disrupt the opposition but he was arrested for a brief period and the leftist students were convinced of his "socialism." It seems they were quite incapable of objective thinking.

As time passes I think it will become more and more evident that he is a government agent. Perhaps our readers remember how Bhutto and Bhashani refused to attend the round table conference and made the peaceful transfer of power impossible, so that Ayub handed over the reins to Yahya on March 25, 1969. At that time both wings of the country were united and the democratic forces were awake. To de-fuse the situation Yahya again and again announced his democratic intentions.

Later announcements were made to the effect that constitution-making would follow elections. Curbs on political activity were lifted from Jan. 1, 1970. In the year which followed two things became apparent. Firstly the government's fervent declarations that the ideology of Pakistan would be protected were violated again and again with no government response. The inquire into the burning of copies of the Holy Quran in March 1969 at Lahore was quietly dropped. Protests evoked no reply. Thus the government appeared as defender of the faith, but tolerated all attacks on the faith. Even Faiz's poem openly attacking the basic beliefs of Islam was defiantly published. Again protests had no results. Secondly the attempt to throw a bridge between the two wings of Pakistan was meticulously foiled and an organized

attempt narrowly failed to wipe out the Jamaat-e-Islami leadership at Paltan Maidan, Dacca. 3 members of the Jamaat were martyred and 500 injured. Incidentally the Governor's house is a stone's throw from Paltan Maidan. But that day, the Martial law authority was tactfully idle.

BHUTTO'S TACTICS

Sheikh Mujib's success though expected was overwhelming beyond expectations. In our last issue we pointed out how Bhutto's speeches of February 28 and March 14, 1971 brought matters to a head. In a democracy on a national level, if the country is not to be divided, there can be only one majority party. But Bhutto declared "that in the situation faced by Pakistan, having a geographical distance between the two parts, 'the rule of majority did not apply.' The Majority party "must take into account in the governance of the country, the wishes of the majority party of this wing," he added." (Dawn, March 16, 1971). Bhutto conveniently forgot that there is, strictly speaking, no West Pakistan now. On the national level there is Pakistan only (in which PPP is nowhere near the majority); otherwise there are five provinces out of which in one (Punjab) PPP has the majority and in another (Sind) it has a very narrow majority. It has no provincial-level power in Baluchistan, NWFP and East Pakistan. Bhutto's party declared that the opposition parties in West Pakistan had no right to speak or to join hands with Mujib in a coalition. Heads I win, tails you lose.

March 19. (Karachi) Mr. J. A. Rahim, PPP Secretary-general and Mr. Abdul Hafeez Pirzada, president of the Karachi zone PPP told a hurriedly called press conference that the PPP had finalized a contingency plan to foil "the conspiracy to sell out the interests of West Pakistan." Asked what the plan was they refused to disclose the details but said: "You will know when the implementation begins."

Question: Do you mean to say that the inclusion of Khan Wali Khan, Mian Daultana and Mufti Mahmood in any future central government set up, to the exclusion of the PPP, would be regarded by your party as part of this conspiracy? Pirzada: Obviously; it would mean that the majority of the people of West Pakistan have been deprived of their due and legitimate share of power at the centre.—Morning News, March 20, 1971.

That very day Asghar Khan was attacked. On March 19 a PPP woman leader openly warned *Jasarat* and other non-PPP papers not to criticize Bhutto otherwise their offices would be burnt. The very next night it was attacked, its advertisement section ransacked, scooters wrecked and the guard injured. The attackers came in trucks. They also burnt the newsprint stocks of Jang paper. (*Dawn* March 21, *Jasarat* March 22). Again there were no arrests.

To counter Bhutto the minority parties in West Pakistan held a convention on March 20 at Karachi: "The convention representing 40 MNA's elect of West Pakistan endorsed the demand for withdrawal of Martial Law and transfer of power to the public representatives. It also resolved that the future constitution should be in accordance with Holy Quran and Sunnah, guarantee the unity of Pakistan and genuine interests of all five provinces. Another resolution stressed that the PPP was not a monopolist of West Pakistan interests due to the fact that West Pakistan as a political unit had ceased to exist. The signatories were Allama Mustafa Azhari, Maulana Syed Ali Rizvi and Maulana Ibrahim Burq (all of Jamiat-ul-Ulema-i-Pakistan), Prof. Ghafoor Ahmed and Mahmood Azam Faruqui (of the Jamat-e-Islami) Maulana Abdul Hakim (Jamiat-ul-ulema-i-Islam) Mian Nizamuddin Hyder (CML) Makhdoom Noor Mohammad Hashim (Bahawalpur Motehda Mahaz) and Maulana Zafar Ahmed Ansari (Independent)" *Dawn* March 21. The convention frequently came under attacks with stones.

THE CURTAIN RISES

On March 22, 1971 Mujib expressed "progress" in his talks with Yahya. On March 23 Yahya announced that the stage was now set for the people's representatives to take over. On March 24 the leaders of minority parties came back from Dacca declaring that plans were now ready for transfer of power at provincial level with an interim government at the centre. (*Jasarat*, March 26) However the seven PPP men who came back the same day refused to say anything. It seems that alarmed by the growing violence of the Bhashani-type elements, in a desperate bid to break the deadlock, Mujib probably decided to accept Bhutto as representative of the whole of West Pakistan. This is evident from the fears expressed by Baluch and frontier province leaders, on their return from Dacca, that one unit was going to be revived.

For example Wali Khan said: "They (Awami League) wanted six-points, but you have offered confederation to them" he said adding "those who opposed the convening of the Assembly session are now talking of two Prime Ministers". *Morning News*, March 26. It is important to remember that during Ayub's regime the army and air force were used to keep Baluchistan in control. With the prospects of democratic participation in power things had improved. But now we are back from where we started. On March 25 three Baluch and Frontier leaders issued a joint statement strongly condemning the delay in transfer of power and Bhutto's pretensions as leader of West Pakistan. Akbar Khan Bugti and Ataullah Mengal had expressed similar sentiments earlier.

But none of them seem to have understood how ruthless the government could be. On March 25 Yahya suddenly arrived back in Karachi (*Jasarat*, March 27). His departure was the signal for army shooting in Rangpur, Chittagong and Saidpur which left 64 civilians dead and many wounded. (Ibid.) The violent elements now got a chance to spread their ideas that "power flows from the barrel of a gun." Mujib's response was the only one possible for a brave but civilized leader. He called for a protest strike, condemned the firing and warned that violence-mongers were trying to set locals and non-locals upon each other. (Ibid.) At the same time he appealed in tones of torment to Yahya Khan. He said if a "political solution is desired" by President Yahya Khan and his advisers they should "realize that it was for them to take matters immediately to a conclusion, and that to delay this would expose the country and its people to grave hazards." (*Morning News*, March 26) The next day Yahya announced from West Pakistan that Mujib was a traitor!

POINT OF LAW

In his speech of March 26 Yahya Khan has said: "All he really wanted was for me to make a proclamation whereby I should withdraw Martial Law and transfer power." In other words how could power be transferred without a constitution? Mujib can answer no more but A. K. Brohi a renowned Pakistani jurist has already answered this question:—

"Q. How do you envisage the transfer of power to the people in the context of negotiations going on at Dacca?

"Ans. If your question postulates that there are any constitutional impediments in the way of transferring power by the present regime merely because at present we have no constitution, then my answer is simple: there are no such impediments.

"If you recall what happened in 1947 you would get my point. Then too the departing British transferred power to the constituent assemblies for India and Pakistan and left provisions in the Indian Independence Act under which the provisional governments were to function and constitutions were to be framed in the two dominions of India and Pakistan."—(*Morning News*, March 25)

MARTIAL LAW AT WORK

In 1965 when our forces fought with clean hands press reporters were always welcome at the front. But now in East Pakistan extremely strict measures have been taken to ensure that the outside world does not find out what is happening there. Even the plight of the cyclone stricken people on the coast has been ignored and no relief planes are allowed for the same reason. A few dead bodies here and there can be disposed of in one or two days but today (April 20) even after 25 days there is no let up in the secrecy. There is strong reason to suppose that the military has committed outrages, like using tanks and artillery in heavily populated cities, which cannot be concealed easily. Foreign nationals leaving Chittagong and other places have spoken of large scale slaughter of unarmed civilians. If all these are false reports why is the government so concerned with stopping any facts from leaking out? Even if all that is being said by foreigners is false there is at least one martial law regulation which indicates that the army is behaving like that of Israel in Palestine.

"Dacca, 27 March (Radio Report). Zone "B" Martial Law Administrator Lt. General Tikka Khan has issued Martial law regulation 133 under which all attempts to obstruct traffic by digging holes or putting up any obstacles on any street or road is a punishable offense. In case of disobedience of this regulation houses within 100 yards of the holes or obstruction will be demolished and their occupants given ten years rigorous imprisonment." (*Jasaret*, March 29.)

The government was anxious lest West Pakistan's masses understand the situation and react against Bhutto and the Qadianis who have engineered this plot. Hence Martial Law regulation No. 77 issued by Yahya Khan himself reads (in part):—

"2. No person shall print or publish, or cause to be printed or published in a newspaper or other document whatever, any matter which—

"(a) Tends directly or indirectly to create hatred or ill-will towards any political party in Pakistan or any leader or member thereof." (*Dawn*, March 27.)

(Max. punishment is seven years. The first part of this regulation contains a familiar order not to say anything against "sects, clans, etc." which is usually issued to protect Qadianis. By a superb act of cynicism the regulation makes Islam also a part of the establishment and forbids anything said against it. Obviously the government wishes to identify itself with Islam while doing everything against the fundamentals of Islam.)

Baluchistan is the second most sensitive area and there even monthly, fortnightly and weekly papers are being censored, (*Jasarat* March 31). The Government knows the necessity of making people forget all that was said in the recent part. "The Director of Information, Baluchistan has instructed all printing presses not to print or publish any news serial, bulletin, booklet or pamphlet on which an earlier date is given. A press note warned that severe action under martial law regulation 77 will be taken against those who try to escape the regulation by printing or publishing any matter taken from dates previous to March 26." (Jasarat, April 1).

WHAT OF THE FUTURE?

Translations from Bengali newspapers published prior to March 26 show that there were two major forces working in East Pakistan. The predominant, that of the Awami League, wanted full autonomy within Pakistan. The second called for independence and also threatened guerrilla war as the only remedy for East Pakistan's suffering. By destroying the Awami League Yahya Khan

has unwittingly left the field to the advocates of violence. That is, even from the strictly military point of view the army has blundered. No wonder China is so pleased with the Pakistani government. As the news of atrocities are pouring in Bengalis abroad are giving up the idea of Pakistan and thinking in terms of an independent Bengal. Their anger and hate is not surprising. However let them ponder; is it not terrible that after all these sacrifices East Pakinstan should now have to become a theatre of guerrilla war, another Viet Nam? The military will probably try to use East Pakistan as a colony for the simple reason that if it loses the East it will have to be cut down to half size. Also it will maintain dictatorial control over Karachi, Baluchistan and frontier province. Instead of continuing in this state for another ten years the only way out is for the West Pakistan masses to realize what has happened. Let them awake from their slumber and see how tyranny has fooled them. The people of East and West Pakistan are brothers. History is a witness to this fact. The West Pakistan masses must now shed their blood for East Pakistan. Otherwise they themselves will never become free and able to live like civilized beings. If they unite and rise against the oppressors they will easily prove, as they did in 1968, that power flows not from the barrel of a gun but from a nation's faith in its own destiny.—Kaukab Siddique (End).

DEMAND FOR DEMOCRACY AND ISLAM

While expressing disappointment in the leaders of the two major political parties of Pakistan as well as repelling the tragic events that have taken place in Pakistan, and praying to Allah for those who lost their lives therein, this gathering of Pakistani students attending the 5th Midwest Regional Conference of M.S.A. of U.S. and Canada resolves that instead of shooting Pakistanis in East Pakistan, the Central government must assure the people of Pakistan that it is the majority which rules in a democracy and so the captured political leaders be released and power must be transferred to the majority party after the Constitution has met the minimum condition of the solidarity and the Islamic basis of Pakistan without any regard to any East, West or any provincial claims as to their right of representation. (Camp Trout, Missouri, April 10, 1971).

RESOLUTIONS OF PSAA. EMERGENCY MEETING AT IIT, CHICAGO, APRIL 4, 1971—REMOVE TIKKA, RELEASE MUJIB, RESTORE DEMOCRACY

Resolution No. 1.—This assembly strongly urges the Government to bring back the country to normal peaceful conditions and speedily create conditions conducive to the establishment of Democracy throughout Pakistan. It strongly feels that military rule is no solution to the present crisis and the unity and solidarity of Pakistan can only be achieved if people, rather than the military, govern the Country.

Gen. Tikka Khan should be immediately removed and the army should withdraw from the cities and go to seal the borders.

Resolution No. 2.—This assembly demonstrates its strong feelings for the unity and solidarity of Pakistan on the basis of Islamic ideology and justice to all the units of Pakistan.

Resolution No. 3.—It is the considered opinion of this assembly that East Pakistan has genuine grievances and frustrations for several years and this could only be resolved on the basis of Islamic Spirit of brotherhood which would ensure the end of exploitation.

Resolution No. 4.—This assembly strongly expresses its disgust and disappointment at the failure of the two major political parties and their leaders to be equal to the task of meeting the challenge of existing conditions leading to the disruption of the country. It strongly urges them to rise to the occasion and give a solution within the framework of one Pakistan.

Resolution No. 5.—This meeting of the Pakistani Students Assoc. of the U.S.A. expresses its profound grief and shock at the tragic happenings and expresses its heartfelt sympathies with bereaved families in East Pakistan and appeals to the Pakistani Government to compensate material losses of the affected families by granting them generous financial aid.

Resolution No. 6.—This meeting strongly condemns the provocative and irresponsible utterances of the prime minister of India and the Indian government who are fanning the already critical situation in East Pakistan which, if not checked will soon engulf the whole sub-continent. The Pakistan Students Association sees their support and propaganda as a useless effort of the Indian Government to divert the world's attention from its own oppressions and brutalities on the freedom fighters in Kashmir.

Resolution No. 7.—Mr. Sheikh Mujibor Rahman leader of Awami League the majority party along with the Awami League leaders who have been arrested so far should be released immediately and the Awami League, the majority party, should be asked to form the civil government.

All the political leaders who have been arrested should be released.

Resolution No. 8.—This Assembly believes that Shaikh Mujibor Rahman the leader of the majority party in Pakistan has not declared independence of East Pakistan and rejects the charge of treason.

SENATOR MUSKIE ADDRESSES CHICAGO NAACP DINNER

Mr. HART. Mr. President, we have witnessed in the past few years the birth of many coalitions of interest groups in America—coalitions to stop the war and coalitions for revenue sharing are examples.

But recently in a speech at the annual "Fighting for Freedom" dinner of the Chicago South Side Chapter of the NAACP, the distinguished Senator from Maine, EDMUND S. MUSKIE, spoke with great insight and feeling about the need for a far broader and fundamental coalition for change in America—"a coalition of conscience, committed to creating a nation worthy of our hopes and our boasts—with enough power and enough votes to make the American dream a reality for every American."

As Senator MUSKIE points out, blue-ribbon Presidential commission after commission after commission have warned us that the greatest threat to America is the increasing polarity in our society between the prosperous and the impoverished. They have also warned of the dangerous divisions among less fortunate Americans—blacks and whites—whose real interests are the same and who must work together to consign such slogans as "backlash" and "hard hat" to the trashbin of political rhetoric.

Mr. President, at a time when divisive slogans constantly assail us, the Senator from Maine has here with calm patience expressed thoughts which I have tried, far less eloquently on many occasions, to convey. I ask unanimous consent that this timely speech be printed in the RECORD. It repays careful study.

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

A COALITION OF INTEREST: BLACK AND WHITE TOGETHER

After years of practice, white politicians know the right things to say to an audience of black people. But we cannot really comprehend the depth of the wrong done to black America.

A white politician can speak about the shame of segregated slums. But he cannot feel the pain of a black father living in a neighborhood of boarded windows and sagging buildings, far from a decent job or a safe place for his kids to play.

A white politician can talk school integration. But he cannot feel the anguish of a black mother sending her sons and daughters off to classrooms with too few books, too many pupils, and too much risk of failure.

A white senator can vote against a mediocre appointment to the Supreme Court—and his vote can deny the insulting claim that this was the best the South could give to American justice. But he cannot feel the insult it was to blacks to even consider the nomination of a man whose most famous public remark was a racial slur.

So I did not come here tonight to lecture you on the wrongs you have endured for so long. You understand them in a personal, everyday way, far better than I ever could. And I did not come here to tell you again where I stand. I hope you already realize that I am with you now as I have been in the past. I believe now more strongly than ever that the future and the fate of America depend on our fight for racial justice. And I believe it is time to win that fight.

Presidential commissions and Senate Committees and executive task forces have already parsed and analyzed the crisis. They have studied the prejudice which surrounds you. They have denounced the discrimination which deprives you. And they have pointed the way to something better. They have left us with eloquent pleas and detailed plans for equity in America.

But defining the solution is no longer the problem. If we do not know by now what must be done, then we will never know it or do it. The challenge of racial justice in 1971 is not to construct a stronger case for a cause already so clearly and completely right. Our real challenge is to construct a strategy which will permit that cause to prevail.

We must build a coalition for change in America—a coalition that reaches beyond one race and any single group—a coalition with enough power and enough votes to make the American dream a reality for every American.

I am talking about a coalition of conscience, committed to creating a nation worthy of our hopes and our boasts. White Americans must ask themselves and each other—again and again—the same question President Kennedy asked them eight years ago: "which of us would willingly trade places (with a black man)?" In the last decade, the answer was a stream of civil rights legislation which left our people equal in law, but not in life.

Now we must answer, not only with a coalition of conscience, but with a coalition of interest. For we are learning that millions of whites share something of the black man's fate. We are learning, in the words of Congressman William Clay, that blacks "have no permanent friends and no permanent enemies—just permanent interests."

Since 1964, the social commentators have trafficked in words like "backlash" and "hardhat." They have identified the whites with lower and middle incomes as a center of popular resistance to racial equality. But those same white Americans are also deprived and pressured and ignored. In a very real sense, they have the same permanent interests as black Americans. And I am convinced that in a coalition of interest, the

things that unite us can overcome the things that divide us.

A coalition of interest, blacks and whites together, can fight for prosperity and against poverty. Americans of every race have a vital stake in the outcome.

When a worker loses his job, the lay-off slip is not white. It is not black. It is a common gray color of tragedy for the breadwinner and his family. Today, ten percent of all black workers are living that tragedy. Their unemployment rate is nearly twice as high as the National average. But millions of white workers are also out of work. And millions more see their job security threatened on every side.

Their concern is not the color of the next worker's skin, but the chance to work at all. They want jobs—and they want them now. They want federally-funded public service jobs—to provide an absolute and constant guarantee of employment for every unemployed breadwinner. They want far more summer jobs for the young than the administrations' proposal of a mere 600,000—because they want far less teenage unemployment than the current rate of 40% for blacks and 15% for whites. Most of all, they want to restore the dignity of the productive adults who are losing their hope and wasting their talents on endless welfare and relief lines.

A coalition of American workers can muster the influence to create a prosperous economy—where people of every race can be partners in progress instead of rivals for scarcity. Returning veterans should never have to be told that being out of the service means being out of a job. But that is what happened to 60% of the veterans in New York city who turned to the State Employment Service in 1970. They were black and they were white. They deserved a better response than the discouraging reply that no help was wanted. And they must never hear that reply again.

A coalition of American workers can also muster the influence to insure a stable economy—where this year's higher wages no longer buy less than last year's lower wages. In 1970, the average family of every race actually suffered a decline in real income of over 1%. Breadwinners carried a sandwich lunch and gave up a vacation trip and put off the new car—but in the end, inflation drained their savings away. That, too, must never happen again.

And a coalition of American workers can muster the influence to build an economy of opportunity—where the majority of the poor who are white and the minority of the poor who are black can earn their own way to a decent future. In the first twelve months of this decade—for the first time since the statistics were kept—there was a significant increase in the number of Americans who had to subsist on less than subsistence requires. In 1970, over one million more blacks and whites fell below the poverty line. They must not be forced to stay there—and we must help them help themselves up.

So there is a solid and promising basis for a coalition of interest on the issue of the economy. Workers of every race care about jobs, inflation, and poverty. That concern can bring them together. And, together, they can do something about economic decline. They can reverse the appalling recession which has hit whites as well as blacks and blacks even harder than whites.

But economic conditions are not the only tie that can bind a coalition of interest. The plight of America's great cities is another reason for common concern—and another invitation to common action.

According to some of the experts, the urban crisis is a crisis of minorities—of blacks and Chicanos and Puerto Ricans. But the urban crisis is in fact a crisis of the majority. It touches and threatens citizens of every race.

When industry flees our urban centers, it leaves thirteen million blacks behind. But such departures also endanger the forty-five million whites who have made their homes in our cities. Some of them follow industry's exodus. But many of them are like most blacks—they cannot afford to flee. Blacks and whites together, urban Americans become victims of urban decline.

As jobs shrink and welfare rolls soar, so do the rents that reflect property taxes—and the tax bills of the small homeowner. And in return for paying more, the citizens of most cities are now receiving less. Basic services like police and fire and sanitation face cutbacks, while basic problems are getting worse instead of better.

Next year taxes in New York City will go way up—while the quality of life will probably go way down. Across the country, overcrowded schools, deteriorated housing, and obsolete transportation are shortchanging urban blacks and urban whites. By circumstance if not by choice, the races are united in a coalition of frustration about the cities they inhabit.

And that frustration can inspire a new coalition of interest on the urban issue. At the municipal level, the coalition can work for modern and efficient goverent—so cities can get the most out of the resources they already have. At the state and federal levels, the coalition can use its voice and its votes to insure a sensitive, responsive policy toward urban America.

There is nothing in public life more powerful than fifty-eight million urban citizens of every race demanding their due. Almost alone, their power could secure reforms to keep industry in our cities—and fast public transportation to carry people from the cities to jobs in the suburbs. Business must stop running away from urban centers. And workers must have real access to available employment.

Our Nation's cities are far from finished. They can endure—and they can flourish again. The remarkable renaissance of downtown Chicago is proof of their essential vitality. But so much more must be done—for urban America—and for the Black Americans and the White Americans who live there. It can be done by them—and only by them—in a coalition of interest among all the races.

I think the black people and the white people of our cities care enough about urban survival to do enough about it together. And I think they also care enough about their own survival to form a coalition of interest on a third vital issue, the future of health care in America.

Even in the distant days when inequality was an accepted principle and practice in our land, there was one inescapable equality. It is with us now and will be with us always. It is our most basic common link—the simple fact that we are all mortal.

And in 1971, the sad truth is that America's failing medical care system is helping our mortality along.

In the last decade, hospital charges increased six times more than other prices—and doctors' fees climbed twice as fast. The tragic results are visible everywhere in America.

Poor blacks are abandoned to uneven and often inhuman public health services. Their babies die twice as frequently as white infants. Their wives die four times as frequantly in childbirth. And their life expectancy is seven years shorter. Black Americans are the worst victims of the system's failure—as they are so often and in so many different ways. But they are not the only victims.

Poor whites suffer, too. And the middle class is caught squarely in the middle—too well-off to qualify for Government help—too pressured to help themselves with comprehensive insurance. They often end up with an excruciating choice between losing their health and losing their savings. And that is why the United States has ended up with an infant death rate higher than fourteen other countries—and a male life expectancy lower than nineteen others. That is why young people in America are dying before their time and old people are dying when there is some precious time left. That is why the Nation which is first in the world in wealth is not first in the world in health.

If there is any place for a coalition of interest, this is surely it. What hangs in the balance is nothing less than life itself—and skin color will protect no one from sickness or death. A coalition of blacks and lower and middle income whites can insist on a medical bill of rights for themselves—and for every American of every race.

They can insist on the right to care within their means—Federal health insurance that takes the dollar sign out of medical services. They can insist on the right to care within their reach—Federal subsidies to train enough doctors and nurses and then to locate them where the people and the problems are. And they can insist on the right to care within their needs—medical attention which is comprehensive in scope, preventive in emphasis, and restricted only by the range of scientific knowledge.

America's concern over health services has reached a high water mark in 1971. A coalition of interest can make certain that something comes of that concern—a new health care system for blacks and for whites—and for every medically deprived American.

In the economy, in our cities, and in medical care, a coalition of interest could transform our lives and our politics. Obviously, its sweep would be potentially far broader than this speech. Education and business opportunities and a host of other critical endeavors could command its attention and its efforts.

And in the final analysis, a coalition of interest would be our single best hope for racial justice—because it would also serve the vast majority of our people. The legal guarantees of equality will become an everyday reality only when blacks and whites have equal rights to American prosperity as well as equal rights in American law.

But some Americans are pulling against a coalition of interest. They are worried about the breadth of the changes it would bring. They suspect that it would disturb established power and privileges—and they are right. Where they are wrong is in their confidence that racial and economic rivalry will inevitably destroy the coalition from the start.

In recent years, we have seen repeated attempts to divert our people from the pursuit of common interests by appealing to groundless fears. Perhaps the most vicious implication we have heard is that black Americans are against law and order. No one quite says it that way—but there are voices which convey that meaning—voices which use law and order as a code word for prejudice instead of a keynote for crime control.

But blacks suffer more from crime than most of our society. In our cities, they are the victims of a majority of all rapes and homicides and a near majority of all robberies. And long before drugs touched white American they were preying upon the despair in black America.

No wonder every indication we have tells us that blacks overwhelmingly support our police—to make them as effective as they can be—and as fair as they should be. No wonder black leaders have spoken up for courts which swiftly convict the guilty and swiftly release the innocent. No wonder they have also demanded reforms that will make our prisons places for rehabilitation instead of schools for crime.

Those who are banking on black opposition to law and order to break up a coalition

of interest should remember what crime has done to black people. And they should recall the reaction of Harlem when two policemen—one black and one white—were brutally gunned to death only weeks ago on a public street. Ministers preached from their pulpits against terror and violence. Citizens co-operated with the police in the search for the killers. And Harlem showed us all what law and order really means. Harlem showed us that a coalition of interest can be strengthened rather than subverted by the rising threat of crime.

But there is another obstacle to any new coalition—the economic rivalries which have been used again and again to dissolve an alliance of blacks and whites. The whites who are least able to pay are often told that they must bear the social costs of racial justice. A black worker's advance comes to be seen as a white worker's setback. And shared concerns are lost in a tide of mutual suspicion.

To survive, a coalition of interest must stand against that tide. Progress for the poor financed on the backs of the near poor would mock its own purpose. It would destroy the chance for coalition and the chance for change. So our first priority—the priority upon which all the rest depends—is to put the burden of reform where it belongs—on the individuals and the institutions which can afford to pay the bill. When millionaires are paying lower taxes than their secretaries or none at all—when great fortunes are passed through tax loopholes virtually intact—when giant corporations spend millions lobbying for tax preferences and save billions from them, it is time for thorough and total tax reform. Then we can finance guaranteed jobs, decent schools and cities and national health insurance without telling lower middle and middle income Americans to sacrifice beyond their means. That is the way to build and sustain a coalition of interest.

I have talked with you tonight about the common needs of your race and mine because I am certain that the success of the civil rights movement—now and in the years ahead—requires our common commitment to common goals.

And I do not think that white racism is the greatest stumbling block to justice in America.

I think the barrier is suspicion and fear, some of it accidental, some of it purposeful, and none of it founded in fact.

But the barrier can be overcome by helping people on both sides to perceive their shared interests.

You can see encouraging signs throughout the country. In Detroit, a black-Polish conference has enlisted the leadership of the Polish and black communities. In the new south, blacks and whites together have elected governors and senators who are pledged to serve all the people.

Our task—your task and my task—is to turn those beginnings into a lasting coalition of interest.

Nothing could better fulfill the tradition of the NAACP—or the ideals of America.

Nothing could bring us closer to Whitney Young's hope for an "open society"—where anyone can live anywhere and everyone will have every chance.

Like you, I am frustrated because we will not get there tomorrow. But I am hopeful that with leadership like yours we will get there in the 1970s. And I am convinced that whatever we can do, and whatever we dream we can do, we must begin now.

FREEDOM IN JOURNALISM

Mr. CHURCH. Mr. President, there is no greater "freedom in journalism" defender than Walter Cronkite. In a speech in New York City on May 18, CBS' anchorman, upon accepting the Broadcaster of the Year Award, said that—

The evidence today buttresses (the) suspicion that this Administration . . . has conceived, planned, orchestrated and is now conducting a program to reduce the effectiveness of a free press, and its prime target is television.

I ask unanimous consent that an AP story entitled "Cronkite Fears Federal Anti-Press Plot," printed in the Boston Globe of May 19, be inserted here in the RECORD.

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

CRONKITE FEARS FEDERAL ANTI-PRESS PLOT

NEW YORK.—Walter Cronkite said yesterday "evidence buttresses the suspicion" that the Nixon Administration has "conceived, planned, orchestrated and is now conducting a program to reduce the effectiveness of a free press, and its prime target is television.

"With consummate skill it attacks on many fronts: often reiterated but unsubstantiated charges of bias and prejudice from the stump; the claim of distortion or even fakery planted with friendly columnists, the attempts to divide the networks and their affiliates, harassment by subpoena," he said.

Cronkite, anchorman of the "CBS Evening News," defended the news media in a speech accepting the Broadcaster of the Year Award from the International Radio & Television Society at the Waldorf-Astoria Hotel.

Cronkite said recent attacks on the news media demand an answer in plain language. "As threatening as is this posture to our reputation of impartiality, the danger of silence is greater, and candor must be the order of the day," he said.

"For many of us see a clear indication on the part of this Administration of a grand conspiracy to destroy the credibility of the press."

The CBS newsman said, "No one doubts the right of anyone to seek to correct distortion, to right untruths . . . But the present campaign, spearheaded by Vice President Spiro T. Agnew and Republican National Chairman Sen. Robert Dole, goes beyond that.

"Aside from the attempts at intimidation through their reminders that broadcasting is a licensed industry, they are attacking the qualifications of the press as the single most powerful monitor of the performance of the people's government.

"Short of uncovering documents which probably do not exist," Cronkite said, "It is impossible to know precisely the motives of men's minds or of this conspiracy. But is it too much to suggest that the grand design is to lower the press' credibility in an attempt to raise their own and thus even—or perhaps tilt in their favor—the odds in future electoral battles?"

Cronkite said, "Nor is there any way that President Nixon can escape responsibility for this campaign. He is the ultimate leader. He sets the tone and the attitudes of his Administration. By internal edict and public posture, he could reverse the antipress policy of his administration if that were his desire."

Cronkite pointed out that nearly every President since George Washington has lashed back at press criticism. "These were personal and, in the light of the circumstances, perhaps understandable opinions—even as today it would take a most insensitive man not to understand and sympathize with President Nixon's sensitivity to press criticism.

"But the evidence today buttresses this suspicion that this Administration has gone much further—that it has conceived, planned, orchestrated and is now conducting a program to reduce the effectiveness of a free press, and its prime target is television."

Broadcast journalism, and CBS News in particular, has been under criticism from Agnew, other administration figures and influential congressmen since the airings of the CBS documentary "The Selling of the Pentagon."

Cronkite first tilted with Agnew in November, 1969 when the Vice President in a speech criticized the fairness of television commentary on a Vietnam speech by President Nixon.

LEO BURNETT

Mr. PERCY. Mr. President, a very fine friend of mine, and a great citizen, has passed away. Leo Burnett was a Chicago businessman who earned the respect and admiration of all who had the privilege of knowing him.

His passing is mourned not only by his many friends, but especially by the city of Chicago of which he was such a proud and prominent citizen.

As an indication of the respect in which his city held him, I ask unanimous consent that an editorial from the June 9 Chicago Tribune be printed in the RECORD.

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

A GOOD CITIZEN

Leo Burnett, who built a Chicago advertising agency from a bowl of apples and three accounts to the fifth largest in the world in 35 years, is mourned by all who knew him. Our report on his death appropriately referred to his long love affair with Chicago. He was consistent in his praise of the city's growth and progress.

Mr. Burnett agreed with Daniel Burnham, father of the Chicago Plan, who counseled Chicago, "Let your watchword be order and your beacon, beauty." In an address of 35 pages in 1965 Mr. Burnett offered his appraisal of how well we had lived up to that summons and that promise.

He spoke of the ever-changing Chicago skyline and physical facade, mentioning the enormous development of recent years after a drouth in new building lasting 23 years between 1932 and 1955. He was impressed by the many plazas, malls, trees, fountains and landscaped areas which had come to the city.

He was proud that Chicago had more colleges and universities than any other city; that its transportation was the best in the world, its airport the busiest; and that, as a seaway port, it handled more traffic than the Panama Canal. He found that in its cultural endowment, its commercial vitality, the spirit of its neighborhoods, Chicago was alive and pulsating.

We all should keep in mind his belief that the city's progress is "powered by the initiative, the pride and the friendly attitude of each of us who is proud to be a Chicagoan," and we should seek to be as good citizens as he proved himself to be.

THE HELLS CANYON PRESERVATION COUNCIL SPEAKS OUT ON NUCLEAR POWER AND THE ENVIRONMENT

Mr. CHURCH. Mr. President, one of the most pressing issues facing our Na-

tion today is that of providing our Nation's energy needs in a manner which will do the least harm to our environment. Recently, Mr. Peter B. Henault, president of the Hells Canyon Preservation Council, addressed himself to the issue of nuclear power and the environment in a well thought out letter addressed to President Nixon.

In this letter to the President, Mr. Henault points out the belief of the council that research should be conducted in fields such as solar and geothermal power and that our Nation should devote more attention to the problems of nuclear reactor safety. The letter states "the officers of HCPC feel the funding for research and testing in the area of public safety and environmental protection should be increased drastically."

While I have not yet had the opportunity to study all the recommendations contained, I agree with the general concept set forth in this letter. As I have stated in the past, nuclear power is with us. It is a fact of life. It is our duty to see that it is used and developed in a manner which will make its use environmentally and economically sound.

I commend this letter to my colleagues for their consideration, and ask unanimous consent that it appear at this point in the RECORD.

Mr. President, I also ask unanimous consent that an editorial from the Lewiston Morning Tribune dealing with the actions of the Hells Canyon Preservation Council in sending this message to the President be printed at this point in the RECORD.

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

HELLS CANYON
PRESERVATION COUNCIL, INC.,
Idaho Falls, Idaho, May 22, 1971.

President RICHARD M. NIXON,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: During the past year, the officers of the Hells Canyon Preservation Council (HCPC) have become increasingly concerned over the adverse publicity and general confusion associated with the various methods of providing this Nation's present and future energy needs. We are especially distressed by the charges that conservationists in general are uncompromisingly opposed to nuclear power as a desirable means of providing these needs and further distressed by the apparent inability of many government officials, industry executives, and other members of the public to hear what the conservationists are trying to say.

The Hells Canyon Preservation Council has, and continues to, support nuclear power in general as the most desirable, principal method of producing electrical energy in the next few decades. The officers of the HCPC feel they have a positive position with respect to this Nation's future energy needs and would like to propose a program for action which we feel the conservationists of the country can support.

The HCPC was founded in August of 1967 for the single purpose of preserving a very magnificent and unique National treasure, Hells Canyon of the Middle Snake River. As you must be aware, Mr. President, Hells Canyon is the deepest river canyon on our entire planet and that part of the Snake that flows through its heart is the last unaltered example of how this mighty American river appeared to our forefathers.

Hells Canyon deserves to be preserved on its merits, for all Americans for all generations, and it should not be a part of the energy debate.

The HCPC is headquartered at Idaho Falls, Idaho, home of the National Reactor Testing Station (NRTS) and location of the world's largest assembly of experimental nuclear reactors. During its four-year growth to a National organization of over 1000 members in 45 states and four foreign countries, the directors, and officers have come predominantly from the engineering and scientific staff of the NRTS.

While we feel this unique aspect of our leadership leaves us with a certain responsibility to speak out on the merits of nuclear power, it also leaves us open to the charge of having a selfish interest in the question, of desiring to further our own ends. We have tried to overcome any personal interest that we might have, however, and I am writing to you in the hopes of presenting an objective, informal, conservationist's view of our present and future energy needs.

Our position on nuclear power as a desirable alternative was first made public on May 5, 1968, when one of our directors, Dr. Cyril M. Slansky, now working with the International Atomic Energy Agency in Vienna, spoke before the Pacific Northwest Conservation Council in Missoula, Montana. I quote the following from Dr. Slansky's speech:

"The Hells Canyon Preservation Council proposes an alternate to the High Mountain Sheep Dam which will solve the previously mentioned problems and still furnish electric power for the people of the Pacific Northwest Power Pool at costs which are as low, and probably lower, than from any corresponding hydroelectric installation. The alternate source of power is nuclear power.

"We realize that utility companies must plan far in advance for new installations to meet expanding needs. Nuclear power has come into its own only in the last few years. Our hope is that the Pacific Northwest Power Company and the Washington Public Power Supply System will join the dozens of progressive utilities who are going nuclear and will substitute nuclear power for the High Mountain Sheep Dam. A nuclear reactor, equivalent to the first power installation at High Mountain Sheep Dam, could be built and in operation in the same time as the dam. Eventually nuclear . . . why not now? Save the Middle Snake River in Hells Canyon! Let us refrain from building the last storage project on the Columbia River System and keep Hells Canyon unchanged as a monument to progress and common sense."

Dr. Slansky further spelled out our position on nuclear power in testimony before the Federal Power Commission (FPC) on September 6, 1968. I quote from the opening paragraph of his 12-page expert testimony:

"The objection to any power dam in the remaining reaches of the Middle Snake River does not prevent furnishing the electric power to the people of the Pacific Northwest that such a hydroelectric site would have generated. The principal alternative to hydroelectric power is nuclear-generated power. The inclusion of nuclear power is already in the long-range plans of most of the large power groups of the Northwest, and eventually nuclear power will be a major source of power. However, nuclear power is now a technically and economically suitable alternative to hydroelectric power for furnishing the power expected from the new dams proposed for the Middle Snake River."

As the criticism of nuclear power has increased since we first took the position presented by Dr. Slansky, we have examined and re-examined our stand. We have in addition been asked by our own Senator Jordan and others to speak out more frequently in defense of nuclear power because of our particular expertise in that area.

Recently we were falsely accused by Mr. William Levy, presiding examiner of the Federal Power Commission, of being against nuclear power. In his recommendation to the Commission on February 23 regarding the proposed licensing of dams on the last free-flowing stretch of the Middle Snake, Mr. Levy said:

"If the hydro-thermal program were on schedule, Middle Snake development could be deferred indefinitely in the interest of preserving the existing values, options, and uses of the river that would be destroyed by development. But the program is faltering, area needs are not being met, and *the same groups that urge nuclear power as an alternative to Middle Snake development in this proceeding are opposing the specific nuclear projects that would provide the required alternatives.* It is the responsibility of the Federal Power Commission not to permit essential area needs for electric energy to fall between these two stools—hydro and nuclear power projects. We cannot defer both hydroelectric and nuclear power development.

"We conclude, therefore, in summary, that applicants should be licensed conditionally to build the Pleasant Valley-Mountain Sheep project."

Because of our particular stake in Hells Canyon and the increasing pressure on us to defend nuclear power, and because of the confusion, misunderstanding, and adverse publicity that persists over nuclear power with the likelihood that conservationist-opposition will continue to grow unless there are serious changes in our National energy policy on power and energy, the officers of the HCPC felt it was time to make our position clear.

Mr. President, our position today is still in support of nuclear power as a desirable alternative, not only to dams on the Middle Snake, but to all proposed hydroelectric facilities in the mountain west and, in general, to most proposed fossil-fuel facilities throughout the Nation. It should be understood, however, that this simple statement of nuclear power being preferable to the traditional methods of power generation, should in no way be considered a blanket endorsement of this Nation's present and past nuclear power program.

Nuclear power per se is a technology with inherent characteristics, some of which, if not controlled, can be very harmful to our environment. But the controls are established by man, and like a campfire in the forest, if damage is done to the environment, man should receive blame and not the source of energy.

The record of the Atomic Energy Commission (AEC) and the nuclear industry is not all white. No technology has been developed without mistakes and improper attitudes. With respect to many of the specific concerns and criticisms expressed by other conservation groups, the HCPC is in agreement. Certainly the industry in general has demonstrated insufficient regard for our environment and too much regard for its own profit and growth. And certainly the Commission has been often lenient and slow in forcing the industry to face up to its responsibilities. But the mistakes and faults are specific and are the products of men and we would caution our fellow conservationists not to look away from nuclear power as a means of providing our energy needs without harmful effects to the environment.

Our own criticisms of the AEC and the industry and our comments on other conservationists' criticisms are too numerous and complex to discuss here. In addition, that is not the purpose of our writing. We do feel

qualified to discuss the issue further, however, and would be glad to comment on any specific question you may have.

My main purpose in writing today, Mr. President, is to suggest, on behalf of the officers of the Hells Canyon Preservation Council, a course which we feel would receive the broad-based support of conservationists as well as industry and the public at large.

A most important aspect of the program we envision is that it would have two primary objectives of equal priority. The first would be to provide this Nation with dependable methods of generating clean, pollution-free electrical energy through a highly-accelerated research and development effort. The second objective, which must be given equal priority though obviously it would not require an equal dollar effort, would be to evaluate the present energy uses and policies, to stop the fantastic waste of energy that exists today, and to establish a new National energy policy of efficient use, sound practices, and reasoned priorities.

There is no question, Mr. President, that a nuclear source of energy will play an essential role in our future. Fossil-fuel reserves are being depleted at a rapid rate and there is little additional hydroelectric potential. We should begin now to hold our oil and gas reserves for those uses which cannot efficiently employ electrical energy.

Solar and geothermal sources of energy are inexhaustible and their potential should be explored. The amount of free solar energy available is great—full sunshine amounts to about 1,000 kilowatts per square kilometer. We mainly need new thinking in this area. We have restricted our thinking to the use of inefficient solar cells in desert areas but there are unstudied methods of using this resource. We could be at least partially heating our homes with solar energy, for example.

Geothermal power is showing increased promise and deserves support. Senate Bill 564 by the Honorable BOB PACKWOOD of Oregon deals well with this source of energy and we urge support of his efforts in this regard.

There are other sources of energy, of course. Municipal solid waste contains about one-third the energy capacity of a good grade of coal. Gas turbines are more and more being used for peaking power requirements. Magnethohydrodynamics is being developed as a process which might lead to substantial improvements in thermal efficiency of electric power generation. These other sources of power seem to be receiving a proper priority in our overall energy development efforts and we feel there is no need for a change in policy here.

We feel these non-nuclear sources of energy can only be considered supplemental but they should be considered. Geothermal and solar energy are important because they are inexhaustible and because they show promise of being pollution free. Geothermal is additionally important because it must be developed soon and buy time for refinement of other methods which are today more harmful to the environment.

We are of the opinion, however, that the primary long-term source of energy must be nuclear—it may be from either fission or fusion. Most likely it will be from both. The feasibility of fusion-generated power, however, has yet to be proven and on economic fusion reactor is probably 30 to 50 years away. But fission is here, today, and is economical.

There are two principal types of fission-generated power reactors: the thermal, mostly-water cooled reactors in use throughout the United States today and the liquid-metal fast-breeder reactors (LMFBR). The water reactors throw away two-thirds of the energy produced in the fission process and most of the uranium mined for the fuel. Taking into consideration the energy used in the mining and fabrication of fuel, the real energy waste is something greater than just the two-thirds lost in the fission process. This is like cutting down trees to heat one's home and allowing the logs to rot in piles, using only the smaller branches in an inefficient fireplace where most of the heat goes up the chimney.

In addition to the problem of inefficiency, there are serious questions about radioactive waste and public safety. There is much we still do not know about the dependability of engineering safeguards. Will they really work in the emergency for which they are designed? There are too many questions going unanswered while we continue to build nuclear plants at an increasing rate. The industry commitments for U.S. nuclear power plants now on order add up to about $17 billion in capital costs and a total of about $80 billion if the fuel and other operating expenses for a 30-year life are included, and yet the AEC's entire request for nuclear safety in FY 1972 is less than $36 million. The officers of the HCPC feel the funding for research and testing in the area of public safety and environmental protection should be increased drastically.

The LMFBR will answer many of the problems of nuclear energy. Its chief benefit is in using essentially all of the uranium mined rather than a small percentage and thereby increasing the time of usability from a few tens of years to a few hundreds of years. Very important is the ability to use more of the energy produced in the fission process. In terms of energy lost to the local environment, seen only as "thermal pollution" by conservationists, a water reactor typically throws away 50% more heat than a fast reactor. The release of gaseous radioactivity to the atmosphere is also more easily controlled in the case of fast reactors.

The leaders of the world's key energy communities and the cognizant agencies of most of the world's industrial nations are in general agreement that the breeder reactor is the major solution to our energy supply and related environmental problems for the next 30 to 50 years, at least until a practical fusion reactor is developed.

Unfortunately, the United States is doing little to develop the fast breeder as our primary source of energy. The world's first electricity was produced here in Idaho by a breeder reactor in 1951. And yet, 20 years later, while the Russians are building a 600,000 kilowatt electric capacity plant, the United States plans are still 5 to 10 years away from a similar facility.

The problem with our slow development is largely funding rather than technical. Only $85 million yearly were spent in this area during the last two fiscal years. Not only has this level of funding slowed technical development of fuels and components, but it has diverted attention from safety and environmental concerns. Too often, we see these concerns "legislated away" or the responsibilities passed on from one agency to another with no progress accomplished.

We believe that funding in the area of LMFBR technology must receive the greatest priority of the entire research and development effort related to nuclear power and that it must be increased drastically, perhaps to a level several times its present level.

We feel there is no crisis facing the quality of life in America as great as that caused by the need for clean, dependable, environmentally-unharmful sources of energy. Time has become a critical factor in the future of nuclear power and we are not going to meet that need for clean energy unless we pay the dollar cost. We are willing to pay the cost in other areas such as defense, space, and welfare; we must be willing to pay the cost in energy development.

In summary, the first part of the program we propose calls for a highly-accelerated, highly-funded research and development effort in two areas, fast breeder reactor technology and overall reactor technology with respect to public safety and environmental concern.

In addition, because of the harmful and potentially-harmful effects associated with all nuclear-generated power, any National energy policy likely to receive conservationists' support must also include a high-priority search for other, less-harmful methods of generating power. These need only be supplemental methods. Today we see solar energy and geothermal power as the most promising areas for study.

Another concern of the conservationists about nuclear power that needs your attention, Mr. President, is the present policy of having the nuclear industry, the AEC, and the JCAE establish the policies and practices of nuclear technology. This leaves the main responsibility for the technology in the hands of those who are most enthusiastic about its development and who are not always directly associated with the other concerns of our society.

Senators Packwood and Cook have introduced a resolution in the present Congress which would deal with this problem and would alleviate the concern of many conservationists. The resolution, S.J. Res. 65, would establish the Federal Committee on Nuclear Development. The Committee would consist of a chairman, who would have no ties or connections with either the atomic energy industry or any competitive industry, and 21 other members, including 3 members of the House and Senate; the Secretaries of Interior, Commerce, Labor, and HEW; the Administrator of the EPA; and 8 members of the public qualified to evaluate the environmental, technological, economic, and sociological impact of atomic energy programs.

The officers of the *Hells Canyon Preservation Council* feel this is a wise proposal and we strongly urge your support of this measure.

With respect to this same area of concern, we heartily endorse your proposed changes in the Cabinet and the creation of a Department of Natural Resources.

The second part of the proposal, Mr. President, involves the re-evaluation of our energy policy and practices, and the development of a new National energy policy. There is little reason to believe that the funding in this area has to be great. It is a matter of policy rather than technical development.

But, from a conservationist's point of view, the priority and general recognition of the importance of this second aspect of our energy problem, by the government, must be at least as great as the importance placed on the technical development.

The problem with our present energy practices and policies is simply one of waste and apparent disregard for the limits of our planet to provide for our needs.

We are today 6% of the world's people using 40% of the world's resources. We use vast amounts of energy to produce goods which we use and throw away. Not only do we throw away the raw materials, creating the need to use more energy to go after more materials, but we use great amounts of energy to throw the materials away.

As television and other media improve, it will not be long before the other 94% of the world's people decide they want what we have. Our planet cannot sustain the level of waste and resource exploitation that is

taken for granted in the United States today.

These are the reasons why conservationists are concerned and why they will no longer tolerate our present energy policies.

There is little recognition on the part of government and the power industry of this need to slow down, to stop the waste. Pleas and criticisms by conservationists, and cries of alarm by reputable scientists are met with charges ranging from "wanting Americans to give up their TV's and air conditioners and go back to a 19th-century standard of living" to "communist inspired".

There is little apparent recognition of the problem at high levels of government. Growth rates predicted by the Federal Power Commission are taken as gospel and all that is asked is, "How shall we provide for these needs?"

The consumption of electricity in this country in the past 20 years increased by over 450%, the consumption per person by 350%, and yet the population rose by only 35%. The FPC predicts that national consumption will increase by 670% in the next 30 years, consumption per person by 470%, while the population increases by only 46%.

These growth curves seem to go undisputed. They are used at all levels of government to justify the technological race to provide for them. There seems to be no or little regard for the end, for the need to eventually stop this cancerous growth, to eventually level off our consumption of energy. There seems to be no regard for the rest of the world's growth, no recognition that they might some day demand to utilize the world's energy resources at the same rate we do.

We do not have to accept these predicted rates of growth in energy consumption. I believe, in fact, that we must not accept them. And I urge you, Mr. President, to attack them and question their validity. No single act would win the respect of this Nation's conservationists more than an all-out attack on the validity of these illicit energy growth curves. All the things which are dear to our hearts, the things for which we fight, are in danger of being lost today because of the questionable factors that go into this predicted growth.

The growth of electrical energy consumption is based on a number of factors: growth of the population, growth of the standard of living, an unchecked level of waste, an increased rate of using electrical energy relative to other forms of energy. All these factors can be controlled. They are not something inherent to our existence.

We do not have to have 301,000,000 people in this country by the year 2000. We do not have to have disposable containers for everything we consume. We do not have to pay less for our energy the more we use. We do not have to drive automobiles that throw away 90% of the energy used, polluting the atmosphere in the process which in turn requires more energy to clean it up.

Mr. President, the Hells Canyon Preservation Council does not believe we can stop where we are in our growth. We believe the world's standard of living will and should improve and continue to grow. We cannot question the fact that our electrical energy needs in the next few decades will increase greatly. But we cannot accept the degree of growth that is predicted. We cannot accept the policies based on the unquestioning belief that these growths will come to pass.

In summary, the second part of our suggested course or program for providing this Nation with its energy needs, calls for a new set of priorities and policies. They must be priorities and policies aimed at allowing us to have a high-quality life and environment while using our energy and other resources in a manner that will continue them as a source in perpetuity and in a manner that will allow the rest of the world to achieve the same standards as the United States without overtaxing our planet's ability to provide the resources.

We hope you will give these comments and recommendations your most serious consideration, Mr. President. We have come to our position only after several months of evaluation and discussion with conservation leaders throughout the country. The officers of the Hells Canyon Preservation Council feel that we must depend on nuclear power for our future energy needs. The two-part program that we have proposed would, we believe, receive the support of other conservation groups as well as the public at large.

Very sincerely yours,

PETER B. HENAULT,
President.

[From the Lewiston Tribune, May 30, 1971]

THE CONSTRUCTIVE CONSERVATIONISTS

The Hells Canyon Preservation Council was trying this past week to be constructive, not merely obstructionist. The organization reiterated its support of nuclear power as an alternative to further construction of semi-obsolete hydroelectric dams.

The council's position is undoubtedly taken with some reservations and without illusions. Nuclear generation has its side effects, which may or may not be fully overcome some day. But when looking for the lesser of two evils, nuclear power is probably preferable to squandering the last remaining open streams on dams.

If major undammed rivers were not in such short supply, a few less wouldn't matter so much. And the side effects of dam construction are mimimal compared with most other power production methods. But these large rushing rivers have become rare—and therefore valuable. The Middle Snake River, because of its location in that wild and unique gouge in the earth's face known as Hells Canyon, would be worth saving under any circumstance.

However, the effort to save the Middle Snake and other rare rivers has been compromised on occasion by the blind opposition of some conservationists to virtually every new power project of any type.

Opposing dams, nuclear plants and virtually everything else is neither very thoughtful nor very realistic. The public *should* sober up immediately on overpopulation and increases in superfluous and frivolous uses of electricity, but it won't do so overnight. The fact is, whether it should be or not, the public will, for at least a few more years, mindlessly demand more and more electric energy regardless of the immediate or long-term consequences.

And a public, with use of air conditioners banned in August, will assert itself and get its way. As too few conservationists recognize, coping with the public is a matter of dealing with what will happen, not what should happen. Consequently, if the public, for a few more years, is going to demand and get more electric energy, the only question is from what source.

The responsible conservationist, hoping to minimize the damage to the environment, will examine the alternatives, decide which of the evils is the least and support it. The public, when it begins running out of energy, is likely to be less selective and take anything it can get. If conservationists want some say in the decision, they must do more than blindly obstruct every alternative.

It would help if the conservationists could get together among themselves. Every time an Oregon conservationist stalls a nuclear generation plant he automatically creates more pressure for a dam in Hells Canyon. Conversely, every time a Hells Canyon dam is stalled, it automatically creates more pressure for a nuclear plant in Oregon or elsewhere.

The Hells Canyon Preservation Council is inclined to believe that the lesser evil is nuclear generation. And so are we. However, the question is still open. The contesting conservationists should confer and try to reach a consensus on where to pull in their horn and where to get tough. The Preservation Council strengthens its hand in preventing dams by pointing to a feasible alternative. The same could be true of the entire conservation movement.

The council is also being constructive with its positive advocacy of a crash research and development effort to seek "dependable methods of generating clean, pollution-free electrical energy . . ."

The organization's stand is a political model for other conservationists. And it is a stand that could buy the time needed to get the population turned off.

And, of course, as the council realizes, with present population trends, all we can do is buy time with any of these methods.

All causes—whether saving some of the environment or producing enough electricity—are eventual lost causes if the population isn't stabilized.—B.H.

CIVIL RIGHTS

Mr. ALLOTT. Mr. President, recently there has been some controversy concerning the record of the Nixon administration in the field of civil rights.

I think the administration's record is very creditable. I do not think it has been given appropriate credit for its achievements in that field. Nor do I think its record has been properly described in some statements emanating from the Commission on Civil Rights.

Thus I am pleased to be able to call to the attention of the Senate an impressive essay by Dr. Nathan Glazer, professor of education and social structure at Harvard University. This essay is from the spring 1971 issue of the Public Interest.

Professor Glazer argues that the Commission on Civil Rights does not invariably analyze civil rights problems with perfect clarity. And he argues that press treatment of Commission pronouncements can compound confusion.

Finally, Professor Glazer gives the administration good marks for its efforts in civil rights enforcement.

So that all Senators can consider Professor Glazer's article, I ask unanimous consent for it to be printed in the RECORD.

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

A BREAKDOWN IN CIVIL RIGHTS ENFORCEMENT?

(By Nathan Glazer)

When the enormous report[1] of the United States Commission on Civil Rights appeared last October, it made page one of the New York Times, under the predictable headlines, "U.S. Rights Panel Finds Breakdown in Enforcement." The first sentence of the story read: "The United States Commission on Civil Rights said today there had been a 'major breakdown' in enforcement of the vast complex of federal laws and executive orders against discrimination."

It would have been really news had the headline—and the story—been any different. The CRC is the most independent of federal agencies. It was set up by Congress in 1957

[1] *Federal Civil Rights Enforcement Effort. A report of the United States Commission on Civil Rights.* (1970) United States Government Printing Office, Superintendent of Documents. $8.50.

to investigate complaints of deprivation of voting rights, to study and collect information on denial of equal protection of the laws under the Constitution, to "appraise federal laws and policies with respect to equal protection under the laws," and to "submit reports, findings, and recommendations to the President and the Congress." It is not part of any administration (though the President appoints its members) and it has been unsparing in exposing and criticizing the deficiencies of both local authorities and federal departments and officials. It has been particularly persistent in pointing to the failure of federal departments to use the extensive powers available to them to make sure that their programs be carried out in a nondiscriminatory manner, that their employees—and the employees of the agencies they support or contribute to, public and private—be properly representative of the racial character of the areas in which they operate, and that their benefits are distributed equally to black and white. Thus, for example, it has been able to demonstrate that the programs conducted by the Department of Agriculture—which dispenses huge sums to farmers—are conducted primarily by white employees, and do not proportionately benefit black farmers.

The CRC thus stands in a remarkable position. It is independent of the executive and legislative branches of government, responsible for no tasks of enforcement or regulation and, of, course, at the same time, limited in its impact on government because it has no punitive powers. Nevertheless, its reports are important: it has greater access to the workings of government than a nongovernmental watchdog of civil rights would, and it focuses the light of publicity on the failings of government.

Federal Civil Rights Enforcement Effort is an enormous and fascinating account of the federal bureaucracy in all its manifestations attempting to grapple with the increasingly complex problems of assuring "equity" or "justice" or "equality" for black Americans. The reader of the report is likely to be mystified at the selection of the theme of "breakdown" by the Commission—or its public relations officers—as carrying its main burden, because in fact it describes a growing and rapidly increasing army of federal officials carrying out the laws and orders to enforce equality. The report points out that there is now a great array of powers available to the federal government and its agencies to advance the position of minority groups. There is first of all the simple power of federal employment. The federal government is by far the largest employer in the country, and it has the power to recruit, train, and promote members of minority groups into many jobs, at many levels, utilizing every possible skill. Secondly, there is the power that exists by virtue of the fact that the federal government has contracts with a good part of the businesses of the country—"fully a third of the nation's labor force is employed by companies which are government contractors" (p. 133)—and that "for nearly three decades, nondiscrimination in employment generated under federal contracts has been national policy." (p. 133) Both of these great powers—the power to employ directly and the power to compel federal contractors to be nondiscriminatory in employment (and more, to engage in positive efforts to employ members of minority groups)—exist quite independently of any legislation and indeed independently of judicial requirements. They exist because of Executive orders, which go back to the time of Presidents Roosevelt and Truman, and which have been renewed and strengthened in each successive administration, whether Democratic or Republican.

Then, there are the enormous powers that have been vested in the federal government through legislation, and particularly through Title VI of the federal Civil Rights Act of 1964. If the power of contract compliance reaches to one-third of the work force of the country, the Title VI powers reach to most of the rest. Title VI asserted that "No person . . . shall, on the ground of race, color or national origin, he excluded from participation, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal assistance." And just about every school district in the country, every state, every agency of local government, every university and college, every hospital, every bank in some interpretations—indeed the list could be endless—receives some form of "federal financial assistance."

There are other provisions of law which place upon the federal government the direct responsibility to respond to complaints and to prevent discrimination. There is Title VIII of the Civil Rights Act of 1968, which, following up on Executive orders and a base of legislation in many states, bans discrimination in the greater part of the housing stock of the United States. There is Title VII of the Civil Rights Act of 1964, which "renders most employment discrimination illegal on a nationwide basis," and under which the Equal Employment Opportunity Commission was created.

Finally, quite independently of Executive orders, judicial decisions, and specific legislation, there is the enormous power vested in insured and guaranteed loan programs (e. g., for housing and business), in direct assistance programs (Social Security, Veterans Administration, and others), in the regulatory agencies—ICC, FPC, FCC, CAB, FMC, SEC, FTC—all having great powers over their respective industries—railroads and trucking, communications, air transportation, shipbuilding and operating, securities marketing, advertising. As the report points out: "Many of these business enterprises require federal licenses in order to conduct business at all, and because of the limited number of licenses granted, enjoy, in a sense, a federally protected monopoly position." (p. 813) All these businesses fall under the obligation, of course, to be "equal opportunity employers"—an obligation that is imposed on all businesses (with more than 25 employees) under Title VII of the Civil Rights Act of 1964. If they are federal contractors, they are subject to the requirements imposed on federal contractors. But beyond these general requirements, "members of regulated industries, because of the unique federally protected status that many of them enjoy, should feel a special obligation to further the cause of the key national policy of equal employment opportunity. . . . In addition . . ., in some industries there are special opportunities for facilitating the goal of increased minority enterpreneurship." (p. 815) Other issues may develop in regulated industries—for example, the provision of nonsegregated recreational opportunities at hydroelectric projects licensed and regulated by the FPC, or the provision of bus routes and rail service so that minority groups are well served.

Thus the federal role in raising the position of minority groups may be exercised in many ways, indeed in ways so numerous and distinct that, as the report recognizes, one of the chief problems is that of coordination. Thus, one federal agency may move against a corporation on the grounds of contract compliance, another on the grounds of violation of the Equal Employment Opportunity Law. Worse, in view of the complexity of the issues that now arise, different agencies may require quite different things. The most famous case, according to the report, is that of Crown Zellerbach. "EEOC had investigated the company's practices in late 1965 and agreed to accept a certain type of seniority plan. In February 1967, OFCC [the Office of Federal Contract Compliance] attacked the plan EEOC had approved, and finally, in January 1968, the Justice Department, in a suit, urged the court to reject the seniority plan that OFCC had requested and an altogether new test. . . . The United States Court of Appeals noted, 'We cannot help sharing Crown Zellerbach's bewilderment at the twists and turns indulged in by government agencies in this case.'" Fortunately for all concerned, the National Labor Relations Board does not seem to have been involved—it might well have had its own views quite at variance with those of EEOC, OFCC, and the Department of Justice.

It is not my intention, however, tempting as it is, to pick out the anomalies and contradictions that inevitably arise in a complex governmental effort, involving every agency, at central and local levels, operating under different laws and Executive orders and guidelines and "clarifying" letters. The report is an important and serious effort to review almost the entire scope of federal effort in this field—an attempt matched by no other study, even though, as the writers of the report are the first to admit, they themselves have engaged in only a sampling of the federal effort in this vast field. It comes up with a severe judgment as to the inadequacy of this effort, and it comes up with recommendations designed to improve the effort. How sound is this judgment? How useful are its proposals?

Let me give a summary conclusion, and try to support it—almost entirely, it goes without saying, from the evidence presented in the report itself. I believe the report seriously *underestimates* the scale and intensity of the federal government's effort, *and* the degree of its success, when measured in the light of the scope of the effort and the real difficulties that any program to raise the position of minority groups must deal with. I believe many of its specific proposals for improvement of this effort—particularly those that propose the centralization and coordination of civil rights enforcement in the White House and in the new Office of Budget and Management—are good ones, and should be acted upon. Finally, I believe that its surprisingly negative judgment of the federal effort to date, and its refusal to accept the real difficulties, the inevitable contradictions, that arise in such an effort, might reasonably have been expected to lead to reactions in the White House that would hinder the adoption of the good proposals it makes.

There is no easy way of getting to the heart of such a complex matter, but I think one way is to recognize something the CRC report never does. That is, in moving from *equal opportunity*—which seems scarcely at issue in most of the report—to an attempt to ensure a *full equality* of achievement for minority groups, we are not simply continuing an old civil rights effort; we have become involved in something entirely new. The CRC report abandons as the measure of success in federal civil rights enforcement the elimination of discrimination. *Indeed, there is scarcely a reference to any single case of discrimination by anybody in this enormous report*—which indicates the CRC's sense of the present importance of that issue. It uses a new measure—the achievement of full equality of groups. Concretely, this means the test is not: Are members of minority groups discriminated against? It is: *Are they to be found in employment, at every level, in numbers equal to their proportion in the population?*

Thus, at one point we read in the report: "Despite [all the measures taken], equal opportunity in government contract employers, when measured in terms of actual employment of minorities, has not been achieved." (p. 134) The Civil Rights Commission is aware of no problem in making this state-

ment—quite blandly, the definition of "equal opportunity" has become the "actual employment of minorities." Nor is there any effort to argue whether, or why, "equal opportunity" would lead to any such result. Indeed, there is excellent evidence—most of the report is itself evidence for this—that truly equal opportunity, at the point of employment or promotion, would lead to a rather smaller representation of many minorities, in many types of employment, at many levels.

The Commission's test of "non-discrimination," however, is one that the government has itself in large measure accepted, as have most of us, even if with varying degrees of discomfort. But the CRC report demonstrates to me that it is a test which simply can no longer be used mechanically, in the absence of such considerations as the size of the pool of potential employees, the priorities to be adopted between different employers competing for this pool, the impact on the morale of other employees and on efficiency of using special tests to qualify minority members for jobs in order to increase the pool of potential applicants and job holders.

The CRC sees as the test of success in the employment area the achievement of proportions of employees at each level equal to the proportion of a given minority in the population. Thus the report points out that 2.6 per cent of the federal work force are Spanish surnamed, as against "approximately 5 per cent of our total population." (p. 68) Nearly 15 per cent of federal employees were Negroes (here the Commission does *not* bother to point out that only 11 per cent of the population of the United States is Negro). It points to some agencies with low proportions of Negroes—Interior with fewer than 5 per cent, and NASA with 3.9 per cent. But more important, it points out that Negro employment, as is well known, is concentrated overwhelmingly in the lower grades. The highest grades in the Federal Civil Service are G.S. 12–18. In 1962, .8 per cent of all employees in these high grades were Negro, in 1967, 1.8 per cent. (Of so-called Wage Board employees, those earning over $8,000 per year rose more rapidly, from .6 per cent of all employees, to 3.9 per cent; in the Postal Field Service, those in the highest grades rose from .4 to 2.4 per cent in these five years.)

Now, how are we to respond to these figures—an increase of two-and-a-half times in five years in the Civil Service, of six-and-a-half times in the better-paid positions in the Wage Board group, of six times in the higher grades of the PFS? The response of the CRC report is "the 1967 picture still reflected gross under-representation of Negroes in better paying jobs." (p. 71)

Let us look at the matter more closely. One way of increasing the number of Negroes in the Federal Civil Service would be to recruit more actively in predominantly all-Negro colleges in the south. The report informs us that "a visit by one or more federal officials is made for every 20 black students; the ratio for whites is estimated at 1:225." (p. 79) Certainly the federal government has not been deficient in the scale of its recruitment efforts! But is there room for improvement? Another interesting figure in the report tells us that of 1,400 June 1967 graduates from 51 black colleges, 656 had accepted jobs with government, primarily federal.

Let us consider other data which bear on the size of the available pool of Negro candidates for the higher reaches of the Federal Civil Service. The report points out:

"An analysis of occupational categories comprising most G.S. 15 to 18 executive positions . . . [reveals] . . . medicine and engineering—occupations long virtually closed to minority group members—make up nearly one-third of all positions. More than 50 per cent of federal executive level employees hold masters degrees or better. Again, the premium placed on higher educational attainment works to the disadvantage of minority group members, who have been systematically deprived of equal educational opportunities for generations. Other characteristics of G.S. 15 to 18 executives—long years of federal service (two-thirds of the group have more than 20 years of federal service) and age level (more than 80 per cent or 45 or older)—also shed light on the grossly inadequate minority group representation within the upper grades." (p. 100)

Now if one-third of the very highest posts in the Federal Civil Service consists of engineers and doctors, and if Negroes make up less than 2 per cent of all engineers and doctors, clearly it is no simple matter to raise the proportion of Negroes in the higher federal service. Indeed, to make up for the fact that there are very few Negro doctors and engineers (and the doctors at least could very often find private practice, or research, or other opportunities, more attractive), the proportion of Negroes in the other two-thirds of the higher federal service would have to go considerably above 11 per cent to make up the deficiency.

Nor will the pool of engineers and doctors be increased rapidly. A recent study reveals that less than 2 per cent of the 40,000 engineering students in the country are Negro (*New York Times*, February 7, 1971). I believe the situation is not much better among medical students.

The issue, however, is not only the pool of available employees. There is also the fact that advancement to high position is a matter of reward for long service and, one hopes, efficient service. At least, the merit system and the Civil Service Commission, one of the more admirable agencies in the federal government (the CRC agrees with this judgment, which is not mine alone) do their best to ensure this result. Obviously on many occasions young men are advanced, and some who have not been in the service long, and some without higher degrees. What would happen to the morale and efficiency of the Federal Civil Service—indeed that very service we count on to carry out the enforcement of the civil rights laws, as well as many others, an enforcement that cannot be based on brief enthusiasms but must be grounded on well-established procedures, maintained over long periods of time—what would happen if these long established procedures for advancement, which men in the service count on, and which helps to motivate them and keep them in service, were to be radically weakened? These are considerations which, unfortunately, never come up in the CRC report.

Now let us consider the matter from another perspective. Conceivably the federal government, by increasing the scale of its efforts, could increase the proportion of Negro college graduates going into government. *But should it?* Would it not be desirable for larger proportions of this limited pool to go into business and corporations, into higher education perhaps, than for increased proportions to go into government service? Recently the newspapers have reported a drop in the number of Negro officers in the armed forces, and one reason, despite intensive efforts to recruit, is undoubtedly that other opportunities are now more easily available. Should this be seen as a mark of failure—or rather as an indication that other things have succeeded? Looking at the CRC figures, it seemed clear to me that the pace of improvement we had seen in 1962–67 in Negro representation in the higher grades of the federal government could *not* be maintained—the pool simply was not growing rapidly enough, and there were too many more attractive claims upon it. Recently, I was informed by an official of CRC that indeed the rate of improvement had *not* been maintained. From the point of view of CRC—at least as indicated in this report—this should be cause for further criticism of the federal government. From its own evidence, however, the problem is not in the intensity of recruiting efforts but the simple fact that there are no more people to be recruited.

Even this improvement in the ratio of minorities to all federal employees has not occurred without effort—and perhaps serious costs. The report tells us that "Arithmetic and algebraic components of the Federal Service Entrance Examination . . . have been largely eliminated. . . ." (p. 83) In addition, one can enter the federal service, under certain circumstances, without written examinations at all, on the basis of high grade-point averages in one's college, or by graduating in the top 10 per cent of one's class. Six hundred persons enter the federal service through this avenue each year, 200 to 300 of whom are non-white.

The Civil Service Commission and the various agencies seem, on the basis of the directives and letters quoted by the Civil Rights Commission, to be torn between the maintenance of the merit system, and its further abandonment in the light of the need to increase the proportion of members of minority groups at higher levels of the civil service. In quoting these directives and letters, the CRC is quite severe about what it sees as backsliding. But the questions must be considered: What is gained by the merit system? And what is lost by its partial or complete abandonment? This is no simple matter. Interestingly enough, the report is perhaps most severe—in criticizing the quality of work of federal employees engaged in enforcing equal opportunities laws and directives—on the Equal Employment Opportunity Commission itself. It would be interesting to know to what extent the procedures to ensure merit have been followed in staffing this agency, and whether the CRC believes the procedures it urges for all other agencies of the federal government (not to mention all of private industry and other employment) would actually lead to harder working, more committed, and steadier employees than the EEOC—on the CRC's evidence—now seems to have.

One of the EEOC's problems has been the short tenure and rapid turnover of its chief officials. I imagine these have been political appointments who have found the work of the EEOC less rewarding, in various ways, than they initially expected. And I would imagine that the only way to get permanent high officials for this agency—as has been true for other agencies when an early bloom (which EEOC scarcely ever had) has worn off—is to resort to . . . the Civil Service, and those who have persevered in it, and advanced in it, through the procedures that the CRC is quite ready to dismiss. Conceivably the CRC might be reduced to the position that all other agencies *except* those that enforce the civil rights laws and directives need not be terribly efficient, and could well dispense with merit considerations—but understandably these other agencies, and those that are the clients for their services, might disagree.

I believe I am as well acquainted with the weaknesses of a civil service as most people. My problem has always been to find an answer to the question: What is a better system for staffing bureaucracies with important and permanent functions?

Undoubtedly many modifications in the present merit system can be made, without impairing the general level of competence of the people who work for government, and with the additional benefit—one of enormous importance to government in this country—of increasing those from minority groups in all levels of governmental and private employment. Thus, firemen do not

need to be tested on their knowledge of literature, and perhaps many employees in government need not be tested on their knowledge of mathematics (I feel more doubtful about this). There are a large number of tests—for example, for administrators in schools and education departments—that seem quite devoid of connection with the talents that one wants in these posts. Having said this, it is quite another matter to go on to say that knowledge of how to read and write and how to handle numbers and concepts—which is after all what most tests consist of—are always irrelevant. The CRC never once in the enormous report considers, as far as I can recall, whether *any* test is relevant to a competence, but considers all tests simply as barriers to the employment and advancement of members of minority groups.

This is part of another pattern in the report. No function of government is considered really important, aside from that of minority employment. Thus, again and again the various officers of the federal government will be criticized for taking their primary jobs seriously—for example, placing contracts. Undoubtedly some of us are against such functions of government as the acquisition of bombs or uniforms for the army; we would much prefer to see the function delayed or abandoned and the contract officers devote their energy to some other good, such as enforcing the hiring of more minority employees. But many of the functions of government are in areas in which all of us would consider efficiency desirable—to take some of the larger functions, they consist of mailing millions of social security and other direct payment checks, paying hospital and doctors' bills, delivering the mail, approving buildings that qualify for government aid and support in various forms, giving out research contracts, etc. We do not deal with absolute claims, of course—buildings can be delayed if that will lead to more minority hiring, or better integration. The question is, how much shall these services weigh in the balance?

It is just this kind of question which seems foreign to the thinking of the CRC. It may seem immoral to raise in connection with any moral issue the question: How much? But, inevitably, it must be raised. For instance, how many people should be hired to enforce the civil rights laws, with what budgets, with power to affect what other operations of government? One is impressed by how many are already so engaged. Thus, the Office of Federal Contract Compliance in the Department of Labor had a full-time staff of 118, expected to grow to 173 by 1973 (only 28 in 1967). In addition, each agency has its own contract compliance staff. The Department of Defense had 22 in a headquarters staff, 140 in the regional offices—171 new positions to be established in 1971. The President's budget for contract compliance called for a 100 per cent increase in staff for this work in 1971. HEW had 41, asked for an additional 118, which the Bureau of the Budget cut to 59, which the President sent to Congress. The Equal Employment Opportunity Commission had 570 employees—I understand this is to rise to 1,500. The Department of Justice had 32 attorneys and 10 research analysts in the employment section of the Civil Rights Division. In HUD, where all civil rights functions are consolidated in one division, there were 313 staff employees. In addition the housing section of the Civil Rights Division had 13 attorneys and 2 research assistants. Six thousand employees of the federal government are being trained as equal employment counsellors (for their agencies) by the Civil Rights Commission. I assume these have primary responsibility in other jobs. It would be no simple task to add up all those engaged in civil rights work for the federal government. Yet it would not be unimportant in determining, how much is enough, or too little, or too much?

The Civil Rights Commission has often done an important job in pointing to failings of the federal government and its many agencies in the areas of civil rights enforcement. More, it has done an ingenious job of demonstrating how civil rights objectives can be advanced in many programs that do not have these as their primary objectives. It continues this tradition in this report. But it also continues another tradition in the civil rights field, one which is increasingly to my mind not useful—and that is the tradition of insisting that there are no major problems, that whatever is done is not enough and that good will and leadership will solve all problems. (The *New York Times* story subsidiary head read, "Commission, in Report, calls for Leadership by Nixon in behalf of Racial Justice.") In doing so it demeans the real complexity of the situation, and denigrates the work that has been done, and continues to be done, by thousands and thousands of government employees. Nor, one may assume, are those who deal with these problems and dilemmas day after day put in the mood to increase their efforts when whatever has been done is labeled a "breakdown."

Conceivably, the picture of civil rights enforcement effort that emerges from the limited field the CRC has examined presents the federal effort in too favorable a light. One recalls that important officials have resigned from the Equal Employment Opportunity Commission, and the Department of Health, Education and Welfare and that the civil rights staff in HEW rebelled, criticizing the present Administration's civil rights policies. The CRC report does not go into these resignations, nor into the crucial question of the effectiveness of the present Administration's shifts of tactics in southern school integration. But the areas it does deal with are important in their own right and as an index to the Administration's overall effort in the civil rights field, and in these areas, to my mind, the facts in the CRC's report are often at odds with its severe judgments.

In its next report, the Civil Rights Commission should deal, with a greater sense of reality, with a number of questions. What is the minority pool of skills and talents? How can it be increased? What is the real extent and character of racial and group discrimination—subtle, unconscious, concealed, what you will, but *discrimination?* If this isn't the problem, what is? What is the trade-off between efficiency and increase in minority employment, if any—not in public relations terms, where we know there is never a trade-off, but in reality? What is some reasonable level of investment by government? Where do the benefits of an investment in civil rights enforcement begin to fall off? They should also consider, from the point of view of gaining the support of the highest levels of government, whether the news in this report might not have been: "Government Doubles Civil Rights Enforcement Effort."

THE ELDERLY IN EXILE

Mr. CHURCH. Mr. President, in recent months there has been widespread bipartisan support to establish a House counterpart to the Senate Committee on Aging, of which I am chairman.

Leading this effort has been Congressman DAVID PRYOR of Arkansas. Approximately 235 Representatives have joined him in sponsoring a resolution to create a House Committee on Aging. This represents more than a majority of the House, compared with only a handful of sponsors a couple of years ago.

Quite clearly, Congressman PRYOR is to be complimented for his outstanding efforts and dedication in focusing increased national attention on the problems and challenges of aged and aging Americans. He has been in the forefront in helping to solve the special problems of the elderly. He has been a strong ally and effective advocate for 20 million older Americans. And he has helped to demonstrate that all persons—regardless of age—have a vital interest in aging.

These efforts are to be welcomed in the year of the White House Conference on Aging, as we attempt to develop a long awaited national policy on aging.

Some recent articles appearing in the Washington Post and the New York Times describe very eloquently Congresman PRYOR's perseverance and strong dedication to the cause of the elderly.

Mr. President, I ask unanimous consent that a copy of these articles be printed at this point in the RECORD.

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

HOUSE "COMMITTEE" IS SET UP IN TRAILERS

(By Richard D. Lyons)

WASHINGTON.—Representative David H. Pryor made an end run today around the House leadership, which has denied Congressional office space to his unofficial Committee on the Aging.

Mr. Pryor set up two "Government in exile "trailers staffed by volunteers a block from the Rayburn House Office Building.

For two years the 36-year-old Arkansas Democrat has crusaded to consolidate all legislation dealing with the elderly in one House select committee on the aging rather than having it dispersed as it is now among 11 committees.

But the committee chairmen, particularly Representative William M. Colmer, 81, the Mississippi Democrat who heads the Rules Committee, have refused even to hold hearings on the suggestion although Mr. Pryor has the backing of 236 House members, more than a majority.

PHONE SERVICE LACKING

Lacking Federal funds and Federal office space, Mr. Pryor this afternoon installed the 15 volunteer members of his unofficial committee in the borrowed trailers. One of the trailers sat underneath a "no parking" sign on South Capitol Street. The other was parked by a railroad trestle in a dilapidated parking lot next to Joe's Gulf Station.

"The phone company tells us we have to put up our own telephone pole before they'll give us service," Mr. Pryor said in exasperation.

Inside the trailers, the volunteer company of 12 college students and 3 senior citizens sweltered in humid, 84-degree heat. Records were piled in old orange crates, which augmented secondhand furniture borrowed from local Unitarian and Roman Catholic churches.

"We hope to have air conditioners running, sometime," Miss Patricia Roberts, the staff director, said.

"HERE TO GET ACTION"

Miss Roberts, a 21-year old senior at Douglass College in New Brunswick, N.J., said the group felt that "the problems of the aged have been defined long enough—we're here to get action."

"There's not even a coherent list of Federal agencies dealing with the aged, although we suspect it's about 20 that administer about 100 programs," the slim brunette said. "The point is we want to find out what the Federal Government is doing, what it is not doing, then tell Congress what should be done."

Specific areas for study, she said, are the fragmentation of the administration of programs for the aged and what she called the failure to implement governmental legislation regulating nursing homes. She said the group would also come up with recommendations for legislative action.

"Why, do you know," she said to a visitor, "that in some states the owners of nursing homes have the right to obtain power of attorney from their patients?"

3-MONTH TARGET

Miss Roberts said her group hopes to complete its report in the next three months, with the assistance of Dr. Anna Mary Wells, a 65-year-old professor of English at Rutgers.

Glancing around at the mini-skirted girls and George Teich of Rutgers, a history doctoral candidate who is second in command, Dr. Wells said "I don't dare use the word 'chaperone' but I sort of feel that's my function around here."

Miss Nancy Blades, a 20-year-old Douglass senior from Avon, N. J., said she joined the group "as my way of protesting peace fully within the system."

[From the Washington Post, July 15, 1971]

THE ELDERLY IN EXILE

(Poem from nursing home patient for Representative DAVID PRYOR)

When the old, old, old lady finally, finally died;
I was the only one, the only one who cried.
"Why do you weep," said someone?
"It is a good thing that she died."
But oh, the lonesome, lonesome way—
That is the reason I cried.

(By Nick Kotz)

"I guess this is our mobile government in exile down by the railroad tracks," Rep. David Pryor (D-Miss.), 36, told his supporters yesterday as he stood outside a house trailer parked on South Capitol Street within sight of the Capitol dome.

"It's a fitting location," replied Paul Schuler, 67, a volunteer from the National Council of Senior Citizens. "The aging in America today are placed in exile."

The conversation took place as the "House Trailer Committee on Aging" opened for business in two trailers parked at the Capitol View Service Station, near a railroad viaduct.

Disturbed and frustrated that the collective voice of 235 congressmen can't move the House of Representatives to form a new committee to help the elderly, Pryor, a group of students, and some lively elderly Americans have launched a unique committee to serve as a listening post and voice for neglected old people.

The trailer committee represents the latest development in Pryor's one-man congressional crusade to get the House to create a "Select Committee to Investigate the Care of the Aged in the United States."

In Pryor's view, no single committee of the House focuses sufficient attention on the myriad problems of 20 million elderly Americans, whom he calls "the abandoned generation." He believes an "ombudsman-like" committee is needed, similar to one in the Senate, to help solve the special problems of old people related to work, housing, food, welfare, health care and transportation.

After working last year as a volunteer in Washington area nursing homes, Pryor documented instances of lack of care and horrendous living conditions in a number of facilities.

When the House Rules Committee buried his proposal for a select committee, Pryor roamed the halls of Congress lobbying among his colleagues. As of today, 235 congressmen—a majority of the House—have co-sponsored his resolution.

But House Rules Committee Chairman William Colmer (D-Ark.), 81—elected to Congress two years before Pryor was born—still refuses to give the proposal a hearing.

"If the resolution ever got to the floor, it would be approved," said Pryor. "But after 13 months of waiting, of being patient, of trying to work within the House system, we haven't gotten very far. There still is no House forum to take a comprehensive approach to the problems of the elderly, and the problems are getting worse. The House stands naked and impotent to meet these needs."

Chairman Colmer said he and Speaker Carl Albert agreed earlier this year "that there just isn't any physical space" to house any new committees, so "there wouldn't be any point in holding a hearing" on Pryor's proposal.

Colmer said he has suggested to Pryor that a House Government Operations subcommittee conduct the requested study. Pryor doubts such a subcommittee would have the time or authority to play the advocate's role he envisions.

"We are going to listen to old people and try to give them a voice in the Capitol," Pryor said of the 90-day trailer project.

Chairman of the trailer committee is Pat Robert, 21, a Rutgers University senior who recruited seven classmates, and an English professor who will retire next year. Others working in the project include three June graduates of Miss Porter's school and a college intern in Ralph Nader's summer program, a host of elderly volunteers and Pryor's wife, Barbara.

Mrs. Grace Jacobs, 67, a black woman and a retired dean of Coppin State College in Baltimore, said: "This is a real thrill, to be working with young people who feel the same way we do. There are so many things to be done—there are hungry senior citizens and sick senior citizens not getting help."

The project is financed by a $1,350 personal loan that Pryor obtained himself and says will be exhausted in two weeks. He hopes to raise more money to pay expenses for his volunteers by holding an "Arkansas fish fry" benefit at the trailer site.

DISCUSSIONS ON SPACE COOPERATION

Mr. ANDERSON. Mr. President, the National Aeronautics and Space Administration is continually working to expand international space cooperation with other countries. Recently, NASA sent the Committee on Aeronautical and Space Sciences a summary of the results of the recent efforts in this area with the Soviet Union. The Soviet Academy of Sciences and the National Aeronautics and Space Administration have agreed to undertake certain cooperative efforts in the areas of meteorological satellites, meteorological rocket soundings, the natural environment, the exploration of near-earth space, the moon and the planets, and in space biology and medicine.

Knowing of the great interest of Members of the Senate in international space cooperation and particularly in space cooperation between the United States and the Soviet Union, I ask unanimous consent that the Summary of Results of Discussions on Space Cooperation Between the Academy of Sciences of the U.S.S.R. and the U.S. National Aeronautics and Space Administration, Moscow, January 18–21, 1971, be printed in the RECORD.

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

SUMMARY OF RESULTS OF DISCUSSIONS ON SPACE COOPERATION BETWEEN THE ACADEMY OF SCIENCES OF THE U.S.S.R. AND THE U.S. NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

1. The Academy of Sciences of the U.S.S.R. (hereinafter called the Academy) and the U.S. National Aeronautics and Space Administration (hereinafter called NASA) consider that the expansion of cooperation between the Soviet Union and the United States in space research and exploration can speed acquisition of knowledge of the earth's environment and surface features, increase opportunities to apply that knowledge for the benefit of man on earth, contribute to the efficient planning of the scientific exploration of the universe, enhance the safety of man in space and permit application of biomedical knowledge gained from manned space flight to the well-being of man on earth.

2. Accordingly, the President of the Academy and the Acting Administrator of NASA, with leading representatives of other concerned agencies (a list of participants is attached), have held a series of meetings during the period indicated above to exchange views on possible directions for increased cooperation between the Soviet Union and the United States in the exploration and use of outer space for peaceful purposes. During these meetings, they took note of the significance of past agreements between them and in particular the understanding of October 28, 1970 with regard to the question of providing for the compatability of rendezvous and docking systems of manned spacecraft and space stations of both countries.

3. In the current series of meetings, the Academy and NASA have agreed to undertake certain cooperative actions and to consider jointly further possibilities for cooperation, including:

In the field of meteorological satellites, to work jointly to make improvements in the current exchange of data and to consider alternative possibilities for coordinating satellite systems of both countries so as to achieve the economies and other advantages of complementary systems.

In the field of meteorological rocket soundings, to formulate provisions for a program of soundings along selected meridional lines in cooperation with other countries.

In the field of the natural environment, to study the possibility of conducting coordinated surface, air and space research over specified international waters and to exchange results of measurements made by each country over similar land sites in their respective territories so as to advance the potential applications of space and conventional survey techniques for investigating the natural environment in the common interest.

In the fields of exploration of near-earth space, the Moon and the planets, to work jointly to define the most important scientific objectives in each area, to exchange information of the scientific objectives and results of their national programs in these fields, to consider the possibilities for coordination of certain lunar explorations, and, in particular, to initiate an exchange of lunar surface samples by performing an agreed exchange of samples already obtained in the Apollo and Luna programs.

In the field of space biology and medicine, to develop appropriate procedures and recommendations to assure a more detailed and regular exchange of information including biomedical data obtained in manned space flights.

4. The details of the considerations described generally in paragraph 3 are provided in Attachments I–IV to this Summary of Results. These Attachments shall be understood to constitute an integral part of this Summary of Results.

5. To provide for the specific actions with respect to agreements and further cooperative possibilities which are set forth in the Attachments noted immediately above, the Academy and NASA agree to designate representatives to Working Groups in connection with each Attachment. Such designations shall be made by the President of the Academy and the Administrator of NASA

at the same time that each acts to confirm this Summary of Results under the provisions of paragraphs 6–8 below. Each Joint Working Group shall commence to consider, as a Group, the tasks assigned it under the applicable Attachment within 90 days of the date that confirmation of this Summary is established. After commencing its assignment, each Joint Working Group will report its required actions and recommendations to the President of the Academy and the Administrator of NASA within a further period of six months. The Joint Working Groups shall conduct their work by correspondence and direct meetings in an expeditious manner within the schedules prescribed.

6. The President of the Academy and the Acting Administrator of NASA have indicated their preliminary agreement to this Summary of Results by initialing it below. It is agreed that they shall have a further period of 60 days from this date in which to provide for further consideration. By the end of that period, they shall communicate to each other their written and final confirmation of this Summary, or, in the alternative, their possible specific proposals for altered language to modify any of its provisions.

7. In the case that full and mutual confirmation shall be established, the procedures provided in paragraph 5 above for implementation shall automatically go into effect.

8. In the case that the President of the Academy or the Administrator of NASA is not prepared to give full confirmation of the Summary, he may confirm certain Attachments and reserve confirmation with respect to others. In that case, the Attachments which are mutually confirmed shall go into full effect. The remaining Attachments shall be considered expeditiously by the President and the Administrator, by correspondence if possible and by meetings if necessary, in order to reach agreement on changes which will permit their early confirmation and implementation.

[Attachment I]

SPACE METEOROLOGY

I. METEOROLOGICAL SATELLITES

A. Agreements and objectives

The Academy and NASA noted the usefulness of cooperation in the field of meteorology within the Bilateral Agreement between AS USSR and NASA USA of 1962 and Memoranda of Understanding of March and May 1963 and June 1964 and the value of application of artificial earth satellites for global observational information for the benefit of the meteorological services of both countries, and also for the World Weather Watch.

For the purpose of further development of the cooperation in space meteorology the Academy and NASA consider it useful to discuss and coordinate their activities in the following fields:

1. Immediate steps to expand and improve the current exchange of information from US and USSR artificial earth satellites, specifically:

To increase the volume and quality of original TV and IR pictures of clouds and surface transmitted;

To improve the forms of presentation of satellite information in combination with other types of meteorological data;

To improve further the technical performance of the communication link between Moscow and Washington;

To convert to high speed exchange of conventional data with resulting expansion of its volume;

Coordination of the activity in data exchange shall be arranged directly between the Hydrometeorological Service of the USSR and the National Oceanic and Atmospheric Administration of the USA to include the questions of schedules, data content, data format, international communications procedures to be followed, etc.

B. Proposals for further discussion

1. Cooperation in scientific investigations for further development of methods of meteorological measurements from satellites, data interpretation, data processing, and application of the data. Such problems as the following should be considered:

Development and improvement of methods for sounding of vertical temperature and humidity distribution, observation of precipitation areas and intensity etc.;

Development of optimum methods for mathematical solution of inversion problem in satellite meteorology;

Application of information from meteorological satellites to numerical forecasting techniques;

Methods of automatic data processing of meteorological satellite data.

2. Cooperation in establishment of space meteorological systems with the purpose of sharing of effort.

NASA and the Academy consider important the coordination of their efforts in the establishment of complementary space meteorological systems which take into account the requirements of the World Weather Watch. Exchange of opinions resulted in agreement to continue consideration of the problems in order to work out in the future decisions acceptable to both sides.

II. METEOROLOGICAL ROCKETS

A. Agreements and objectives

1. Cooperation in research on upper layers of the atmosphere by means of meteorological rockets. In this field NASA and the Academy agreed as desirable coordination of programs to conduct meteorological rocket firings along selected meridians in the Eastern and Western Hemispheres (about 60°E and 90°W), together with other countries concerned.

B. Proposals for further discussion

NASA and the Academy agree to consider and coordinate the following problems, always giving consideration to interests of other countries involved:

Definition of the scientific objectives of the two networks;

Preparation of the necessary plans and procedures required to coordinate the launchings in the two networks and provide for the analysis of the data from both networks on a synoptic basis;

Determination of the appropriate measurement instrumentation systems and techniques to be used.

The two Working Groups (one for the problems of satellite meteorology and the other for meteorological rocket soundings of the atmosphere) shall consider and coordinate the problems mentioned in this attachment above in accordance with the procedure established in the document, taking into account also the appropriate recommendations of the World Meteorological Organization and the International Council of Scientific Unions.

[Attachment II]

STUDY OF THE NATURAL ENVIRONMENT

A. Agreements and objectives

1. The survey of a wide variety of earth features and conditions from space, primarily on a spectral basis, may be scientifically useful and economically advantageous. The capability to conduct such surveys is in an early stage and requires intensive surface, air and space investigations, studies, testing, and intercomparisons on an experimental basis.

2. In this field the Academy and NASA agree to make every effort to develop cooperation in the following principal directions:

a. Discussions, and the exchange of scientific information, on the use of space technology for investigating the natural environment;

b. Studies of different techniques of measuring parameters of the natural environment, using space and conventional means, and studies of the interpretation of results of these measurements. In this regard, use will be made of the results of research conducted within the framework of existing international space and conventional programs;

c. Study of questions involved in the use of instrumentation required for the registration of electromagnetic radiation of Earth from outer space in various spectral ranges;

d. The possibility of coordinating selected integrated experiments involving space and conventional technology in selected areas of the international ocean; and also the exchange of results of coordinated research above selected areas of the earth surface, with initial emphasis on vegetation, carried out in accordance with national programs.

B. Proposals for further discussions

In performing its assigned tasks, it is suggested that the Working Group on the Natural Environment shall:

Review and consider results already obtained,

Discuss additional data which appear to be required,

Discuss the kind of instrumentation considered necessary to achieve desired results,

In the case of study of vegetation, recommend the selection of similar sites in the USSR and the US, which each side on its own territory will use for ground analysis and its own air and space surveys,

In the case of study of the oceans, recommend specific international ocean areas of prime interest for the conduct of research,

Recommend the parameters to be measured and the kind of data to be gathered by both sides, as well as the formats and schedules which shall be used for data exchanges,

Recommend a mechanism for the exchange by each side with the other of the surface, air, and space data obtained by each for the agreed sea and its own land areas.

Recommend a procedure and schedule for the joint review and consideration of such data in symposia open to other countries,

Recommend mutually acceptable schedules for the coordinated programs.

[Attachment III]

EXPLORATION OF NEAR-EARTH SPACE, THE MOON AND THE PLANETS

A. Agreements and objectives

I. The Academy and NASA agree that their respective programs of scientific investigation of the Moon can be substantially enhanced by exchanges of samples and other scientific information obtained from each side from the Moon.

II. The Academy and NASA agree to exchange small quantities of such materials to permit their comparative analysis in the laboratories of both countries, to make available to both sides materials from all sites visited on the Moon, and to facilitate analysis in unique or special facilities which may exist in either country. The Academy will provide NASA about 3 grams of regolith brought back by Luna-16 from different parts of the core. In return NASA will provide the Academy about 3 grams from the regolith in the core sample of Apollo 12 and about 3 grams from Apollo 11 samples. The samples to be selected in each case will be agreed by appropriate NASA and Academy representatives.

III. The Academy and NASA agree to support in their respective national programs the "International Magnetosphere Survey" being organized by the IUCSTP-COSPAR Special Study Group.

IV. The Academy and NASA agree to use, along with the existing international scientific channels, such as COSPAR, direct channels for the exchange of scientific information in those cases where the existing channels are inadequate or too slow for the purpose, and where it is in the mutual interest to do so.

B. Proposals for further discussion

The Academy and NASA agree that the following points should be discussed by the

Working Group on the Exploration of Near-Earth Space, the Moon and the Planets:

I. In the Study of the Magnetosphere:

1. Define the problems of the Magnetosphere which should be investigated in the next several years.

2. Determine the ground-based observations which each side could conduct during the period of a particular satellite investigation.

3. Investigate the possibility of standardizing the presentation of data and methods of measurement in studies of the Magnetosphere.

4. Examine the possibility of joint analysis of data from two or more simultaneously operating satellites.

5. Examine the feasibility of and steps required to jointly produce a "standard magnetosphere" for periods of minimum solar activity.

6. Arrange for periodic and timely joint reviews of the status of knowledge of X-ray radiation from the sun and the processes on the sun associated with solar activity.

II. Exploration and Use of the Moon:

1. Define the scientific problems of the Moon which should be investigated over the next several years.

2. Recommended procedures for the reciprocal exchange of future lunar samples and describe the documentation which will be required.

3. Recommend procedures for the reciprocal exchange of lunar photographs, from both orbital and landed spacecraft.

4. Conduct a joint study of the methods of analyzing lunar photographs and preparing lunar maps, and prepare an agreement on a standard lunar coordinate system.

5. Recommend procedures for a reciprocal exchange of data on lunar dynamic processes under observation.

6. Discuss the possibility of a reciprocal exchange of information on the scientific problems under investigation in the Luna and Apollo programs, so that NASA and the Academy can take advantage of their knowledge of the other's scientific objectives as they plan their specific lunar flights.

7. Initiate a joint discussion of the problems of the use of the Moon for astrophysical studies.

III. Exploration of the Planets.

1. Discuss the principal scientific problems in the exploration of the solar system.

2. Arrange for periodic and rapid exchange of scientific information from planetary experiments, so that NASA and the Academy can take these results into account in the planning of their future experiments.

3. Examine the possibilities of one side conducting experiments in its program, which may be proposed for that purpose by the other.

4. Examine the possibility of joint complementary activity by one side during the conduct of planetary investigations by the other; such as radio occultation experiments, monitoring of solar activity, simultaneous sounding rocket or balloon observations, or ground-based astronomical observations.

[Attachment IV]

SPACE BIOLOGY AND MEDICINE

A. Agreement and objectives

1. There are increased possibilities for the extension of the exchange of space biomedical data. This exchange should be expanded and made more regular in order to make maximum contributions to the safety and efficiency of manned space flight and to general medical knowledge which may be used for the benefit of all mankind.

2. The Academy and NASA agree that a Working Group shall develop recommendations and procedures to implement the expanded exchange of information. This Working Group will consider the arrangements for regular meetings of competent representatives for the detailed and timely exchange and evaluation of data associated with manned space flight. This exchange should include sufficiently detailed pre- and post-flight data, operational information, and other considerations necessary for full understanding of the results obtained.

3. The exchange of scientific information of mutual interest shall include:

a. biomedical data characterizing the adaptation of man to the conditions of space flight;

b. the development of recommendations concerning the internal environment of manned spacecraft;

c. radiation effects and considerations applicable to manned space flight; and

d. directions and methods of biological investigations.

4. The Academy and NASA further agreed that such meetings shall take place as data accumulate but should occur at least once per year in the major problem areas recommended by the Working Group. The first of such meetings should be held as soon as possible and should be dedicated to the examination of data and results obtained from the Soyuz and Apollo programs.

5. The Academy and NASA encourage the earliest possible completion of the joint publication, *Foundations of Space Biology and Medicine.*

B. Proposals for further discussion

As new knowledge is shared through this program, and new problems associated with manned space flight develop, the Working Group should expand the scope of its recommendations for further information exchange accordingly.

[Translation]

ACADEMY OF SCIENCES, U.S.S.R.,
MOSCOW V–71, LENINSKIY PROSPECT 14,
March 26, 1971.

Dr. GEORGE M. LOW,
Acting Director, NASA,
Washington, D.C.

DEAR DR. LOW: With this letter I want to inform you of the fact that the Academy of Sciences USSR has confirmed the summary document on the results of discussion of questions of cooperation in the investigation of outer space between the Academy of Sciences USSR and NASA of the USA, initialed by us in Moscow on January 21, 1971.

With satisfaction I note that NASA has also confirmed this document.

I agree to your proposal about the period of effect of the "summary document" and the possibility of its prolongation in the future according to the mutual understanding of the parties.

As far as the personnel composition of the working group which are established in according with each supplement to the "summary document," I will report to you in the near future the names of the Soviet members of these groups.

Sincerely,

M. V. KELDYSH,
President,
Academy of Sciences, U.S.S.R.

FUR CITY

Mr. JAVITS. Mr. President, during the week of June 7 to 11, Mayor Lindsay designated New York as "Fur City" in honor of the industry which has made New York City the fur capital of the Nation. This special week, created and financed by the Joint Furriers Council, was celebrated by events including a fur fashion show and the blocking off and decorating of part of Seventh Avenue for the enjoyment of pedestrians. I ask unanimous consent that the text of the speech given at that time by Mr. George Stofsky, manager of the Furriers Joint Council of New York, be printed in the RECORD.

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

SPEECH OF MR. GEORGE STOFSKY

Mr. Speaker, New York City will be the scene of a colorful and attractive festival to be sponsored by the entire fur industry from June 7th through June 11th, 1971.

Mayor John V. Lindsay has declared the event as "Fur Excitement Week," which will be a salute to the outstanding contribution the fur industry makes to the City of New York.

To make the festival pleasant and more attractive to thousands of visitors who have been invited to attend the event, the Mayor has directed that Seventh Avenue between 28th and 30th Streets, be closed from noon to 2 P.M. daily during the week.

At the same time, the entire industry will provide a festival atmosphere from 9 A.M. to 4:30 P.M. daily, by setting up kiosks and sidewalk cafes, for the public's pleasure entertainment. Refreshments will be served while musicians play both classical and modern music.

There also will be a show of fashions in furs, to be presented by leading merchants in cooperation with the Furriers Joint Council, consisting of the Associated Fur Manufacturers, United Fur Manufacturers, Master Furriers Guild and Locals 2 and 3 of the Fur Dressers Union.

The idea for the festival eminated through the Furriers Joint Council, whose manager is George Stofsky. A meeting was held in City Hall with Deputy Mayor Richard R. Aurelio and Administrative Assistant to the Mayor, Sid Davidoff. Plans were drawn up for the festival, which has immediately received the blessings and full support of Mayor Lindsay.

The plans call for both sides of the Avenue to be tastily draped with flags and bunting. Sidewalk cafes will be opened for local and out-of-town fur buyers, fashion editors and the general public. Park benches will be set up for the convenience of the public and 50 trees will be planted in the two-block area. There will be runway for the fashion show on 7th Avenue.

Kiosks, already taken by various sections of the fur industry's outstanding retailers, will be decorated.

Mayor Lindsay will open the festival with the placement of new street signs. The name of 7th Avenue will be changed to Fur Avenue.

All traffic, including bus, will be stopped and diverted into side streets.

The Furriers Joint Council, which represents 7,000 workers, is financing the project in cooperation with fur manufacturers.

The national volume of the fur industry is $350 million and New York City is the nation's fur center.

The Furriers Joint Council, which is affiliated with the Amalgamated Meat Cutters and Butcher Workmen of North America, has recently been presented with a scroll by the World Wildlife Fund, expressing appreciation for agreeing to no longer cut, fashion or fabricate skins of such endangered species as leopards, cheetahs, ocelots and jaguars, to help protect these animals from extinction.

The fur industry has great faith in New York and is proud to have the fur center of the nation there. Holding the festival in New York will no doubt attract buyers not only from out-of-town but from abroad. No better fur fashions can be obtained elsewhere. The latest styles in fashions are developed in New York City.

Both labor and management are fully cooperating in this event and will join with all New Yorkers to salute the fur industry during June 7 through June 11th.

The Council is to be commended for its efforts and for being a vibrant force for progress in New York City, the economic center of the nation.

TRADE WITH CHINA

Mr. BELLMON. Mr. President, the decision of our Government to take steps to terminate U.S. controls on a large list of non-strategic U.S. products which may now be exported to the People's Republic of China may prove to be one of this Nation's most important diplomatic decisions of this decade. This decision could very well open the huge potential of the Chinese consumer market to American workers, and in addition pave the way for the reestablishment of the abundant good will which once made the United States and China the closest of friends and allies.

While virtually everyone in the United States regretted the direction which the government of China took following World War II, we must admit that the belligerency which has been allowed to develop between our two nations has not been helpful to either. The Government of China still governs and will until and unless the people of that nation make changes in their own way.

The nonstrategic products which China has needed have been freely available from other suppliers. For the United States to continue to prohibit its citizens from doing business with the Chinese would be extremely shortsighted. While there is little prospect of an overnight mushrooming of Chinese-American trade, the prospects for the future are virtually unlimited. President Nixon's action of terminating export prohibition on nonstrategic products should hasten the day when the lives of both Americans and Chinese are enriched by commerce and communications between citizens of both countries.

DOCTOR SHORTAGE

Mr. KENNEDY. Mr. President, one of the most alarming problems in our health care system is the shortage of physicians in America. A recent article by Mr. Jack Star in the June 29 issue of Look magazine titled, "Where Have Our Doctors Gone?", explores the crisis in American health care. The shortage of physicians in America has been estimated at over 50,000 nationally. Many small communities are without a doctor at all and there is little possibility of getting one.

According to Mr. Star's article there are 334,028 doctors in the country today. But nearly 17 percent of our doctors do not practice. They are inactive, or in teaching, administration, research, or other non-patient pursuits. That leaves 255,027 doctors to give patient care. Only 188,024 doctors are office based, and only 50,816 of those are general practitioners. The ratio of pediatricians is one for every 5,625 youngsters under 15. There are 10,310 pediatricians, but 58 million youngsters.

As bad as these statistics sound, the real problem is found in the distribution of doctors. New York State has one doctor, office or hospital based in patient care, for every 518 persons, but Mississippi has only one doctor for every 1,448 persons. Thousands of communities have no doctor at all. The Sears-Roebuck Foundation has abandoned its attempts to lure doctors to small towns by financing small clinics. Of the 162 clinics which the Foundation has built since 1956, 52 are now vacant or being used as barbershops, etc.

Many people find that the hospital emergency room is the only point of entrance into the medical care system in America. In Rochester, N.Y., 65 percent of the cases treated in the hospital emergency rooms were not emergencies and could probably have been better handled elsewhere. In Chicago, the figure is 90 percent. Emergency rooms used to be filled with black people and poor whites. Now, many middle-class whites find their only contact with a doctor comes from the community hospital's emergency room. The emergency room in many hospitals is probably the least efficient and worst staffed and worst equipped department of the hospital, but it is becoming the major provider of primary medical care for millions of citizens.

I believe Mr. Star's article, "Where Have Our Doctors Gone?", supplies important information on the current health care situation in America. I ask unanimous consent that the article be printed in the RECORD.

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

[From Look Magazine, June 29, 1971]

WHERE HAVE OUR DOCTORS GONE?

(By Jack Star)

10:30 at night. I went to bed with a sore throat and unusual weariness. My sleep was restless. When I arose next morning, I knew I was very sick. I needed a doctor. But like several thousand of the 30,638 men, women and children in the suburb of Park Forest, Ill., 32 miles south of Chicago, I don't have a family physician, and I don't have much chance of finding one.

I am a sort of general contractor for medical services, seeking out an orthopedic surgeon for a sprained ankle, a pediatrician for a child's mumps or an obstetrician for a blessed event—when the need arises. My family has no doctor to coordinate these services, so we get treated as persons, not diseases. At 9 a.m., my temperature was 103.9, pulse racing, both sides of my chest hurt, and I coughed frequently, bringing up nasty-looking sputum streaked with bright-red blood. I dialed the number of a leading specialist in internal medicine, and a woman answered, perhaps an answering-service operator. "Was I a patient of Dr. X?" Well, I had been seen several times by his partner, I replied between coughs, offering up my symptoms. "It's Wednesday," she said. "The doctor's day off.... No, you can't speak to him." But she would call him and relay my symptoms. She did too. An hour later, she phoned to say the doctor would have a drugstore send out some medicine. Shortly before noon, some pills arrived, unlabeled, but I had my 12-year-old son look up the code number on the tablets in a drug reference book. They were an antibiotic. I popped a couple in my mouth and went back to bed.

Friday, hardly able to hold my head up, I called the doctor's office and demanded to see the doctor or at least talk to him on the phone. I told the voice that answered that I thought I had pneumonia. "No, you can't talk to him." Too busy. And the earliest appointment I could have was next Tuesday. Back to bed for a lost and feverish weekend. Monday morning (near death, or so I thought), I journeyed to the University of Chicago clinic 28 miles away to see a doctor. I had pneumonia in both lungs.

My troubles in finding a doctor are exceeded only by those of some neighbors. My wife and children are lucky at least to have had the same obstetrician and pediatrician for over 20 years. But the people who are new in town have a terrible time.

Niki Scott, a writer for the Park Forest *Reporter* who was researching the local doctor shortage telephoned the six pediatricians in the immediate area and said her child had an earache. Four of the doctors said they could not accept a new patient under any circumstances. The other two said they could examine the child—but not that day.

Mrs. Scott then called the ten internal-medicine specialists of the region, complained of a stomachache, and said she was new in the area. Nine of them said they couldn't see a new patient immediately, or at all, but two said they might be able to examine her in two or three weeks!

This same reporter cites the case of a mother of two who moved here last August: "She was told that her children would not be allowed to attend school until they had had a physical examination. She called all the pediatricians in the area, and was told by each of them that they could not accept new patients. Desperate, she called the Park Forest Village Health Department. They gave her a list of physicians, all of whom she had already called. After weeks of searching, she found a general practitioner in Chicago Heights [an adjoining town] who would examine her children.

That there is a shortage of physicians, estimated at over 50,000 nationally, should not surprise anybody except the American Medical Association, which discovered only a few years ago that there were not enough doctors to go around. Selig Greenberg, in his compelling new book, *The Quality of Mercy*, notes that during the Depression of the 1930's, "The AMA *Journal* called editorially for 'professional birth control,' and the medical schools obliged by materially reducing their admissions." Later, he says, the AMA achieved the same results by "lobbying strenuously in Congress against Federal aid for medical education without which the schools could not possibly expand their enrollment to any meaningful extent. The palpably specious argument used to block such aid was that it would endanger the 'freedom' of the medical schools."

In recent years, a number of new medical schools have been opened, but many schools are in deep financial trouble, and some have curtailed teaching programs. Though by the end of this decade there will be noticeably more graduates, so far the growth has been slow (6,934 graduates in 1961; 8,946 this year). Even if we double our graduates in 20 years, says an authority, deaths and retirements will cause the total number of physicians to change little.

The medical schools still turn down over half of their applicants, and if it were not for foreign-trained doctors—who now make up nearly 17 percent of our medics—we would be shy another 3,000 new licensed doctors every year. As it is, our teaching hospitals are currently short more than 12,000 residents and interns. Without the foreign interns, many hospitals would have to close their doors.

At last count, America had 334,028 doctors, but neary 17 percent of them don't practice—they are inactive, or in teaching, administration, research, etc. (About nine percent of the total are federally employed, and we do not consider them here.) Of the 255,027 doctors giving patient care, only 188,924 are office

based, and only 50,816 of those are GP's. The others, following the big trend of the time, are specialists. A surgeon or an anesthesiologist isn't much use for a heart attack or a skin rash. Pediatricians are GP's in a way, but there are only 10,310 of them for 58 million children under 15, a ratio of one doctor for 5,625 youngsters! Specialists in internal medicine attempt to fill the void left by the GP's, but there is only one internist in office practice for every 8,845 persons!

Bad as these numbers are, the real problem is how doctors are distributed around the country and the cities. New York state has one doctor—office or hospital based, in patient care—for every 518 persons and Washington, D.C., one for every 339, but Arkansas has only one for more than 1,300 persons, and Mississippi, one for every 1,448.

Yet even these statistics don't reflect the stark reality. Several thousand communities don't have a single physician and little possibility of getting one. The Sears-Roebuck Foundation has had to give up on its project to lure doctors to small towns by helping the communities build small clinics. Of 162 clinics built since 1956, 52 are now vacant or being used as barbershops, etc.

You can get a glimmer of the problem in Chicago. According to geographer Donald Dewey of DePaul University, the metropolitan area has one doctor in office practice for 862 persons, and the city itself has one per 909. But where are they?

Since 1950, thousands of doctors have fled, with the expanding black communities experiencing a 66 percent drop. Most of the MD's moved to the elegant suburban shopping centers. There are more doctors in a single North Shore medical building than in one entire West Side ghetto. The posh suburbs now have only 518 people per doctor—more than three times as many doctors as the South suburbs, with 1,724 people per doctor. Alas, I and nearly half a million others live south.

Pierre de Vise, a distinguished urbanologist and researcher for the Illinois Regional Medical Program, explains why doctors have settled so heavily between Evanston and Lake Forest: "Doctors tend to select homes in the very highest income areas, those with the most prestige." I gulp as De Vise gives me some hard facts: "You live in a blue-collar, working-class area. There is little hope for increasing the number of doctors there." I suppose he is right. My town is middle-class, and a few nearby towns are super-affluent, but for the most part, South Cook County is a place for the workingman.

Of 250 Chicago-area communities, the top 25 in income have one doctor for every 500 persons—the bottom 25 have three times as many persons per doctor. The 25 with the most blacks have almost four times as many.

What do sick people do when they can't get a doctor? Out my way, and everywhere else in the country, hospital emergency rooms are filling the void. In 1960, St. James Hospital in Chicago Heights had 8,696 emergency-room cases; last year, it had three times that number. More significantly, "Non-emergency" medical cases treated in the emergency room shot up nearly fivefold.

In other words, the doctorless sick are taking their bellyaches, flu and measles to where the auto-accident victims are sewed up. A recent study reported in *The Journal* of the AMA, says that emergency-room visits in the Rochester, N.Y., area "have increased five times faster than the general population and there is no reason to believe that the emergency department demand will not continue to increase." Sixty-five percent of these cases were not emergencies according to the study and could probably have been better handled elsewhere. In Chicago, this figure is 90 percent.

The emergency room is not a particularly good place to be treated. In the Chicago area, only a fifth of the departments have a paid full-time doctor in charge; nearly half depend on unpaid MD volunteers. Only half are routinely equipped to set simple fractures, remove stitches or take off casts. Only seven percent handle compound fractures.

One of every three Chicagoans visited an emergency room last year, twice the national rate and twice Chicago's rate of 15 years ago. As De Vise points out: "The emergency room, the least-efficient and worst-staffed and equipped department of the hospital, is the major provider of primary care. . . ." For years, the emergency room has been a place where black persons and poor whites were supposed to get care (see *Cook County Hospital: The Terrible Place*, LOOK, May 18, 1971). But now, at institutions like St. James in Chicago Heights, middle-class whites sit right next to poor folks in the emergency-room waiting section. They are in the same predicament.

As emergency rooms go, St. James' isn't bad. A couple of nurses are there all the time, and something more than 100 of the 155 doctors on the staff take turns supervising in twenty-four-hour shifts. Unfortunately, the doctors are usually not present. They run the room by telephone. The hospital hires moonlighting doctors, residents in another Chicago hospital, to treat patients. They are paid $210 for a 12-hour shift. The emergency-room charge is, at a minimum, $20, but the hospital says it loses money.

Dr. Peter T. Fagan, president of the medical staff, is not entirely happy with the operation of the emergency room. "We should have specialized emergency-room physicians," he says. "Medicine is too sophisticated to practice down there the way we do now." Sister Georgette, the hospital administrator, is also not happy: "We have patients coming into the emergency room who have no other point of entry into the medical system," she says. "One thing the South Cook County Medical Society should do is have a roster of doctors who would see new patients." I put her idea to Dr. John E. Driscoll, a surgeon who is president of the South Cook County Branch of the Chicago Medical Society. It has 250 members. He scoffs at the idea of a physicians' roster. "It hasn't worked in Chicago," he says. "Why would it work here?"

I complain to Dr. Driscoll that the quality of medicine is bound to suffer with so few doctors and so many persons. Isn't a doctor inclined to take shortcuts, with a roomful of patients waiting? Don't the latest statistics show that doctors now treat 11 percent of all complaints by telephone? Dr. Driscoll agrees: "A good doctor can take care of only so many patients. Many have attempted to take care of more patients than they should, and they can't give quality care because they're overextending themselves. It's not that they're incapable of practicing good medicine. It's just a reflection of their being so swamped." The sad thing is that preventive medicine, including routine checkups, can prolong life by early detection of killer diseases.

Are the doctors as busy as they claim? What about all those jokes about them playing golf on Wednesday afternoons? The AMA, which surveys 5,000 physicians regularly, found the average workweek is 44.7 hours—somewhat less than that of many businessmen. But this is just for patient care. Tedious chores can add hours to a doctor's workweek. "Just look at this pile of papers!" I was told by Dr. Emanuel M. Racher, a Park Forest internist, who indicated a stack of insurance forms 18 inches high. "I have to fill these out personally."

What about making life easier for the doctor, and extending his services, by using physicians' assistants? There has been extravagant publicity for the last five years about the training of doctors' helpers, but the AMA notes that only 350 to 400 persons are currently enrolled in these programs. In the five years, only 75 aides have been graduated, and another 150 are finishing this year.

In Illinois, there is not a single physician's assistant. The closest thing to one is the nurse who weighs you and takes your temperature before the doctor comes into the examining room. The licensing law is murky on the subject of assistants. What medical procedures should they be allowed to perform? What about malpractice actions?

Dr. Paul Ashley, president of the South Cook County Health Care Planning Association, would like to train his own helpers, right in his own office, and give them a lot of leeway. "I'm willing to take responsibility for my aides," he says. "Ideally, if the law and malpractice insurance permitted, they could do all sorts of things that only I am allowed to do now: skin biopsies, electronic removal of moles, suturing of minor wounds that are not cosmetic, aspiration of breast cysts, etc."

Dr. Ashley would even let his aides do routine physical exams. The trick would be for them to know when to stop and call in the doctor—where there is a fast pulse, shortness of breath, abdominal pain, a lump in the breast, etc. The doctor says that perhaps a computer could be used for history-taking; this would automatically call the doctor's attention to dangerous symptoms. In fact, computers are already doing this, but in limited numbers.

A kindly man, who looks like a movie version of a country doctor, Dr. Ashley is a firm believer in group practice. Fifteen percent of America's doctors now are members of groups—of these, 60 percent are in multi-specialty clinics. Dr. Ashley thinks that groups, because they are generally more efficient, are an answer to the doctor shortage. He heads a small one, with three obstetricians, two internists and two GP's. Recently, he negotiated the merger of this group and two others. The 20 doctors in the combined group, he hopes, will operate a nursing home, a shelter for released mental patients and an extended-care facility. Good facilities will help attract new doctors, but he wants to do more.

"It used to be you could attract a doctor by saying, 'We'll give you a chance to treat a lot of sick people.' Nonsense! Doctors want a six-week vacation, $50,000 a year, profit-sharing, free medical care and hospitalization, free malpractice insurance. . . ." Dr. Ashley says his new group will provide all that.

Next door to Park Forest, a new town called Park Forest South is rising from the cornfields. Eventually, 100,000 people will live there. Its planners hope to build a 220-bed hospital that would be staffed by a group of prepaid physicians. Most of them will come from the Illinois Central Hospital in Chicago, a facility that was started by the railroad and still treats many railroad workers and their families, as well as many Chicago people. If the project materializes, the Chicago facility will close down, and many neighborhood people will have no place to get treatment. And in Park Forest South, the medical group, even if expanded, will do no more than offset the population—if that.

What is needed, says Hirman Sibley, executive director of the Hospital Planning Council for Metropolitan Chicago, "is to enroll everybody in America in a national health-insurance program of some sort. This will attract doctors to poorer areas." He urges the public "to work with sympathetic doctors to develop group practice. The community by itself can't attract doctors—only doctors can." For rural areas, he envisions small groups in major shopping towns, tied to large group clinics in medium-sized cities.

Dr. Walter C. Bornemeier, outgoing president of the AMA, thinks the shortage of doctors and their maldistribution will soon be a thing of the past. He says the AMA was right in curtailing the number of doctors

years ago "because I knew doctors then who were actually on relief." Nowadays, he says, the AMA is in the forefront when it comes to seeking increased numbers of physicians.

"The solution is coming," predicts Dr. Bornemeier, perhaps a bit optimistically. "The law of supply and demand will assert itself. As excessive numbers of doctors pile up in some areas, competition will force them to the places that need them. It will all be over by 1980."

Dr. Bornemeier says other changes will help: more group practice, national health insurance enabling persons to afford medical care and, perhaps, office apprenticeships for finishing interns that will attract doctors to places they are needed.

Dr. Driscoll, of my local medical society, also believes that the physician shortage is temporary. He notes that new medical schools are opening in Illinois and that the University of Illinois, the largest of our five present medical schools, is in the process of doubling its graduating class to 450 a year.

I am not so confident. Traditionally, 50 to 60 percent of our state's graduates have left Illinois. Wouldn't we just be training more doctors for places like California? Its eight medical schools don't even produce enough doctors to replace those who die in the state. It imports doctors from Chicago. "No matter how many more doctors we produce," says Pierre de Vise, "the shortages will continue to exist where they exist now because the doctors will continue to settle where they settle now."

How do you find a doctor if you live in a medical desert? I asked this question of a number of physicians. One way that sometimes works is to make an appointment for a physical examination while you're still well—the doctor may then accept you as a patient. Another way, and I know it sounds cynical, is to move away from where the doctors aren't: small towns, black ghettos and blue-collar neighborhoods. Follow the doctors!

U.S. MARINES COME HOME FROM VIETNAM

Mr. BELLMON. Mr. President, I rise today to pay special tribute to the U.S. Marine Corps. After 6 years of fighting in South Vietnam, during which the Marines achieved great success in combat as well as in exemplary service to the civilian populace of that country, the Marines this month began final redeployment of their forces from Vietnam to other bases in the western Pacific and the United States.

I ask unanimous consent that following the conclusion of my remarks a record of achievement by the Marine Corps in Vietnam be printed in the RECORD.

Mr. President, I make this report to the Senate so that the illustrious record of the Marines in Southeast Asia can be better known and understood, for this is a record unlike that of any other military unit in any other war. This is a record not only of a long and difficult combat mission but of a nation-building mission as well.

As a member of the Marine Corps in World War II, I make this report with great pride. The Marine Corps has long been considered the elite arm of this Nation's security forces. The record of the Marines in Southeast Asia proves that that reputation is well deserved.

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

For the United States Marine Corps, the conflict in South Vietnam is ending. This month, the last elements of a Marine force which at one time held the five northernmost provinces of South Vietnam against a determined enemy began the final journey out of Vietnam. By the end of June of this year, only a few hundred Marines from an air/ground force which at one time numbered more than 81,000 will remain in Vietnam. After six years of bitter conflict, the longest and the most difficult war in the 196-year history of this fighting organization is ending, and the Marines are coming home to take up the challenges of the post-war era in their traditional role as our Nation's "Force in Readiness." The Marines' return is truly a milestone, for it was the Marine Corps which deployed the first U.S. combat forces to Vietnam in 1965 and whose return now underscores this administration's commitment to reduce forces in Southeast Asia.

For more than six years, the Marines—together with other U.S. and Free World Forces—have supported the Government of Vietnam's efforts to develop a viable and independent nation. I think, that as the Marines return home, it is appropriate that we review briefly their record in Southeast Asia and identify the varied roles of Marine forces in that commitment.

Marine Corps participation began on 27 February 1965 when the Joint Chiefs of Staff relayed Presidential approval to deploy a Marine air/ground team, the 9th Marine Expeditionary Brigade, to South Vietnam. Nine days later, on the morning of 8 March 1965, the 3d Battalion, 9th Marines conducted an unopposed amphibious landing near Danang to spearhead the introduction of U.S. combat units into South Vietnam. On the same day, the 1st Battalion, 3d Marines began to arrive at Danang by air from Okinawa. Within two months, additional Marine units had been landed at Hue/Phu Bai and Chu Lai. Just prior to the amphibious landing at Chu Lai, Marine forces consisting of most of the 3d Marine Division and the 1st Marine Aircraft wing were redesignated as the 3d Marine Amphibious Force (III MAF).

The III MAF strength steadily increased to meet increased operational requirements, so that at the beginning of 1968, Marine forces consisted of two and two-thirds divisions, one reinforced aircraft wing and 14 fixed wing and 10 helicopter squadrons, and a composite of combat support and combat service support elements designated as the Force Logistics Command. At one point, total Marine Corps forces in South Vietnam totaled nearly two-thirds of the entire operational forces of the Marine Corps and one out of every three Marines was serving either in South Vietnam or the western Pacific.

The original mission of the III MAF was to protect the airfield and the port and communications facilities at Danang, and to develop and defend subsidiary airfields at Chu Lai and Hue/Phu Bai. Subsequently, a limited offensive responsibility was added to assist in the conduct of operations to ensure the security of the Vietnamese people. These responsibilities eventually developed to encompass the conduct of all combat operations necessary to counter enemy actions.

By the end of five months in South Vietnam, the Marines had expanded their areas of responsibility from an initial eight square miles with a civilian population of 1,930 to 417 square miles enclosing a civilian population of 198,840. These totals eventually grew to 10,700 square miles and over 2,800,000 people during the period when III MAF had operational control over all U.S. forces in I Corps Tactical Zone, the five northernmost provinces in South Vietnam.

From the outset, Marine operations in South Vietnam were oriented to the realization that defeat of VC/NVA units would contribute to the total effort, but that victory in the end must derive from freeing the people of enemy domination and bringing them security and tranquility. The Marine strategy to achieve these goals embraced three concurrent efforts.

First, participation with the Government of South Vietnam and other U.S. agencies in pacification, including local protection of the people, revolutionary development through civic action, and training of Vietnamese military and paramilitary forces.

Second, conducting vigorous small unit operations, on a round-the-clock basis, aimed at driving the VC from the heavily populated areas and destroying his local infrastructure, thus separating the enemy from the people.

And third, continually seeking opportunities to deal heavy and destructive blows upon large VC main force and NVA units and their bases in order to dissipate their military efficiency and diminish their logistical capability.

Thus, with support of pacification and revolutionary development as its core, Marine programs of counterguerrilla and large unit operations were directed toward the objective of assisting the Government of South Vietnam to extend control throughout I Corps and ultimately, to defeat the VC/NVA forces. This strategy was effective, and I think it is well to examine the magnitude of the Marine programs and the results achieved in accomplishing the basic goals of this strategy.

The patrols, ambushes, and company-size search and clear operations by the Marines complemented both the large unit operations and the revolutionary development process by concentrating on the destruction of the Viet Cong infrastructure. During the period 8 March 1965 to 31 December 1970, Marine units each month conducted more than 14,000 small unit operations. The damage inflicted on the enemy's guerrilla effort was more than just combat losses, however. The Viet Cong recruit potential was engulfed by the expanding and increasingly effective Government of South Vietnam influence, requiring the induction of additional North Vietnamese Army members into local guerrilla units. This dilution resulted in a force composition lacking the cohesion and motivation necessary for effective insurgency.

In addition to the thousands of ambushes and patrols conducted each month by Marine units, several innovative operations and techniques were introduced by the Marines and proved highly successful in combating the guerrilla. One of these was the Kit Carson Scout program, which was initiated by the III MAF and which employs former Viet Cong in combat operations against their old units. These Viet Cong, who have rallied to the side of the GVN and then rigidly screened and trained, were highly effective. By the end of 1968, the Kit Carson Scout program had expanded to include 476 Scouts. During that year, they accompanied 18,615 patrols in combat operations and were credited with the apprehension of 851 enemy suspects and the detection of over 2,000 explosive devices, caves, tunnels and caches. Moreover, they established an exemplary record of loyalty and dedication to Marine forces.

Another innovation were the Golden Fleece operations initiated by the Marines in 1965 and designed to provide security for local Vietnamese farmers during rice harvesting periods. Conducted in close coordination with local Vietnamese officials, Golden Fleece operations effectively denied the Viet Cong a source of food which in many cases had been uncontested in previous years. Although often carried out by Marine battalions or larger size units, these operations involved small unit saturation patrolling and ambushes in areas adjacent to harvest sites, providing security for the farmers to and from the fields, and assisting in the transport of the harvested rice to protected areas. Golden Fleece 7–1, conducted in September of 1966, indicates the effectiveness of this rice denial concept. During the 10-

day operation, Viet Cong units were driven off, 727 tons of stolen rice were uncovered in an enemy cache, and 113 tons of rice were harvested by the protected Vietnamese farmers. The total of 840 tons of captured and harvested rice was sufficient to feed 31,000 Vietnamese civilians for over a year.

Another effective element of the Marine strategy in South Vietnam included the conduct of sizeable (Battalion or larger) offensive operations launched to isolate and destroy large VC main force and North Vietnamese Army units and to neutralize their base areas. Marine Corps forces, fully supported by Marine fighter/attack aircraft, helicopters, and tactical transport aircraft, not only defeated repeated enemy attempts to gain the initiative in I Corps but also inflicted repeated crippling blows to the enemy's lines of communication and support complexes, and caused major enemy units to withdraw into North Vietnam after suffering prohibitive personnel losses.

The enemy's 1967 dry-season offensive in the Demilitarized Zone is a case in point. The enemy launched four major combined arms offensives to establish a foothold in northern Quang Tri Province. Each was turned back with heavy losses. In 1968, III MAF large unit operations administered a series of sharp defeats to elements of five regular NVA divisions. These losses forced the enemy to withdraw NVA units to sanctuaries in North Vietnam and Laos and resulted, by the end of 1968, in almost total absence of major enemy units in northern Quang Tri Province.

During 1968, the enemy also launched an all-out offensive, timed to coincide with the Tet holiday, at the principal I Corps population centers of Hue, Danang, Quang Tri City, and Hoi An. The most intense sustained fighting of the Tet offensive took place in the old imperial city of Hue. Marine, U.S. Army and Vietnamese forces ejected enemy lodgments in the city and inflicted substantial casualties on the enemy forces. These irreparable losses forced the enemy to reassess his strategy and redirect his war effort toward countering the significant progress being made by the Government of South Vietnam's pacification and revolutionary development programs.

Marine forces continued their mobile, aggressive tactics through 1969, inflicting considerable losses on the enemy and seizing large quantities of enemy weapons, ammunition, and food which degraded the enemy's offensive capabilities and undermined his morale. One of the most effective Marine Corps operations was Dewey Canyon, in January and February of 1969, which must be ranked among the most significant campaigns of the war in terms of concept and results. Despite marginal weather, an independent regimental operation was projected in the Da Krong/Ashau Valley, 30 air miles from the nearest base, and was sustained entirely by helicopter through a month of heavy combat. In addition to extensive personnel losses, the enemy lost individual weapons, small arms ammunition, explosives, food, artillery pieces, trucks, and heavy equipment.

Integrated with and complementing the success of the Marines' large unit operations were the Special Landing Forces of the U.S. Navy's Seventh Fleet. Taking advantage of the inherent flexibility in existing amphibious doctrine, the Special Landing Forces were capable of projecting their combat power ashore in either an independent operation or in conjunction with an operation by shore-based III MAF units.

In one such operation, Bold Mariner/Russel Beach early in 1969, two Special Landing Forces each consisting of a Battalion Landing Team and a Marine helicopter squadron conducted simultaneous amphibious and helicopterborne assaults against enemy forces occupying the Batanagan Peninsula south of Chu Lai and Quang Nam Province. Also simultaneously, a U.S. Army task force maneuvered to seal off the southern boundary of the operating area. Thus, without warning, a hitherto enemy sanctuary was surrounded and then systematically searched and cleared. The operation served notice to the enemy that no area was secure from the mobile striking power of the Marine Corps' Special Landing Forces and the Navy's Amphibious Ready Groups. Adding to its significance, this special Landing Force operation returned nearly 12,000 Vietnamese civilians to GVN influence.

As a complement to large scale operations, the Marines commenced in 1966 to employ small reconnaissance teams, both in the hinterland and in regions of the coastal plain, to observe the enemy and direct artillery, air strikes, and naval gunfire on enemy forces detected. Called Sting Ray patrols, these lightly armed and lightly equipped teams were generally inserted by helicopter near the objective area and moved overland by stealth to a preselected position. The impact of these innovative operations on the enemy was acknowledged by the extensive efforts the Viet Cong and North Vietnamese units expended in attempts to locate the Sting Ray patrols when they suspected one in a particular area.

Other innovative contributions to the conduct of operations against the enemy included the arresting gear developed as part of the Short Airfield for Tactical Support (SATS), developed to save aircraft and lives. Air support radars and transponder beacons—developed by the Marine Corps—were used to guide planes through bad weather and darkness to conduct accurate and devastating strikes on the NVA/VC. These techniques were also successfully employed in guiding transport helicopters to friendly ground units. On the ground, new equipment and techniques such as sensors, Integrated Observation Devices, and the Surveillance/Reconnaissance Center were tested and employed during the conflict to aid in defeating the enemy.

However effective were the III MAF forces in combat operations, the real measure of the total Marine Corps effort in South Vietnam were the enduring and significant results attained in establishing security in the villages and hamlets and in the success achieved in support of the Government of South Vietnam's pacification and revolutionary development programs.

One of the most successful means of providing continuous security to Vietnamese hamlets and villages was the Combined Action Program. This program, initiated, developed, and expanded by the Marine Corps, combined a squad of specially trained Marines with a platoon of local Vietnamese militiamen, or Popular Forces. Begun with just one such combined platoon in 1965, the program steadily expanded so that by June of 1970, some 2,000 Marines and 3,000 Popular Force and Regional Force (PF and RF) soldiers were participating. These combined action units conducted thousands of combat patrols and night ambushes and joined with territorial forces on numerous occasions for combined missions. In addition to providing security, this combined action program also helped upgrade the military proficiency of indigenous forces. As pacification of an area reached the level where local forces were able to maintain security, the Marine forces then moved to a new and unpacified village to renew the process. At the time when Marine forces began redeployment from Vietnam, more than 100 such platoons were in full operation.

An outgrowth of this highly successful program was the Combined Unit Pacification Program (CUPP), which was initiated in 1969 and was designed to extend the hamlet and village pacification effort along the populated littoral against NVA/VC counterpacification ploys. Conceptually, a Marine rifle company was employed with its headquarters colocated with the Vietnamese District Headquarters and each rifle platoon then assigned to operate with the Popular Force platoon. The first Marine unit deployed units to three hamlets; at the end of 1970, Marines were continuing CUPP participation in 22 hamlets throughout Quang Nam Province and providing security for more than 31,000 Vietnamese civilians.

Drawing on skills developed through the Combined Action Program and the Combined Unit Pacification Program, the territorial force units continued to increase in number and capability. As evidence that these Regional and Popular Force units have been effective in numerous independent combat operations and have been able to assume responsibility for their own population security is that fact that of the 3.1 million people living in the five northernmost provinces, more than 95 per cent now live in secure villages. In areas where an element of danger to the individual soldier and his family is still evident, this is significant—and reflects a commitment by the people to their country and its development.

Reestablishment and reconstruction of the Vietnamese social, economic, and political systems were considered by the Marine forces to be a prerequisite to final victory, so a broad-scale civic action program was directed toward this goal. This program encompassed a number of activities ranging from direct material assistance to villagers in the form of food and clothing to short and long-term projects in education, public works, agriculture, transportation, communications, and health and sanitation.

It was recognized early that one of the most critical deficiencies in Quang Tri Province was the lack of adequate medical facilities to serve the ever-increasing population. To help the people overcome this immediate need and provide a lasting tribute to Marines and Navy men who have been killed in combat while serving with the 3d Marine Division of the III MAF, plans for construction of the 3d Marine Division Memorial Children's Hospital were initiated at Dong Ha Combat Base. A portion of the U.S. Naval Company "D" Medical Facility at Dong Ha was converted to temporary use as a Children's Hospital and was officially dedicated on 1 September 1968. Another purpose the Children's Hospital served was the training of a Vietnamese staff for ultimate employment in the hospital, thus ensuring the training and experience required for continued operation of the new hospital by the Vietnamese.

Another significant example of the Marine Corps Civic Action Program in Vietnam is the Hoa Khanh Children's Hospital located near Danang. This modern 120-bed hospital started as a wood and tin first-aid station in 1965 in the hamlet of Hoa Khanh, as part of a Medical Civic Action Program (MED CAP) by U.S. Navy doctors and Corpsmen of the 1st Battalion, 3d Marines. When these Marines were deployed further north, the Force Logistics Command of III MAF took over responsibility for the expanding first-aid station. Eventually, to meet the growing demand, a much larger facility was constructed inside the Force Logistics Command compound northwest of Danang.

Vietnamese craftsmen were hired to construct a stone building under the supervision of Navy Seabees and Marine Corps Engineers. Assisted by voluntary contributions of $300,000 by Marines and Navymen and their friends in the U.S. and Vietnam, the hospital is now one of the largest medical facilities of its kind in Southeast Asia. The hospital is not only an institution for major surgery but also for the treatment of skin infections, tuberculosis, pneumonia, plague and other illness. It also provides training for some 70 Vietnamese nurses, aides, and technicians. In anticipation of the eventual phase-out of Marines from Vietnam, the hos-

pital was transferred to the World Relief Commission (WRC) in June of 1969. This transfer ensured the continued smooth operation of the hospital and the continued training of indigenous aides until the Vietnamese can assume complete responsibility for its operations and functions.

The Marines also realized that providing support for the education of Vietnamese children would not only benefit them as individuals but would also enable them to contribute to the building of a viable nation. Through the III MAF Scholarship Fund, the General Lewis W. Walt Scholarship Fund, and numerous personal contributions of Marines and their families, over 136,000 children in I Corps were assisted in continuing their education. The U.S. Marine Corps Reserve/CARE Civic Action Fund provided school kits consisting of pens, pencils, copy books and Vietnamese arithmetic tables. This fund grew to $748,000 by 1971. The III MAF also aided in the construction of 251 schools and 171 churches, pogodas, and temples (also used by the Vietnamese in the education of their children).

A clear-cut indication of the progress made in education within I Corps can be gained by the fact that in 1955 there were only about 400,000 children in school in the entire country; by 1971, there were over 310,000 children in schools of all types in I Corps alone. Additionally, by 1971, there were 1,059 elementary schools and 126 secondary schools within I Corps.

In summary, as the Marine forces redeploy from Vietnam to contingency stations in the Western Pacific and to bases in the United States, they leave behind them a legacy for continued improvement by an independent people.

The continuing combat success of the Government of South Vietnam forces, the significant gains in pacification and rural development, and the great social improvements which have been made in South Vietnam are positive indications that the efforts of Marine forces have materially assisted the Vietnamese people to achieve security and tranquility. Marine Corps execution of the three-fold strategy has provided for such innovative Marine Corps concepts as the Combined Action and Civil Action Programs and Golden Fleece Operations. Marine combat operations against NVA and VC main force units were characterized by highly imaginative techniques which emphasized the increased mobility provided by the helicopter.

The vertical envelopment concept, developed by the Marine Corps, was refined and expanded in operations throughout I Corps. Marine units conducted bold, aggressive helicopterborne assaults, continuously supported by Marine attack aircraft and by establishment and sequential displacement of artillery fire support bases, to defeat enemy forces in the mountainous northern and western regions of I Corps.

Marine Corps heroism and gallantry has added new history to its illustrious past. Such names as Dewey Canyon, Khe Sanh, Union, Con Thien, and Hue stand proudly alongside those of other years—Belleau Woods, Guadalcanal, Iwo Jima, and Inchon. Marine Corps actions in South Vietnam, through more than six years of dedication and services to the people of this country and the people of South Vietnam, epitomize the motto of the Marine Corps—Semper Fidelis—Always Faithful.

The role of the Marine Corps of the future, like the Corps of the past, rests securely in the hands of Congress and in the hearts of the American public. If one asks what its objective will be in the years ahead, the answer could be reflected in the words of the Corps' 19th Commandant, General Clifton B. Cates:

"The Marine Corps has no ambition beyond the performance of duty to its country. Its sole honor stems from the recognition which cannot be denied to a Corps of men who have sought for themselves little more than a life of hardship and the most hazardous assignments in battle."

The Marine Corps departs South Vietnam with honor, leaving behind an enviable record of faithful service rendered with a high degree of professionalism and competency.

A true "Force in Readiness," the Marine Corps has established new standards for dedication and devotion to the ideals and objectives of this country.

AGE DISCRIMINATION LAW IS THWARTED

Mr. CHURCH. Mr. President, with unemployment reaching its highest level in approximately 9 years, older workers and their families have been particularly hard pressed.

Today nearly 1.1 million persons 45 and older have lost their jobs, 83 percent more than in January 1969. Nearly 404,000 unemployed persons in this age category have been searching for work for 15 weeks or longer. And 191,000 have been jobless for more than 6 months.

Mass layoffs, plant shutdowns, outmoded skills, and lack of training opportunities have added to the special employment problems of the so-called older worker. To compound his dilemma, there is still a widespread attitude in our society that the mature job applicant may not be as desirable as a young person.

This occurs in spite of the fact that a measure to outlaw age discrimination in employment was overwhelmingly approved by Congress nearly 4 years ago. Yet, most labor experts will candidly acknowledge today that job discrimination on the basis of age—whether covert or overt—still exists today.

During the last 3 years, the Senate Committee on Aging of which I am chairman, has sounded the alarm in its annual report about the deficiencies in the enforcement process and possible loopholes in the law. According to the most recent data, only 40 court suits have been prosecuted under the statute. The first age bias suit was filed late in 1969, and it is still pending. It is ironic that, during this period of employment problems, the very law intended to deal with age discrimination is being thwarted.

In the very near future, the Senate Committee on Aging will continue its study of "Unemployment Among Older Workers." During these hearings, we will explore a number of legislative proposals—including my Older Americans Community Service Employment Act and the Middle-Aged and Older Workers Employment Act—to help move unemployed persons off the jobless rolls to the pay rolls. Additionally, we shall seek out further solutions to protect older persons from age bias in employment.

An article in the Wall Street Journal of June 16, 1971, provides an excellent discussion about the inadequate enforcement of the age discrimination law.

Mr. President, I commend this article to my colleagues, and ask unanimous consent that it be printed at this point in the RECORD.

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

FAVORING THE YOUNG: PROHIBITION ON AGE BIAS IN EMPLOYMENT PROVES DIFFICULT TO ENFORCE

(By Jim Hyatt)

Otto Ray says his problem began when he and his son Roger, then 24, applied for jobs at a Greenville, S.C., warehouse of Great Atlantic & Pacific Tea Co.

"The man at the warehouse said he could put Roger to work the next morning," Mr. Ray recalls. "But he said if he hired me, I wouldn't last two weeks" after personnel officials at A&P learned of his age—56. So he wasn't hired.

Mr. Ray persisted, however, after a friend told him the U.S. Labor Department would go to bat for him over the issue of age discrimination. Indeed, after negotiations between A&P and department officials, Mr. Ray was hired at the warehouse in late 1969 and paid $1,599 in back wages.

About two weeks later, he found that getting a job is one thing; keeping it is another. A&P let him go, saying he wasn't qualified for medical and other reasons; the concern denied any age discrimination in the matter. Mr. Ray views it somewhat differently. "They fired me because they had to hire me," he insists. In mid-1970 the Labor Department sued A&P on Mr. Ray's behalf. Last March the matter was settled when the company, without admitting any legal wrongdoing, paid Mr. Ray another $500. Currently he is unemployed.

THE PROBLEMS OF ENFORCEMENT

Such mixed results are clearly less than what Congress had in mind when it banned age discrimination in employment in 1967. But four years later, Labor Department officials say enforcing the law is proving far more difficult than expected. They say many employers still aren't aware that it is illegal to refuse to hire, to promote or to lay off a worker because of his age. Moreover, some employers find ways to disguise deliberate discriminations. "Employers for the large part still consider age in their decision on hiring new people," asserts an official of the Michigan Civil Rights Commission.

Layoffs and the soft economy have aggravated the problems of older workers, and the law banning age bias doesn't appear to promise any widespread relief soon, critics say. Some observers even question whether the law has any value. "Enforcing the age-discrimination clause is almost hopeless," says George G. Klein, a director of the Forty Plus Club of New York, which helps find jobs for older executives. "An employer can legally use the color of your necktie" as an excuse against hiring, he says.

Although 27 states have some form of age-discrimination law, few of these are actively enforced. The Labor Department says that in Ohio, Texas, Montana and Indiana, age-statutes don't even provide for penalties. Some officials question the effectiveness of the national law, too. "It has prevented some people from being laid off," one federal attorney says, "but it isn't having the effect that Congress hoped for."

PHYSICAL FITNESS

Unemployment for older workers is unquestionably a serious problem these days. The number of persons over 45 out of work has almost doubled in the past year. "Anyone over 50 is really in trouble today," says Walter Mason, owner of a Cleveland employment agency. "Some people still feel you have to be 22 and fit to fight in Madison Square Garden to carry a sample case," adds Tom White, vice president of industrial relations and personnel for Bristol Myers Co., New York.

Because of continued high unemployment, federal officials say the number of age-bias complaints increased 30% in the year ended

last June 30 and is rising steadily. New York State's Human Rights Division had a record number of age-bias complaints in fiscal 1970.

Filing a complaint, of course, doesn't automatically solve the worker's problem. Proving age discrimination is difficult; the case often turns into a "swearing match" between the worker and his boss, one attorney says. So officials must try to find a general pattern of discrimination at specific firms or in given industries to bolster their case. For example, investigators have found firms imposing physical examinations on all workers over 40, without a similar requirement for younger workers.

Faced with situations in which the facts are often hard to prove, the Labor Department has moved slowly in bringing age-bias cases to court. Only a few cases have been decided, and those haven't produced a high batting average for plaintiffs. The government didn't file its first age-bias case until late 1969, and that matter is still pending.

AGE AS A SAFETY FACTOR?

This lawsuit alleges that Greyhound Lines Inc., the bus-transportation subsidiary of Greyhound Corp., has refused to hire "many individuals" between 40 and 65 because of their age. Greyhound defends its policy of requiring that new drivers be at least 24 but no more than 35, "for reasons of safety."

Older workers are also finding that their age-discrimination cases take a long time to resolve and often involve a less than satisfactory settlement. Consider the problem of Robert L. Brown, a 48-year-old Orlando, Fla., television newscaster until he was fired in January 1969. Mr. Brown says that when he asked for an explanation, he was told the station wanted to create a more youthful image.

Last October, on his behalf, the Labor Department sued the station owner, Cowles Florida Broadcasting Inc., a subsidiary of Cowles Communications Inc., seeking Mr. Brown's reinstatement and back pay. Now, however, Mr. Brown says he settled the case for $2,000 because he needed the money. "It's just a spit in the bucket," he says, "but time is working against me. When you need it, you need it." He says he has gone into personal bankruptcy and lost his home. Currently, he does charter flying and broadcasts traffic reports on a radio station.

In replying to the lawsuit, the station denied it had violated the age-discrimination law. In talks with the Labor Department, station officials asserted they let Mr. Brown go because his on-the-air performance was deteriorating and he wasn't qualified for other jobs.

Although the federal age-bias law also permits workers to file their own private lawsuits, results there, too, have been less than earth-shattering from the individuals' point of view.

Even the federal government gets involved in age-discrimination matters for its own employes. Earlier this year the U.S. Civil Service Commission and the Justice Department asked Congress for authority to permit the agencies to administratively establish maximum age limits for hiring workers in certain jobs when a limit is a "bona fide occupational qualification." At present federal exceptions to the age-bias ban require special acts of Congress. Attorney General John Mitchell has suggested that maximum age limits might apply to such jobs as border patrol agents and criminal investigators for the Bureau of Narcotics and Dangerous Drugs.

Some people say they even have a hard time finding an attorney to take an age-discrimination suit. ("If a potential client walked in the door tomorrow, I'd probably turn him down," concedes an attorney who is handling one such case. "The law isn't too much use to us at this point." He says an employer can use "too many other reasons" to get rid of older workers.)

Although the federal and private lawsuits have produced no landmark decisions in favor of older workers, Labor Department officials insist some progress has been made. The age-bias law requires that the department conduct behind-the-scenes talks with the worker and the employer before going to court. Often that method solves the problem. The department cites these examples:

—A California water company turned down a 62-year-old man for a meter-reader's job but finally agreed to drop its age limit of 50 on the job, and paid the man $988 in back wages. He wasn't hired, however, because he had obtained other employment in the meantime.

—A chain store, despite an age limit of 55, agreed to hire a 59-year-old couple to manage one of its outlets and paid more than $2,800 in back wages. The older couple's resume, the company agreed, was as "fully impressive as those submitted by other applicants."

—At one supermarket three snack-bar employes aged 62, 55, and 50 were discharged because the boss wanted to hire "young chicks" to improve business. Eventually, the three workers were reinstated and paid a total of $4,317 in back wages.

Moreover, some age barriers have been dropped through informal contacts between the Labor Department and employers, advertisers and employment agencies. In reporting to Congress in January, Labor Secretary James D. Hodgson said "some potentially discriminatory bars to employment because of age were eliminated from over 500,000 jobs" during the year ended last June 30.

Companies, too, say they have changed some policies, partly as a result of the federal law. Mr. White of Bristol Myers says his company doesn't ask applicants for their age in job interviews. "Nobody asks for age any more," insists Frank Plasha, president of the American Society for Personnel Administration. "You inhibit the individual from really putting the best foot forward."

One personnel man, however, confides that when his company removed the date of birth space on its job forms, he started looking at the high school graduation date to figure out approximate age. One corporate attorney says "every employer wonders what's going to happen if he lays off a man between the ages of 40 and 65. You've got to be damn careful or somebody's going to haul you on the mat."

DR. GEORGE S. LANGFORD RETIRES

Mr. MATHIAS. Mr. President, for the past 14 years, Dr. George Langford has been an outstanding leader in this Nation's battle to preserve and improve our environment. As State entomologist for the Maryland Board of Agriculture, Dr. Langford has had a career of quiet yet truly distinguished accomplishment, and his work during over 40 years of public service has brought him international acclaim.

Dr. Langford is now returning to private life, to be succeeded in his post by another very able man, Dr. Robert Altman. On behalf of the citizens of Maryland, and indeed of people everywhere concerned about the preservation of our environmental heritage, I would like to offer the very deepest of thanks to Dr. Langford as he retires, and my best wishes to Dr. Altman as he assumes the important duties which his predecessor has discharged so well. I ask unanimous consent to insert into the RECORD at this point the following article from the Maryland State Board of Agriculture's Agricultural Review, detailing some of the highlights of Dr. Langford's long and productive career.

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

DR. LANGFORD RETIRES AS STATE ENTOMOLOGIST

Every Marylander who has dug a garden, planted a tree, cultivated a rose, decorated a Christmas tree, or produced a crop is indebted in some measure to a quiet, modest State Board of Agriculture (SBA) scientist who is retiring this month after 42 years of public service in Maryland.

Long before it became so popular and pressing, Dr. George S. Langford was on the firing line of the battle to protect and preserve our environment.

State Entomologist since 1957, Dr. Langford early in his career directed the biological control program that eliminated the Japanese beetle as a major pest in Maryland.

An outstanding example of the use of an insect disease (milky spore)—rather than chemicals—to control insects, the Japanese beetle control program brought national and international recognition to Maryland and Dr. Langford.

Also, living has been made a little more pleasant in many places—and possible in some—through the State's Mosquito Control Program which, under Dr. Langford's direction, has grown to include more than 1,100 Maryland communities in a cooperative war on the disease-carrying insects.

Named by Governor Agnew in 1967 to a commission to study the need for control of pesticide use, Dr. Langford played an important role in shaping Maryland's new Pesticide Applicators Control Law.

"Dr. George Langford's leadership, his work and many contributions will have a continuing impact on the well being and welfare of his fellow men, the State and the Nation for a long time to come," Director of SBA Programs Dr. Charles P. Ellington said.

POPULAR SUPPORT IN MASSACHUSETTS FOR COMPREHENSIVE NATIONAL HEALTH INSURANCE

Mr. KENNEDY. Mr. President, the debate over national health insurance continues to increase in its proportions. One of the important areas of discussion is concerned with whether the Federal Government should administer the program, or whether private insurance companies should continue to retain the responsibility for the program. Too often, the needs and opinions of the people involved in the issue are not duly considered.

A recent poll, conducted by the Becker Research Corp. in Boston for the Boston Globe, indicates that 64 percent of the population in Massachusetts favors the position that the Federal Government should "take over the responsibility of providing medical care for all those who want it." Only 30 percent oppose the Federal Government's administering the program. Indeed, a majority of the people in each of the income groups sampled in the poll were in favor of the Federal Government's administering a national health program.

I believe that the Massachusetts poll is an important indication of popular support for a Federal health care program. In fact, as the poll indicates, there is broad support for a complete Federal

takeover of the health system in the Nation. Thus, the people are willing to go far beyond any steps proposed in any pending legislation, and far beyond what many other Senators and I have proposed in the Health Security Act.

I believe this poll will be of interest to all of us concerned with public attitudes on the health care issue, and I ask unanimous consent that the Massachusetts poll be printed in the RECORD.

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

MASSACHUSETTS POLL: BAY STATERS PREFER UNITED STATES MEDICAL PAYMENT

People in Massachusetts, by better than 2 to 1, favor the Federal government's furnishing medical care, according to the Massachusetts Poll, conducted for The Globe by the Becker Research Corp. of Boston.

The poll shows 64 percent for and 30 percent against changing the present system of medical care so that the Federal government would take over.

Opinion tends to divide along partisan lines. Seven Democrats and independents in 10 support the idea, while Republicans are divided, with 46 percent in favor and 49 percent opposed. There also seems to be less receptivity to the proposal among the more affluent than among the lower-income groups.

A Boston carpenter said: "In most European countries it's a success."

A Boston truck driver remarked: "The British use it and have seemed to be successful."

A barber said: "The Federal government should move in on the hospitals, otherwise leave medical care alone; $110 for a hospital bed is too much."

A Chelsea businessman called it "too much socialism, too high cost."

A factory worker from Allston said: "The government shouldn't delve into those things."

A production manager from Dorchester, unemployed, said: "You start to get into socialized medicine."

The poll was taken by telephone between Feb. 5 and Feb. 12 among 1000 Massachusetts residents 18 years or older.

The poll results:

QUESTION PEOPLE WERE ASKED

"Some people have proposed changing the present system of medical care in this country so that the Federal government would take over the responsibility of providing medical care for all those who want it. Would you favor or oppose this change?"

	Percent			
	Favor	Oppose	No opinion	Base
Total Massachusetts public	64	30	6	(1,000)
Area of State:				
City of Boston	65	26	9	(506)
Boston suburbs [1]	63	32	5	(296)
Rest of State	64	29	7	(198)
Political party:				
Democrats	70	23	7	(551)
Republicans	46	49	5	(223)
Independents	67	27	6	(181)
Sex:				
Men	64	31	5	(499)
Women	63	30	7	(501)
Income:				
Under $5,000	68	24	8	(184)
$5,000 to $7,499	71	17	12	(142)
$7,500 to $9,999	72	22	6	(192)
$10,000 to $14,999	64	32	4	(227)
$15,000 and over	52	45	3	(146)

[1] Counties of Essex, Middlesex, Norfolk, Plymouth, and Suffolk, excluding Boston.

AIR LINKS FOR THE NATION'S CAPITAL

Mr. GRIFFIN. Mr. President, today marks the 30th anniversary of Washington National Airport, the country's outstanding example of a major airport conveniently located for the community it serves.

This convenience of location is extremely important. Washington National is the principal air gateway for the Nation's Capital. The gateway is now used by about 9½ million people annually. Whether they come here to visit historic shrines, to conduct business with the executive branch or to express their views to their elected representatives, they all benefit from the airport's close-in location.

The fact that Washington National is but a few minutes away from the Capitol Building saves time for the thousands who come here each year to testify on important matters. It also saves time for many Members of Congress.

Government, of course, is the principal occupation of this area. But ranking next is tourism. In the Nation's Capital tourism is—next to Government—the single biggest source of income.

In 1970, 17½ million visitors came to the District of Columbia. There were 680 conventions here last year. Of the delegates to these conventions, about 300,000 came here by air. They spent an estimated $55 million, including more than $22 million on hotel rooms, more than $15 million on restaurant meals, about $2.8 million on local transportation and more than a million dollars on sightseeing tours.

A heavily used airport such as Washington National requires continuing efforts to insure that facilities are adequate. The airlines serving Washington National have made such an effort. Since 1967, they have invested more than $15 million there to increase terminal capacity by some 60 percent. Public parking space has been increased by 37 percent.

The Washington Metropolitan area is fortunate in having a well balanced airport system. The primary role of Washington National is to provide short-range and medium-range air transportation. More than half of the operations there involve cities within 300 miles of Washington and more than three-fourths of the flights serve cities within a radius of 500 miles.

Dulles International is ideal as a gateway for long-range air travel, including transcontinental flights. In addition, Dulles is handling an increasing number of international flights.

Friendship airport serves the entire State of Maryland, including Washington's Maryland suburbs.

Over the years, air travel to and from the Washington area is likely to increase substantially. Most of this increase will be handled by Dulles and Friendship. Yet, Washington National should remain an important gateway for the quick, short air trip.

The airport's 30th anniversary should remind us of the importance of air links for the Nation's Capital and the importance of adequate airport facilities here.

USE OF WASHINGTON NATIONAL AND DULLES INTERNATIONAL AIRPORTS

Mr. SPONG. Mr. President, the Federal Aviation Administration's April traffic report reflects a continuing upward trend in the use of National Airport with a corresponding decline in business at Dulles.

Domestic air carrier operations at National in April were up 11.1 percent over the same month a year ago and up 2.5 percent for the year to date. Similar air carrier operations at Dulles were up by 3.6 percent in April but down by 4.9 percent for the year.

The passenger figures for the month and year to date are in even sharper contrast. In April, National Airport registered an 18-percent increase over the same month a year ago and a 5.3-percent increase for the year to date. The number of domestic airline passengers using Dulles was down by 3.4 percent in April and 12.5 percent for the year.

Mr. President, the FAA cites the end of the National Airlines strike of last year as one factor in the increase at National this year. That strike, which lasted from February 1, to April 27, 1970, may have had some impact on the airport's business last year and thus would make this year's traffic appear to be growing much faster than it is, but I doubt that it was as significant as the FAA makes it out to be.

In normal circumstances, National Airlines accounts for approximately 9 to 10 percent of the airport's business. During the strike, National Airlines continued to account for 5.3 percent of Washington National's traffic, and it is almost certain that the other carriers absorbed most of the remaining business through higher load factors in overlapping routes.

Mr. President, whether these traffic figures are directly related to the introduction of stretch jets at National Airport as I am convinced they are, or whether they are the result of other factors as well, one thing is clear: National Airport is rapidly expanding its traffic at the expense of Dulles Airport. The FAA continues to disregard its responsibilities to the people of this area and to the American taxpayers, and I believe it is time that its promotion of the airlines' interest to the exclusion of all else was brought to an end.

Mr. President, I ask unanimous consent that at this point in my remarks there be printed in the RECORD the FAA's April traffic report together with a cover letter from the Department of Transportation and my letter of reply.

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

OFFICE OF THE SECRETARY OF TRANSPORTATION,
Washington, D.C.

Hon. WILLIAM B. SPONG, Jr.,
U.S. Senate,
Washington, D.C.

DEAR SENATOR SPONG: Attached is the activity sheet you requested from the Federal Aviation Administration on Washington National and Dulles Airports.

For your information, the rather marked increase shown by Washington National Airport is due to the fact that in April of 1970, National Airlines was on strike. This strike ended in May, therefore, when comparing this year's activity with that of last year, the percent of increase does not reflect a true comparison of the actual usage which would normally occur.

Sincerely,

LAURENCE J. BURTON,
Director, Office of Congressional Relations.

FEDERAL AVIATION ADMINISTRATION—NATIONAL CAPITAL AIRPORTS

WASHINGTON NATIONAL AIRPORT ACTIVITY[1]

	April		Year-to-date	
	1971	Percent change from 1970	1971	Percent change from 1970
Operations:				
Air carrier	18,665	+11.1	71,092	+2.5
General aviation	9,677	+4.7	32,631	−10.3
Military	118	−41.9	558	−35.7
Total operations	28,460	+8.4	104,281	−2.2
Passengers:				
Domestic airlines	930,919	+18.0	3,130,145	+3.5
International airlines				
Total airlines	930,919	+18.0	3,130,145	+3.5
All others[2]	44,128	+43.1	146,406	+23.1
Total passengers	975,047	+19.0	3,276,551	+4.2
Cargo (thousand pounds):[3]				
Air mail:				
Domestic	3,168	+20.1	12,552	+23.3
International				
Total air mail	3,168	+20.1	12,552	+23.3
1st-class mail	2,886	−19.9	11,108	−21.7
Freight:				
Domestic	6,207	−15.8	23,914	−3.8
International				
Total freight	6,207	−15.8	23,914	−3.8
Express	1,303	−40.4	7,317	+2.2
Total cargo	13,564	−14.2	54,891	−2.6

DULLES INTERNATIONAL AIRPORT ACTIVITY

Operations:				
Air carrier	5,124	+3.6	19,890	−4.9
General aviation	7,940	−1.1	25,617	−13.2
Military	4,818	+74.7	17,912	+59.8
Total operations	17,882	+13.6	63,419	+2.9
Passengers:				
Domestic airlines	146,441	−3.4	498,678	−12.5
International airlines	26,670	+23.3	83,607	+9.3
Total airlines	173,111	−.9	582,285	−9.9
All others[2]	17,084	+11.8	60,232	+8.9
Total passengers	190,195	+.9	642,517	−8.4
Cargo (thousand pounds):[3]				
Air mail:				
Domestic	1,098	−2.8	4,143	−9.8
International	290	+42.2	1,579	+133.6
Total air mail	1,388	+4.0	5,722	+8.6
1st-class mail	957	−30.1	4,205	−17.8
Freight:				
Domestic	1,783	−14.5	7,036	−1.5
International	1,492	+3.3	5,325	+13.0
Total freight	3,275	−7.3	12,361	+4.3
Express	120	−55.6	485	−25.9
Total cargo	5,740	−11.8	22,773	−.5

TOTAL WASHINGTON AIRPORTS ACTIVITY[1]

Operations:				
Air carrier	23,789	+9.4	90,982	+0.8
General aviation	17,617	+2.0	58,248	−11.6
Military	4,936	+66.7	18,470	+52.9
Total operations	46,342	+10.4	167,700	−.3
Passengers:				
Domestic airlines	1,077,360	+14.6	3,628,823	+1.0
International airlines	26,670	+23.3	83,607	+9.3
Total airlines	1,104,030	+14.8	3,712,430	+1.1
All others[2]	61,212	+32.7	206,638	+18.6
Total passengers	1,165,242	+15.6	3,919,068	+1.9
Cargo (thousand pounds):[3]				
Air Mail:				
Domestic	4,266	+13.2	16,695	+13.0
International	290	+42.2	1,579	+133.6
Total air mail	4,556	+14.7	18,274	+18.3
First-class mail	3,843	−22.7	15,313	−20.7
Freight:				
Domestic	7,990	−15.5	30,950	−3.3
International	1,492	+3.3	5,325	+13.0
Total freight	9,482	−13.1	36,275	−1.2
Express	1,423	−42.1	7,802	−.1
Total cargo	19,304	−13.5	77,664	−2.0

[1] Total of inbound and outbound traffic.
[2] General aviation and military.
[3] Partially estimated.

U.S. SENATE,
COMMITTEE ON COMMERCE,
Washington, D.C., June 14, 1971.

MR. LAURENCE J. BURTON,
Office of Congressional Relations, Department of Transportation, Washington, D.C.

DEAR MR. BURTON: Thank you for sending my office the monthly report on traffic at Washington National and Dulles Airports.

I have noted your reference to the National Airlines strike and it may be a factor in the tremendous increase in National Airports business. However, it is far from explaining the whole 18 percent growth in domestic airline passengers or the 11.1 percent increase in air carrier operations. And it does nothing to shed light on the 12.5 percent decline in domestic passengers at Dulles.

In fact, the National Airlines strike ended on April 27th and not in May. The work stoppage did not totally shutdown the airline's operations, but merely reduced them from the normal 10 percent of the airport's traffic to about 5.3 percent. In any event, it is almost certain that the other air carriers picked up the slack through much higher load factors over the same general routes than they otherwise would have had.

I am curious as to how it is that the FAA places so much emphasis on the National Airline strike now when it was not even mentioned as a factor in the FAA stretch jet evaluation last winter. In that report much was made of the fact that National Airport traffic had declined during the study period by 5.3 percent. Had the loss of traffic on National Airlines (which was struck at that time) been taken into account, National Airport would have been shown about even with 1969 figures, notwithstanding the economic recession. This all seems to me a very selective use of the facts.

Sincerely,

WILLIAM B. SPONG, Jr.

SUBSIDY FOR LOCKHEED

Mr. MANSFIELD. Mr. President, in the weeks ahead, the question of the appropriations of a Government subsidy for Lockheed Aircraft Corp. will confront every Member of the Senate. I have concluded that such a subsidy cannot be justified. I believe, however, that every bit of information on this corporation and its history can benefit the Senate. A most excellent story, written by H. L. Schwartz III, of the Associated Press and presenting the historical background of Lockheed Aircraft Corp., should benefit the Senate in its deliberations.

I ask unanimous consent that this article by H. L. Schwartz III, of the Associated Press, be printed at this point in the RECORD.

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

[From The News & Observer, June 13, 1971]

LOCKHEED STRUGGLES TO STAY IN THE "BLUE SKY"

(By H. L. Schwartz III)

BURBANK, CALIF.—When A. Karl Kotchian first walked into a Lockheed Aircraft Corp. plant three decades ago "it was the busiest place I ever saw."

"All the lights were blazing," recalls the tall, white-haired ex-accountant, now the company's president. "Papers were scattered everywhere, even on the floor."

The year was 1941 and although the United States was not yet at war, Lockheed already was churning out the first of 19,000 military aircraft, including the famed P38 Lightning, only U.S. fighter to serve throughout World War II.

The lights still burn all night at Lockheed's biege-colored Burbank headquarters, but for a different reason.

Now Kotchian, Board Chairman Daniel J. Haughton and others in a much-criticized management are trying with help from the Nixon administration to save Lockheed, the nation's 33rd largest corporation, from collapsing into bankruptcy.

Haughton, most visible symbol of the company as he zips about the country in his 10-seat Jetstar, is optimistic. "There's blue sky up there," said the 59-year-old executive in an interview.

FEDERAL LOAN

Haughton insists that Lockheed can reach that blue sky only if Congress approves President Nixon's proposal for $250 million in federal loan guarantees. That, he said, would tide over the company until it can make first deliveries next spring on the Tristar, its whaleshaped, 400-passenger L1011 airbus.

But as hearings began last week in the Senate Banking Committee, the outlook appeared no better than 50–50 that Congress would come to the aid of the company.

Less than five years ago Lockheed Aircraft Corp., was earning money hand over fist, nearly all of it in government work.

LEADING CONTRACTOR

For nine of the past 10 years Lockheed has been the nation's leading defense contractor. It still is. But from record earnings of $58.9 million 1966 it has plunged to losses of $32.6 million in 1969 and $86.3 million last year.

Anxious to cut back its share of an increasingly depressed defense market, Lockheed is desperate to get back into commercial work, a field it abandoned in 1960 after disastrous losses on the Electra Turboprop.

The immediate cause of the company's new troubles was the bankruptcy Feb. 4 of Rolls Royce Ltd., which is making the jet engines for the TriStar.

The Rolls collapse has delayed scheduled delivery of the first 27 Tristars for which Lockheed this fall would have received final payments of $10 million apiece.

Already reeling from $484 million in losses on four government contracts, Lockheed is in debt to a consortium of 24 banks which refuse to lend another cent unless the government guarantees they'll get it back.

If the company goes under, says an industry source, it may simply be a case of "live by the sword, die by the sword."

SPORTY COURSE

Steeped in a tradition of fierce competition and supersalesmanship—there is one reported incident where customers physically barred their doors—Lockheed has made enemies among rivals in a hotly competitive business once described by Northrop Chairman Tom Jones as a "sporty course to run."

Among other things, Lockheed has been accused, in Congress and elsewhere, of deliberately underbidding competitors for government business, particularly on the C–5A, one of the four contracts which went sour. Haughton and other Lockheed executives flatly deny it.

So far, Aerojet General of California is the only competitor to openly oppose the loan guarantee, but two executives of Lockheed's biggest rival in the commercial field, McDonnell-Douglas, have written "private citizen" letters from their homes to congressional committees opposing the Nixon proposal. They, like Aerojet General, contend the government shouldn't bail out any private business.

Lockheed's tradition of derring-do goes back to 1913 when two barnstorming brothers, Allan and Malcolm Loughead (pronounced Lockheed) built a seaplane and flew it over San Francisco Bay at 60 miles per hour.

EARLY PLANES

In 1916 they founded a company that was to build some of the most famous airplanes of all time.

Before going bankrupt in the Depression the Lougheads produced the Winnie Mae, a single engine Vega in which one-eyed Wiley Post circled the globe. Amelia Earhart set a nonstop cross-country record for women in another Vega. Anne Morrow Lindbergh flew another model Lockheed across the Bering Strait to Tokyo.

In 1932, Robert E. Gross, a Harvard-educated Boston socialite, and six associates paid $40,000 for bankrupt Lockheed. "I hope you know what you're doing," said the judge who approved the sale.

For awhile it looked like Gross didn't. In the first six months Lockheed sold only $23,000 in spare parts. Then Gross conceived the plane he would fly to riches.

It was the Electra 10, a twin-engine, all-metal, 10-passenger craft with the highest proficiency and lowest price, $36,000, of any comparable airplane of its time.

WAR'S IMPETUS

With order backlogs soaring from $535,000 in 1935 to $6.1 million in 1938, the stage was set for World War II to turn a going concern into a giant.

In 1938 Lockheed won a $21 million order to build needed bombers for embattled Britain.

The plane was the rugged Hudson. Since the United States was not at war, the U.S. Neutrality Act forbade either U.S. or British citizens from ferrying the bombers from American soil.

At the suggestion of Courtlandt Gross, who had come west to join his elder brother in the Lockheed executive suite, the company bought a North Dakota wheat farm on the Canadian border. Hudsons were flown to the farm, hitched to horses and drawn across the border. Canadians unhitched them. British pilots flew them home.

During the war Lockheed's 93,000 employes—there were 64 when Gross went into business—turned out P38s at the rate of 15 a day along with Hudsons, Venturas, Harpoons, Lodestars, Boeing-designed B17 flying fortresses and the Constellation, a four-engine airliner which would dominate commercial air travel into the 60s. Near the end of the war, it began building the F80 Shooting Star, first operational U.S. jet fighter.

WEAPONS CONTRACTS

With its background in military hardware and a reputation for excellence, Lockheed won an ever increasing share of weapons contracts.

In 1954, it developed the F104 Starfighter, and peddled it so aggressively around the world that two West German politicians claimed they had to physically bar their doors to Lockheed salesmen.

Although 11 NATO nations appear well pleased with the plane, and 2,496 have been built abroad, there were severe troubles adapting it to German demands. The planes crashed so often that many German pilots refused to fly them.

Still "the missile with a man in it" set world records for speed, altitude and time-to-climb, and exports of the plane accounted for $1.4 billion of the nation's 1965 trade surplus.

Lockheed, however, sold only 297 of the F104s directly to the U.S. Air Force. In a dramatic example of the hazards of defense work, the Air Force insisted it needed the plane, then changed its tactical concepts.

PROFITABLE PRODUCTS

Lockheed, nevertheless, continued to churn out profitable products; the Polaris missile, the C130 Hercules transport, the U2 spy plane and its successor, the SR71, and the Agena rocket.

In 1959, even as Lockheed was getting ever more involved in defense work that soon would represent 90 per cent of its business, then President Courtlandt Gross already was talking about commercial supersonic transports and a wide-bodied air-bus.

"The supersonic airliner is definitely coming," said an internal 1960 Lockheed memo. "It is going to be a remarkable boon to air travel and the passengers will love it."

Lockheed bid for the SST contract, believing the billion-dollar federal plum would open the way to $20 billion in commercial sales. It lost to Boeing in what turned out to be an astounding piece of luck, even if it did prove Lockheed forecasts wrong. Congress killed the program this year after spending $800 million.

In bidding on the SST, Lockheed was already trying to overcome the results of a decision that had written it out of the commercial market.

SMALLER PLANE

In 1954, Lockheed marketing analysts decided the era of full jet airliners was a long way off. So while Boeing was planning to build the 707, Lockheed opted for a smaller plane powered by a turbo-prop to hang onto the airline business it had won with the Constellation.

The success of Boeing's 707 and the similar Douglas DC8 is part of aviation history now. So is the story of the Electra Turboprop which began to come apart in the skies in 1959.

The plane's defects were corrected at a cost of $25 million, and while the craft is in service around the world today, in 1959 Lockheed sold only 176 civilian copies instead of a projected 400 and eventually wound up writing off $250 million.

With the 1959 Electra disaster, plus $31 million in losses on its executive Jetstar, Lockheed went $43 million into the red in 1960, and retreated almost entirely into defense work.

It proved to be a bad time for the plunge.

While there had always been large risks in developing and producing weapons that could become obsolete overnight, the government had traditionally assumed much of the cost overruns.

PENTAGON CHANGES

The risks, however, began to increase dramatically as the Pentagon, under fire from critics of defense spending, began to seek fewer but more complex weapons systems under revamped contracting procedures that shifted more of the risk to the contractors.

Lockheed pulled out all stops for new business, enhancing its reputation for purposely underbidding—called "buying in"—and for reaching too far in promising technological results.

Most notable examples of this are the C5 Galaxy, the Cheyenne helicopter and the motor for the Short Range Attack Missile, a nuclear-tipped air-to-ground weapon. Inflation, unforeseen technical difficulties and the tightest military contracts ever awarded proved too much. On Feb. 1 this year Haughton reluctantly signed an agreement with the Pentagon accepting $484 million in losses on these programs, plus some Navy shipbuilding contracts.

About $200 million of this loss was incurred on the C5, designed to airlift huge amounts of military cargo to trouble spots anywhere in the world.

WINS CONTRACT

In the fierce bidding, Lockheed won the contract to build 115 planes for $1.9 billion—$400 million below Boeing and $100 million under Douglas, later forced to merge with McDonnell.

"You have heard statements raising the question of whether Lockheed 'bought in' on the C5 program with a knowingly low bid," Haughton told the House Armed Services Committee on June 17, 1969. "The simple answer is that we did not buy in."

Nevertheless, within two months of the final contract signing in 1966 the C5 began experiencing cost overruns which, according to an Air Force cost analyst, would total $2 billion. Instead of 115 planes, the Air Force decided to buy only 81.

In testimony, news conferences and interviews Haughton repeatedly has said Lockheed did not anticipate this inflation caused by escalation of the Vietnam war.

He and other Lockheed executives admit to other miscalculations but say the most important was their belief the government would honor its contracts instead of cutting back on the C5 and cancelling the Cheyenne helicopter.

OVERREACHING SEEN

"If you're asking where our troubles began," said Haughton, who became chairman in 1967, "they began with us doing a new type of contracting and to be sure we were a party and we are responsible. But there's another side of it and they were responsible, too."

While the C5 is cited as the prime example of underbidding, the Cheyenne helicopter, which the Pentagon cancelled for default, and the SRAM motor, on which Lockheed has been forced to take a $30 million loss, are pointed to as examples of overreaching.

"Look," Haughton told an interviewer, "We've had development difficulties in this business since we started and the only thing that's going to keep you from having development difficulties is to (1) not reach far enough and (2) take the development so slow you may not get what you want in time."

Despite its massive difficulties, Lockheed executives predict the company can regain its health by selling at least 409 TriStars even though it has only 178 orders so far, needs 220 to break even and air travel is way off industry predictions.

TRISTAR ORDERS

In 1968, Lockheed announced the first orders for TriStar, designed to carry 400 passengers on flights too short to be economical for the giant Boeing 747.

The announcement, a month before McDonnell-Douglas announced first orders for its competing DC10, created a sensation. Lockheed stock jumped 20 points.

With long experience in the commercial field, however, McDonnell-Douglas caught up fast in orders for the $15-million planes and now has 50 more than Lockheed with first deliveries scheduled next month.

McDonnell-Douglas is using General Electric engines while Lockheed, in opting for Rolls Royce, may itself have become a victim of supersalesmanship.

The British maker of luxury cars, pursuing what one Rolls executive has called a "constant and unwavering ambition" to put a major engine in a major U.S. commercial plane, won the $2.6-billion Lockheed contract after a frantic price-cutting war with GE, offering to sell three engines at $840,000 apiece. They are now expected to cost $1.1 million.

MADE MISTAKES

"I wouldn't tell you we hadn't made any mistakes, you know," Haughton said, "Somebody could accuse me of making a mistake in selecting the Rolls engines. We don't think we made a mistake. We think the engine clearly won the competition."

Lockheed also may suffer from its long absence from commercial aviation.

The company sank $55 million into a gleaming new assembly line at Palmdale, Calif., where it has turned out three machines that fly, two that are being ground tested, and bits and pieces of 12 other aircraft.

McDonnell-Douglas, using parts shipped in from plants as far away as Montreal and St. Louis, has completed six planes at Long Beach, Calif., where it has been building DC8s and DC9s for more than a decade. Thirty-five other planes are in various stages of construction.

With all its troubles and admitted errors in past predictions, Haughton was asked what made him think Lockheed projections for the future would prove any more accurate.

"I think we're smarter than we were," he said. "I sure hope so."

HEARING ON PRESIDENT'S ENERGY MESSAGE

Mr. JACKSON. Mr. President, earlier today the Senate Interior and Insular Affairs Committee held its initial hearing on the establishment of a National Fuels and Energy Policy. The senior Senator from West Virginia (Mr. RANDOLPH) serves as an ex officio member of the Interior Committee for purposes of this study. At this morning's hearing he presented a statement on the President's energy message which is of general interest. Mr. President, I ask unanimous consent that the statement be printed in the RECORD.

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

STATEMENT BY SENATOR RANDOLPH

Mr. Chairman, in response to your invitation, I express appreciation for this opportunity to participate in this highly significant hearing on a subject which merits the high priority which you and your colleagues of the Interior and Insular Affairs Committee have established. In fact, the Senate, by adopting Senate Resolution 45 which you, Mr. Chairman, and the Senator now speaking co-sponsored, gave your Committee the authority to prescribe the priority on which you are moving into consideration of a national fuels and energy policy.

I believe you have acted wisely and with appropriateness by not moving formally into the study authorized by S. Res. 45 until after the President of the United States had delivered his "Clean Energy" Message to the Congress. And I think you are equally wise and appropriate in now convening your Committee to begin the national fuels and energy policy study by holding this hearing on that message by the President.

It is my request that I be permitted to comment briefly on the message and then be allowed to expand my views in a lengthier statement for insertion in the record of the hearing following these verbal comments.

Mr. Chairman, it is my opinion that, with a few exceptions, the President's energy message stresses the pursuit of a series of programs on the hypothesis that a valid national fuels and energy policy already exists.

But there is not such a national fuels and energy policy—at least not a coherent, synchronized policy—and the Presidential message did not include several important topics which, it seems to me, should be considered in the development of such a policy. I expand on these assertions in the additional comments which I will not take time to express verbally, but which I offer for the record.

Primary among the deficiencies to which I alluded is the matter of the relationship between energy demand and national productivity. For the past several years, the annual energy consumption in the United States has grown at a faster pace than the annual level of productivity. Hence, increases in productivity require increasing amounts of energy. If demand is related to productivity, this situation makes it almost impossible to forecast energy requirements—even for the very near future.

While economic growth is obviously necessary, the ability to meet energy demands—especially demand for electric power—is becoming increasingly difficult. The use of energy throughout the American economy must be evaluated more precisely so that the trend toward economically inefficient use of energy can be reversed.

The lack of correlation between energy consumption and productivity in the past couple of years indicates that it might be not only possible but desirable to decrease energy consumption without adversely affecting productivity. If, on the other hand, an increasingly larger share of energy is being used for personal convenience, rather than for increasing the standard of living, then this use must be recognized so that necessary goals are not compromised by a lack of energy.

I believe, too, that we must consider how much of our national fuels demand should be supplied from foreign sources, both on a regional basis and on a national basis. While it is desirable to supply energy at the lowest environmental quality requirements, it can be potentially harmful, in my opinion, to develop an unbalanced dependence on foreign fuels.

An example is the trend toward more and more reliance on foreign residual oil for electric power plants on the East Coast. Severe problems might be created for the future by this increasing dependence on foreign sources, considering the vagaries of producer-country policies and the decreasing yield of residual oil from domestic refineries.

More and more of the national generating capacity is moving in this direction. It is possible that imports from Canada would relieve our fuel supply problems only on a very short term basis.

In this connection, I feel it would be appropriate to examine the desirability of, or need for, a power grid covering the entire North America continent.

A third consideration is whether or not we should establish a specific fuel mix for various energy purposes—an end-use policy. Prior to the consideration of such a policy, there would be a defining of the mix of energy sources and uses, to the extent possible. For instance, an electrified mass transit system to effectuate reduced reliance on individual motor vehicle, electrical power as opposed to fossil fuels for space heating, and so on. Such a definition perhaps would enhance resource development plans, as well as the research and development programs needed to stimulate a better utilization of all resources.

The current practices of using fossil fuels on a full-steam-ahead basis could lead to a depletion of the total supply, thus denying certain fuels to processes in which they can best be utilized.

A fourth element to be addressed is the desirability and/or feasibility of maintaining and continually improving the efficiency of energy conversion processes. Until recently, the fuel use. In the cases of oil and coal-fired steam electric plants, however, the efficiency is remaining essentially constant. This results from a combination of fuel pricing, plant efficiencies, and the richness of the fuel itself.

A specific instance of decreasing efficiency in fuel use is seen in the decreasing ratio of transpotration miles per unit of fuel. Improvements in the energy-conversion efficiency trends could be achieved through technological controls or administrative controls and incentives—probably a combination of the two.

A fifth concern would detail the required procedures and practices for the orderly development of indigenous potential, or undiscovered, resources. Geological surveys indicate that vast quantities of fossil fuels remain to be discovered and can eventually be made commercially available at varying costs.

An indication of the ability to meet long-term requirements is the reserve-to-production ratio. For petroleum and natural gas, this ratio has been generally declining due to both increased demand and decreased additions to the proved reserve. It would be imprudent to allow this ratio to become too low. To maintain long-term industry and consumer stability, it is apparent that the annual reserve additions must grow. Potential administrative technological procedures must be developed properly to improve the discovery and recovery of natural resources.

We also must address ourselves to the distribution of future population increases, especially with respect to local requirements for all types of energy. The whole question of people and energy—with all its ramifications (per capita consumption, personal safety, mobility, security, dependence on energy, etc.)—should be discussed in the light of land use, mass transit, and power plant location policies. Future population locations, if allowed to develop unguided, could result in ever-expanding megalopolitary patterns. The increased demands for energy in all segments of the economy in such a situation would place unwarranted burdens on all fuel and energy sources, primarily on their transmission and locations.

The six elements I have discussed should not be the only features of a national policy—nor should they be considered as perfect expressions. But, they are indicative of the level of discussions that must be opened before specific development programs proceed, such as those mentioned in the President's message.

If the nation continues as at present, inept policy eventually will be forced on us as the result of a series of uncoordinated programs.

FUNDING

The President's message delineates certain increases in funds to be included in the FY '72 budget for a series of research and development programs. It is not clear how these funds are related to recent authorizations and expenditures; thus, their potential contributions are unclear. The following table listing increases in requested funds should be appropriately completed in order to fully understand their thrust.

[In millions of dollars]

Program	President's mentioned increases in fiscal year 1972	Actual expenditures in in fiscal year 1971	Actual expenditures in in fiscal year 1970
Sulfur oxide control technology	15		
Nuclear breeder reactor	27		
Controlled fusion research	2		
Nuclear reactor safety	3		

Additionally, the message lists FY '72 budget levels for other programs. Again, it must be determined how these levels compare to recent expenditures. These programs are listed below:

[In millions of dollars]

Program	Request for fiscal year 1972	Actual expenditures, fiscal year 1971	Actual expenditures, fiscal year 1970
Coal gasification	20		
Coal mine health and safety	30		

The message further lists development programs that are either on-going or will soon be implemented. It would be very valuable to know their recent levels of expenditures, as well as to have some idea of planned future expenditures. These programs are listed below:

Program	Actually spent fiscal year— 1970	1971	Planned for fiscal year— 1972	1973	1972–76 [1]
Coal liquefaction					
MHD power cycles					
Underground electric transmission					
Advanced reactor concepts					
Solar energy					

[1] Cumulative.

In order to fully assess the efficacy of the proposed energy programs, the omissions in the above three tables should be completed with the most accurate information that can be determined. Who will supply it?

EFFECTIVENESS OF PROGRAM

The President's proposed energy program combines technological efforts and administrative procedures. I have attempted to determine how long it will take for each element to start to exert a signficant effect on the overall fuels and energy problem. These time estimates are admittedly approximate but they are primarily based on available information related to the expected performance of each element.

This analysis indicates that the total realistically significant effects will be felt in 5 to 15 years from now but closer to the end of this period. The program elements that will have significant impact within the next five years include:

a. Incentives for industry to search for new sources of natural gas; and stepped-up coal gasification; and,

b. Facilitating imports of natural and liquified gas from Canada and other nations; and,

c. Improving trade in crude oil with Canada.

The success of these elements is very much dependent upon the amounts of fuels that are available, both immediately and later, assuming that these elements are to be continuous. What is lacking is a good estimate of the additional amounts of these fuels to be made available from these elements as opposed to continuing current practices.

A further gross omission in the message is the interrelationship, in time, of the individual elements. For example, what will be the impact on the coal gasification program priority if incentives and increased imports of natural gas do make large quantities of less-expensive gas available? Conversely, what will happen if the gasification program results in large quantities of gas at prices competitive with domestic natural sources and imports?

Perhaps the most important element missing in the message is that of oil imports from nations other than Canada. Without a complete discussion of this and lacking a fuller understanding of import relationship with all the elements now and in the future, the message lacks cohesion.

TIME ANALYSIS OF THE PRESIDENT'S ENERGY MESSAGE

Item	Period of years from now when specific item will have significant effect: 0–5	5–15	15–30	more than 30
Sulfur oxide control technology		X		
Nuclear breeder reactor			X	
Coal gasification		X		
Coal mine health and safety	(1)			
Controlled fusion research				X
Coal liquefaction		X		
MHD power cycle		X		
Underground electric transmission	(1)			
Nuclear reactor safety	(1)			
Advanced reactor concepts		X		
Solar energy				X
Outer-shelf leasing		X		
Oilshale		X		
Geothermal energy		X		
Natural gas supply:				
Accelerated leasing		X		
Gasification demo		X		
Incentives	X			
Imports	X			
Nuclear stimulation			X	
Imports from Canada	X			
Timely supplies of nuclear fuels		X		
Energy conservation:				
Increased efficiency	X			
Environmental pricing	(2)			
Building insulation		X		
Consumer advice	(2)			
Developing measures	(2)			
Powerplant siting		X		
Sulfur oxide emission charge		X		
Reorganization	(2)			

[1] Not available.
[2] Indeterminate.

PROTECTING OUR HERITAGE OF WILD ANIMALS

Mr. TUNNEY. Mr. President, the United States occupies lands and is surrounded by waters which nature richly endowed with hundreds of noble species. Many such species should have been long ago protected by law. It is tragic that our Nation has rapaciously exploited this natural inheritance by killing animals far beyond the need for food, clothing, and shelter. In our zeal for profit, we sacrificed wealth.

But in recent years, the environmental crisis has aroused in us what Albert Schweitzer called "reverence for life." And it is in the spirit of reverence for life that I speak on behalf of three measures concerning animal protection: Senate Joint Resolution 84, S. 1315, and S. 1116.

Senate Joint Resolution 84 establishes a Tule Elk National Wildlife Refuge. I am delighted to have joined Senator CRANSTON of California and Senator NELSON of Wisconsin in introducing this resolution. Moreover, we have acted in close cooperation with Representative DINGELL, of Michigan, who introduced the same measure in the House.

The tule elk, which once flourished in the grasslands of the Sacramento and San Joachim Valleys of California, are near extinction. Only about 290 survive—far fewer than the 2,000 conservationists believe necessary to insure survival of the species.

In their struggle to survive, the tule elk have been hunted by fur trappers, slaughtered by meat producers, pushed from their grazing lands by settlers and developers, and forced by ranchers to compete with livestock for food. In 1885, their numbers fell as low as 28. The elk survive today, not in their native territory, but in areas where they were transplanted in previous efforts to save them. Their future still remains in question.

Senate Joint Resolution 84 authorizes the Secretary of the Interior to increase the size of the tule elk herd to at least 2,000 members by acquiring lands for refuge, relocating elk when necessary, and cooperating with the State of California in managing the herd.

The second measure, S. 1315, protects ocean mammals. I joined Senator HARRIS of Oklahoma in introducing this bill to limit the unnecessary killing of whales, seals, otters, sea lions, porpoises, and polar bears.

S. 1315 prevents U.S. citizens and ships from taking ocean mammals and prohibits the importation of ocean mammals or their parts into the United States. It provides that international negotiations be undertaken toward banning the decimation of ocean mammals. And it establishes a Commission to assist the Aleuts of the Pribilof Islands in developing an economy to take the place of the slaughter of seals.

As the most affluent Nation, consuming the largest portion of products made from ocean mammals, we should be the first Nation to curb the abuses of affluence. There was a time when products of ocean mammals were necessary for day to day living in some parts of our country. But today, no product of these animals is essential to human welfare or survival. Indeed, we are becoming increasingly aware that human survival itself is partially dependent on the survival of these mammals in sufficient numbers to maintain ecological balance. Therefore, it is time to halt the brutal slaughter of ocean mammals, whose products may be afforded only by the affluent, but whose preservation can benefit all mankind.

The third measure is S. 1116. I joined Senator JACKSON of Washington in introducing this bill which would end the killing of wild horses and burros on public lands.

Once there were more than 2 million wild horses and burros roaming the West. Today there are less than 17,000. Once these animals played a major role in the exploration and settlement of the West. Today they are being used for target practice, hunted for dog food, and harassed by sadistic profiteers.

This bill requires the establishment and maintenance of at least 12 refuges by the Secretary of the Interior. It requires the Secretary to cooperate with local governments and landowners to protect the animals, and it stipulates penalties for violation.

Surely the thundering hooves of wild horses are the drumbeat of the Western American spirit. But without immediate Federal action, their power and grace, their majestic beauty will be lost forever—in only 10 years.

That would be an irreconcilable tragedy. Our children would inherit a West without wild horses. And that would be no West at all.

Mr. President, wild horses and burros, ocean mammals, and tule elk are three groups of animals with much in common. They are warmblooded animals that have been coldbloodedly killed by man, often imprudently for profit or perverse pleasure. They are intelligent animals that have been slain relentlessly by man, so long ignorant that their existence contributes to his own. And they are noble animals whose continued slaughter can only annihilate our aspirations to nobility.

Surely our growing reverence for these free and wild creatures reflects our finest human impulses. And it is time to turn these impulses into legislation that will enrich our own experience and provide a natural inheritance of which our children can be proud. That is why I support these three measures.

UTILIZATION OF FORT DETRICK

Mr. JAVITS. Mr. President, we are all deeply concerned about the urgent need to establish legislative initiatives to expand the national effort to conquer cancer.

I introduced with Senator KENNEDY, chairman of the Health Subcommittee of the Committee on Labor and Public Welfare Committee, of which I am ranking minority member, S. 34, the Conquest of Cancer Act which has the bipartisan support of more than 50 Senators.

President Nixon's deep commitment to expand the national effort to conquer cancer is well known to all Americans. The President launched a successful campaign for an extra $100 million for cancer research, and the President's legislative program to conquer cancer, S. 1828, has been introduced by Senator DOMINICK.

If we are to achieve the goals recognized by S. 34 and S. 1828, we will need facilities capable of producing large amounts of biological raw materials for various ongoing cancer research programs. Another major requirement for launching the drive against cancer is specially equipped laboratories, capable of protecting personnel against extreme biological hazards, and experts who are trained in the handling of dangerous material.

The utilization of the facilities at Fort Detrick now facing a decision to supply such needs and help to achieve the desired results, has been proposed by Senators MATHIAS and BEALL. I ask unanimous consent that an editorial in the recent issue of the Frederick Post entitled "Detrick Deadline Nears" be printed in the RECORD.

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

[From the Frederick (Md.) Post, May 18, 1971]

DETRICK DEADLINE NEARS

We heartily subscribe to the sentiments of Senator Charles McC. Mathias in his recent illuminating statement on the floor of the upper chamber of Congress that it is time that Congress and the Nixon Administration decided to fish or cut bait on the future of Fort Detrick.

As the deadline for the start of the next fiscal year on July 1 approaches despite all of the efforts of Senator Mathias, Senator J. Glenn Beall Jr. and Congressman Goodloe E. Byron, the future of a large part of the multimillion dollar research facilities in Frederick are still obscured in mystery.

Mathias urges passage of Senate Bill 34 which would create a National Cancer Authority to search for a cure for the dread disease and aid President Nixon in attaining one of his "six great goals."

The bill is of special interest to Senators Mathias and Beall, both of whom want President Nixon to include Fort Detrick in his overall plans.

Both Senator Mathias and Senator Beall requested in a letter sent to the President in February that he consider the use of Fort Detrick as research headquarters and Senator Mathias made the same request in his speech on the Senate floor last week.

Mathias said, there has as yet been no response from either President Nixon or Secretary of Health, Education, and Welfare Elliot Richardson.

Nothing is so important to the economy of Frederick County as a firm determination of the fate of Fort Detrick.

And certainly the 18 months anxious waiting following the announcement of President Nixon that the U.S. would halt the production of offensive biological weapons to which the efforts of Fort Detrick's highly skilled scientific team was dedicated has been a sad illustration of bureaucratic fumbling and futility.

In taking the Senate floor to laud President Nixon's pledge that his administration is dedicated to an all-out effort to find a cure for cancer, Senator Mathias well pointed out that the highly sophisticated laboratories at Fort Detrick are ideally available as the locus of such a national crusade.

Quoting President Nixon's statement that he "feels it is important that this campaign to find a cure for cancer be identified as one of our highest priorities and that its potential for relieving human suffering not be compromised by the familiar dangers of bureaucracy and red tape," Frederick County's senior senator expressed to his colleagues in sober but pointed language the growing fear that in actuality this is just what may occur.

"I should like to call to the attention of the Senate," he said, "that there is an institution operated by the United States Army called Fort Detrick.

"The people of America have invested one quarter of a billion dollars in real estate and scientific equipment at its laboratories for the purpose of developing the awesome science of biological warfare.

"In November of 1969, President Nixon on the advice of the National Security Council renounced offensive biological warfare.

"And in the succeeding 18 months except for some defensive studies, the sophisticated laboratories with $185 million dollars worth of equipment and the highly talented scientific team which operates them has been without a mission."

Senator Mathias said that he has been reliably informed that of this $185 million dollars worth of equipment already owned by the government that at least $100 million dollars worth of it could be easily converted immediately to start this cancer research program.

"For some reason," he told the Senate," which I think the President has well identified as bureaucracy and red tape no definitive decision has been made in the past 18 months as to the eventual fate of Fort Detrick, its costly equipment, and its superbly talented scientific team.

Frederick's senator added that he is gravely concerned because when the halt in the production of biological weapons was first announced that he interceded with the Department of the Army to keep the scientific team intact pending a decision by the government on the eventual use of the facilities at Fort Detrick.

"Unfortunately," he added, "although a simple telephone call" would have immediately mobilized this 100 million dollars worth of equipment and its talented operatives nothing has occurred.

The result, as he well pointed out, is that for 18 months the Department of the Army has allowed this gigantic facility and its personnel to "drift along without a definitive mission."

As Senator Mathias points out this constitutes a reflection upon the efficiency of the United States Government.

Putting the case more bluntly, it represents a terrible waste of millions of dollars in salaries to highly paid biologists and other scientific supporting personnel who have been allowed to drift along on a stand-by basis without any definitive program upon which they could be usefully employed.

The result has also been, in part, a shattering of morale, a let-down of efficiency, a gnawing fear of unemployment on the part of several hundred employes, and a dark cloud over the economy of Frederick County.

While we realize that in these days of multi-billion dollar budgets and deficit financing that there is a tendency in Washington to belittle such small items as have been wasted at Fort Detrick we agree with Senator Mathias that the situation does not reflect credit upon the Nixon administration, the Department of the Army, or any other of the involved agencies.

Senator Mathias points out that the payroll at Fort Detrick prior to this year had run up to a total of $10 million dollars annually.

On this basis, he told the Senate, "I should conservatively estimate that the Department of the Army has spent no less than $15 million dollars of the taxpayers' money in agreeing to my request that they keep intact Fort Detrick's scientific team pending a final decision on the future of the facility.

"And to date this $15 million dollars in payroll has been wasted because the workers have had no assigned program."

The senator, it seems to us, is on sound ground when he adds that this $15 million dollars worth of highly skilled scientific effort by skilled scientists could have been employed in the last 18 months in launching the program to conquer cancer which President Nixon has pledged to inaugurate.

There is still no definite word that the Nixon Administration, despite the recommendation of nationally recognized scientists in the field of cancer research has any intention of locating the new facility at Fort Detrick.

But if they do not, as Senator Mathias warned his colleagues, it will mean that the United States Government will have to build from scratch a similar installation to Fort Detrick at the cost of countless millions of dollars in some other area.

Now is the time of decision.

The new fiscal year starts on July 1—less than six weeks away.

It is unthinkable that the Department of the Army will continue to pump millions of dollars into a facility with no stated objectives simply to perpetuate further the highly talented staff at the local facility.

If Fort Detrick is to be retained as Frederick County's greatest economic asset, what Nixon labels "bureaucracy and red tape" must be sublimated into dynamic action.

And the decision in the final analysis lies in the hands of President Nixon.

THE CONSTITUTIONAL ROLE OF THE U.S. SUPREME COURT IN OUR GOVERNMENT

Mr. TALMADGE. Mr. President, the distinguished Senator from North Carolina (Mr. ERVIN) delivered a scholarly address to the Walter F. George School of Law at Mercer University, in Macon, Ga., on April 30. His speech was an eloquent and provocative discussion of the constitutional role of the U.S. Supreme Court in our Government. I congratulate my friend and colleague, and I know that his remarks were well received at the Mercer School of Law, that was named for the late Senator from Georgia, Walter F. George.

This speech was originally made by Senator ERVIN in a debate with former Attorney General Ramsey Clark on the query, "Role of the Supreme Court: Policymaker or Adjudicator?" The debate was held under the auspices of the American Enterprise Institute for Public Policy Research, 1200 17th Street NW., Washington, D.C., and the entire debate of which this speech constitutes Senator ERVIN's opening statement only, has been printed by such institute in book form, bearing the title "Role of the Supreme Court: Policymaker or Adjudicator?" The speech was made by Senator ERVIN at the Law Day ceremonies at Mercer University, Macon, Ga., and is inserted in the CONGRESSIONAL RECORD with the consent of the American Enterprise Institute for Public Policy Research, the owner of the copyright on such book.

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:

THE ROLE OF THE SUPREME COURT: POLICYMAKER OR ADJUDICATOR?

In discussing the question whether the role of the Supreme Court is that of policymaker or that of adjudicator, I will use the term "founding fathers" to designate the men who drafted and ratified the Constitution.

The Constitution answers this question with unmistakable clarity. There is not a syllable in it which gives the Supreme Court any discretionary power to fashion policies based on such considerations as expediency or prudence to guide the course of action of the government of our country. On the contrary, the Constitution provides in plain and positive terms that the role of the Supreme Court is that of an adjudicator, which determines judicially legal controversies between adverse litigants.

In assigning this role to the Supreme Court, the founding fathers were faithful to the dream which inspired them to draft and ratify the Constitution, and to their action in rejecting in the Constitutional Convention repeated proposals that the Supreme Court should act as a council of revision as well as a court and in its capacity as a council of revision possess discretionary power to veto all acts of Congress the Justices deemed unwise, no matter how much those acts harmonized with the Constitution.[1]

These things do not gainsay that some Supreme Court Justices have been unhappy with the role assigned them by the Constitution and have undertaken to usurp and exercise policymaking power. But their usurpations have not altered the rightful role of the Supreme Court. Murder and larceny have been committed in every generation, but that fact has not made murder meritorious or larceny legal.

THE DREAM OF THE FOUNDING FATHERS

The founding fathers had absorbed the lessons taught by the history of the struggle of the people against arbitrary power for the right to be free from tyranny. Hence they comprehended some eternal truths respecting men and government.

They knew that those who are entrusted with powers of government are susceptible to the disease of tyrants, which George Washington rightly diagnosed in his Farewell Address as "the love of power and proneness to abuse it." For this reason, they realized that the powers of public officers should be defined by laws which they as well as the people are obligated to obey.

They also knew the truth subsequently embodied by Daniel Webster in this aphorism:

"Whatever government is not a government of laws is a despotism, let it be called what it may."

For this reason they realized that liberty cannot exist except under a government of laws, i.e., a government in which the conduct of the people is controlled by certain, constant, and uniform laws rather than by the arbitrary, uncertain and inconstant wills of the men who occupy public offices, and in which the laws accord to the people as much freedom as the commonweal permits.

They likewise knew that Thomas Hobbes had proclaimed an unalterable principle when he said:

"Freedom is political power divided into small fragments."

They knew, moreover, the political truth afterwards phrased by Woodrow Wilson in these words:

"Liberty has never come from the government. Liberty has always come from the subjects of it. The history of Liberty is a history of the limitation of governmental power, not the increase of it. When we resist therefore the concentration of power, we are resisting the processes of death, because concentration of power is what always precedes the destruction of human liberties."

For these reasons, they realized that the powers of government should be diffused among different repositories, that "local processes of law are an essential part of any government conducted by the people", and that "no national government . . . can be as closely in touch with those who are governed as can the local authorities in the several states and their subdivisions".[2]

The founding fathers also understood that a nation which disregards the lessons of his-

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tory is doomed to repeat the mistakes of the past. They desired to spare the nation they were creating this tragic experience.

These things inspired the founding fathers to dream earth's most magnificent dream.

They dreamed they could enshrine a government of laws conforming to the eternal truths taught by history in a written constitution, and make that government operate in accordance with their intent by entrusting the interpretation of that constitution to a Supreme Court composed of fallible men.

To this end, they framed the Constitution, which they intended to last for the ages and to constitute "a law for rulers and people" alike at all times and under all circumstances.[2]

THE CONSTITUTION

Let me indicate what the founding fathers did in the Constitution to give our nation a government of laws and to preserve for themselves and their posterity the blessings of liberty.

To make our nation "an indestructible union composed of indestructible states",[4] they delegated enumerated governmental powers to the federal government, and reserved all other governmental powers to the states. To further fragmentize political power, they allocated federal legislative power to the Congress, federal executive power to the President, and federal judicial power to the Supreme Court and "such courts as the Congress may from time to time ordain and establish." [5]

To further forestall tyranny, they forbade federal and state governments to do specified things inimical to freedom, and conferred upon individuals enumerated liberties enforceable against government itself. And, finally, to make government by law secure, they made the Constitution and laws enacted by Congress pursuant to it the supreme law of the land, and imposed upon all public officials, both federal and state, as well as upon the people the duty to obey them.[6]

While they intended the Constitution to endure throughout the ages as the nation's basic instrument of government, the founding fathers realized that useful alterations of the Constitution would be suggested by experience. Consequently, they made provision for its amendment in one way, and one way only, i.e., by concurrent action of Congress and the States as set forth in Article V.[7] By so doing, they ordained that "nothing new can be put into the Constitution except through the amendatory process" and "nothing old can be taken out without the same process." [8]

THE ROLE OF THE SUPREME COURT

A policy is a definite or settled course of action adopted and followed by government. The power to make policy is discretionary in nature. It involves the making of choices on the basis of expediency or prudence among alternative ways of acting.

The power to make policy in a government of laws resides with those who are authorized to participate in the law-making process.

The founding fathers made policy when they ordained and established the Constitution, which determines the fundamental policies of our country.

Since Article I of the Constitution grants Congress the power to make laws and requires every bill passed by it to be presented to the President for his approval or disapproval before it takes effect, the Congress and the President have policy-making power. Moreover, Article V confers upon the Congress and the States, acting in conjunction, limited policy-making power, i.e., the power to amend the Constitution.

Article III denies the Supreme Court policy-making power in plain and positive terms. It does this by making the Supreme Court a court of law and equity and by granting to it "judicial power" only. Under this Article, the Supreme Court has no power whatever except the power to hear and determine cases between adverse litigants, which are within the scope of its original or appellate jurisdiction.

Article III denies the Supreme Court policy-making power in another way. When it is read in conjunction with the supremacy clause of Article VI, Article III obligates Supreme Court Justices to base their decisions in the cases they hear upon the Constitution, the laws, and the treaties of the United States, and thus forbids them to take their personal notions as to what is desirable into account in making their rulings.

For this reason, Supreme Court Justices are endowed with power to interpret any provision of the Constitution or any law or treaty which is determinative of the issue arising in a case coming before them.

THE POWER TO INTERPRET THE CONSTITUTION

The power to interpret the Constitution is an awesome power. This is so because, in truth, constitutional government cannot exist in our land unless this power is exercised aright.

Chief Justice Stone had this thought in mind when he stated this truth concerning Supreme Court Justices:

"While unconstitutional exercise of power by the executive and legislative branches of the government is subject to judicial restraint, the only check upon our exercise of power is our own sense of self-restraint." [9]

The power to interpret the Constitution, which is allotted to the Supreme Court, and the power to amend the Constitution, which is assigned to Congress and the States acting in conjunction, are quite different. The power to interpret the Constitution is the power to ascertain its meaning, and the power to amend the Constitution is the power to change its meaning.

Justice Cardozo put the distinction between the two powers tersely when he said:

"We are not at liberty to revise while professing to construe." [10]

Justice Sutherland elaborated upon the distinction in this way:

"The judicial function is that of interpretation: it does not include the power of amendment under the guise of interpretation. To miss the point of difference between the two is to miss all that the phrase 'supreme law of the land' stands for and to convert what was intended as inescapable and enduring mandates into mere moral reflections." [11]

America's greatest jurist of all times, Chief Justice John Marshall, established these landmarks of constitutional interpretation:

1. That the principles of the Constitution "are designed to be permanent." [12]

2. That "the enlightened patriots who framed our Constitution, and the people who adopted it, must be understood . . . to have intended what they have said." [13]

3. That the Constitution constitutes a rule for the government of Supreme Court Justices in their official action.[14]

Since it is a court of law and equity, the Supreme Court acts as the interpreter of the Constitution only in a litigated case whose decision of necessity turns on some provisions of that instrument. As a consequence, the function of the Court is simply to ascertain and give effect to the intent of those who framed and ratified the provision in issue. If the provision is plain, the Court must gather the intent solely from its language, but if the provision is ambiguous, the Court must place itself as nearly as possible in the condition of those who framed and ratified it, and in that way determine the intent the language was used to express. For those reasons, the Supreme Court is duty bound to interpret the Constitution according to its language and history.[15]

When they dreamed their magnificent dream, the founding fathers realized that some dreams come true and others vanish. They knew that whether their dream would share the one fate or the other would depend on whether Supreme Court Justices would be able and willing to lay aside their own notions as to what is desirable and interpret the Constitution according to its real intent.

They did three things to make their dream come true.

They decreed that Supreme Court Justices should be carefully chosen. To this end, they provided that no man should be elevated to the Supreme Court until his qualifications for the office had been twice scrutinized and approved, once by the President and again by the Senate.

They undertook to free Supreme Court Justices from the personal, political, and economic ambitions, fears, and pressures which harass the occupants of other public offices by stipulating that they should hold office for life and receive for their services a compensation which could not be reduced during their continuance in office.

They undertook to impose upon each Supreme Court Justice a personal obligation to interpret the Constitution according to its real intent by requiring him to take an oath or make an affirmation to support the Constitution.

Their overall aim was to make Supreme Court Justices independent of everything except the Constitution and require them to accept that instrument as the sole rule for the government of their official action.

THE WARREN COURT

During most of our history, Supreme Court Justices were faithful to the dream of the founding fathers. They accepted the Constitution as the rule for their official action, and decided constitutional issues in accordance with its precepts.

Unfortunately, however, this has not been true during recent years. Shortly before 1953, Supreme Court Justices began to substitute their personal notions for constitutional provisions under the guise of interpreting them, and provoked one of their colleagues, Justice Robert H. Jackson, into making this righteous outcry.

"Rightly or wrongly, the belief is widely held by the practicing profession that this Court no longer respects impersonal rules of law but is guided in these matters by personal impressions which from time to time may be shared by a majority of the Justices. Whatever has been intended, this Court also has generated an impression in much of the judiciary that regard for precedents and authorities is obsolete, that words no longer mean what they have always meant to the profession, that the law knows no fixed principles." [16]

With the advent of the Warren Court, this practice increased in frequency and intensity; and the Supreme Court decisions irreconcilable with the Constitution became in Milton's colorful phrase as "thick as autumnal leaves that strow the brooks in Vallombrosa".

I use the terms "Warren Court" and "Justices of the Warren Court" to designate Chief Justice Warren and Justices Douglas, Brennan, Goldberg, Fortas, and Marshall who repeatedly undertook to revise the Constitution while professing to interpret it. Candor compels the confession that despite his eloquent protests against their misuse of the due process clauses of the Fifth and Fourteenth Amendments. Justice Black often aligned himself with the Justices of the Warren Court; and that although the other Justices who served at various times during the incumbency of Chief Justice Warren, namely, Justices Reed, Frankfurter, Jackson, Burton, Clark, Minton, Harlan, Stewart, and

Footnotes at end of article.

White, were rather steadfast in their adherence to the Constitution, some of them joined the Warren Court on some occasions in handing down revolutionary decisions inconsistent with the words and history of that instrument.[17]

The tragic truth is that under the guise of interpreting them, the Warren Court has repeatedly assigned to constitutional provisions meanings incompatible with their language and history.

By so doing, it has impeded the President and his subordinates in the performance of their constitutional duty to execute the laws.

At times it has undertaken to abridge the constitutional powers of Congress as the nation's law maker, and at other times it has undertaken to stretch the legislative powers of Congress far beyond their constitutional limits. And sometimes it has thwarted the will of Congress by imputing to congressional acts constructions which cannot be harmonized with their words.

What the Warren Court has done to the powers allotted or reserved to the States by the Constitution beggars description. It has invoked the due process and equal protection clauses of the Fourteenth Amendment as *carte blanche* to invalidate all State action which Supreme Court Justices think undesirable.

This is tragic, indeed, because nothing is truer than this observation attributed to Justice Brandeis by Judge Learned Hand:

"The States are the only breakwater against the ever pounding surf which threatens to submerge the individual and destroy the only kind of society in which personality can survive."

Besides, the Warren Court has twisted some constitutional provisions awry to deny individuals basic personal and property rights.

All of the decisions of which I complain have tended to concentrate power in the federal government in general and the Supreme Court in particular.

The time presently allotted to me does not permit me to analyze or even enumerate these decisions.

These things mean little or nothing to those who would as soon have our country ruled by the arbitrary, uncertain, and inconstant wills of judges as by the certain and constant precepts of the Constitution. But they mean everything to those of us who love the Constitution and believe it evil to twist its precepts out of shape even to accomplish ends which may be desirable.

If desirable ends are not attainable under the Constitution as written, they should be attained in a forthright manner by an amendment under Article V, and not by judicial alchemy which transmutes words into things they do not say. Otherwise, the Constitution is a meaningless scrap of paper.

Nobody questions the good intentions of the Justices of the Warren Court. They undoubtedly were motivated by a determination to improve and update the Constitution by substituting their personal notions for its principles. But candor compels the confession that their usurpations call to mind these trenchant observations of Daniel Webster:

"Good intentions will always be pleaded for every assumption of power. It is hardly too strong to say that the Constitution was made to guard the people against the dangers of good intentions. There are men in all ages who mean to govern well, but they mean to govern. They promise to be good masters, but they mean to be masters."

Those who champion or seek to justify the activism of the Warren Court assert with glibness that the Constitution is a living document which the Court must interpret with flexibility.

When they say the Constitution is a living document, they really mean that the Constitution is dead, and that activist Justices as its executors may dispose of its remains as they please. I submit that if the Constitution is, indeed, a living document, its words are binding on those who pledge themselves by oath or affirmation to support it.

What of the cliche that the Supreme Court should interpret the Constitution with flexibility? If those who employ this cliche mean by it that a provision of the Constitution should be interpreted with liberality to accomplish its intended purpose, they would find me in hearty agreement with them. But they do not employ the cliche to mean this. On the contrary, they use the cliche to mean that the Supreme Court should bend the words of a constitutional provision to one side or the other to accomplish an objective the provision does not sanction. Hence, they use the cliche to thwart what the founding fathers had in mind when they fashioned the Constitution.

The genius of the Constitution is this: the grants of power it makes and the limitations it imposes are inflexible, but the powers it grants extend into the future and are exercisable with liberality on all occasions by the departments in which they are vested.

SAVING THE CONSTITUTION

As the result of the assumptions of power of the Warren Court, the people of our nation are now ruled in substantial areas of their lives by the partial wills of Supreme Court Justices rather than by the impartial precepts of the Constitution.

George Washington, who presided over the Convention which framed the Constitution, harbored the dream of the founding fathers in his heart. He was wise enough to know that usurpation is the customary weapon by which free governments are destroyed, and for that reason admonished America that the meaning of the Constitution should not be distorted by usurpation.

It is obvious to those who love the Constitution and are willing to face naked reality that the Warren Court has taken giant strides down the road of usurpation, and that if the course set by it is not reversed, the dream of the founding fathers will vanish and the most precious liberty of the people—the right to constitutional government—will perish.

Despite their perilous state, the dream of the founding fathers can be rekindled and the precious right of the people to constitutional government can be preserved if those who possess the power will stretch forth saving hands while there is yet time.

Who are they that possess this saving power?

They are Supreme Court Justices, who are able and willing to exercise self restraint and make the Constitution the rule for the government of their official action; Presidents, who will nominate for membership on the Supreme Court persons who are able and willing to exercise self restraint and make the Constitution the role for the government of their official action; and Senators, who will reject for Supreme Court membership nominees who are either unable or unwilling to exercise self restraint and make the Constitution the rule for the government of their official action.

And, finally, if Supreme Court Justices, Presidents, and Senators fail them, the people may employ their own saving power. Through Congress and the States, they may adopt a constitutional amendment similar to my proposal which would compel Presidents and Senators to make appointments to the Supreme Court from among persons recommended to them by the Chief Justices of the States. The people can rely upon the Chief Justices of the States to restrict their recommendations to persons who revere the federal system ordained by the Constitution and who will not sanction the concentration of power which always precedes the destruction of human liberties.

Let me add that lawyers who love the Constitution can aid the cause by practicing this preachment of Chief Justice Stone:

"Where the courts deal, as ours do, with great public questions, the only protection against unwise decisions, and even judicial usurpations, is careful scrutiny of their action, and fearless comment upon it."

In closing I make a conditional prophesy. If those who possess the power to rekindle the dream of the founding fathers and to preserve the right of the people to constitutional government do not act, Americans will learn with agonizing sorrow the tragic truth taught by Justice Sutherland:

"The saddest epitaph which can be carved in memory of a vanished liberty is that it was lost because its possessors failed to stretch forth a saving hand while yet there was time."

FOOTNOTES

[1] United States: Formation of the Union, pages 147, 152, 165, 167, 422, 429, 548, 752, 753, 756, 848, 849, 852.

[2] Bute v. Illinois, 333 U.S. 640, 652.

[3] Ex Parte Milligan, 4 Wall. 2, 8 L.ed. 281.

[4] Texas v. White, 7 Wall. 700.

[5] Article III, Section 1,

[6] Article VI.

[7] James Madison: The Federalist, No. 43.

[8] Ullman v. U.S., 350 U.S. 422.

[9] U.S. v. Butler, 297 U.S. 1, 78–79.

[10] Sun Printing and Publishing Association v. Remington Paper and Power Co., 235 N.Y. 338, 139 N.E. 470.

[11] West Coast Hotel Co. v. Parrish, 300 U.S. 379, 404, 81 L.ed. 703, 715.

[12] Marbury v. Madison, 1 Cranch. 137, 175.

[13] Gibbons v. Ogden, 9 Wheat. 1, 188.

[14] Marbury v. Madison, 1 Cranch 137.

[15] Gibbons v. Ogden, 9 Wheat. 213; Ex Parte Bain, 121 U.S. 1; Lake County v. Rollins, 130 U.S. 662.

[16] Brown v. Allen, 344 U.S. 443, 535.

[17] See e.g. Justice White in Reitman v. Mulkey, 387 U.S. 369 (1967); and Justice Stewart in Jones v. Mayer Co., 392 U.S. 409 (1968).

INTERNATIONAL PARLIAMENTARY CONFERENCE ON THE ENVIRONMENT

Mr. HOLLINGS. Mr. President, the problem of man's relationship to the natural environment will be examined in detail in Stockholm next June at the United Nations Conference on the Human Environment. This extremely important conference is for the executive branch of the governments that will convene there. Recognizing that legislators have a special responsibility in environmental matters an International Parliamentary Conference on the Environment was held in Bonn on June 2–4, 1971. Unfortunately, previous commitments prevented my attending. However, Representative ROBERT MCCLORY of Illinois, one of the U.S. members of the Inter-Parliamentary Union, was able to attend, and has reported the excellent results of that Conference.

The Conference objectives included identification of some of the environmental principles which should guide our nations, and obtaining among parliamentarians a consensus on the priorities for environmental problems. The 55 parliamentarians from 21 countries who met in Bonn were there in their individual capacities. They represented a broad spectrum of developed and developing nations. And they met to support and affirm the positive actions taken to protect the environment by organizations such as the Inter-Parliamentary Union.

Out of the 80 problem statements that

were submitted by the conferees before the Conference, a draft motion was written, which became the focal point for discussion during the 2½-day Conference. Priorities were ranked according to those deemed to require first, immediate and effective international action; second, urgent international consultation and action; and third, urgent research and discussion with a view to arriving at international action if and when necessary.

Mr. President, the motion adopted by the Conference is an important document that deserves our careful study and action. I hope that this is but the first of many such international gatherings of parliamentarians to discuss and agree on courses of action to take on environmental problems. And I ask unanimous consent that the motion adopted by the International Parliamentary Conference on the Environment in Bonn on June 4, 1971 be printed in the RECORD.

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

MOTION

The International Parliamentary Conference on the Environment adopts the following motion on June 4, 1971, in Bonn:

Whereas, effective actions are urgently needed to conserve the natural resources of our one world in order to insure an ecologically healthy environment and the social, economic, scientific and cultural progress of all mankind which depends on such an environment; and

Whereas, we recognize the significant studies, measures and results achieved by various nations, which have shown the need for and provided much of the information and public awareness necessary for effectively coordinated international action; and

Whereas, current international official decision-making bodies primarily represent the executive branch of government, and we believe that legislators should also make a major contribution to the formulation of environmental policy at the international level; and

Whereas, we support and affirm the positive actions taken to protect the environment by many international non-governmental organizations, including the Inter-Parliamentary Union, and wishing to contribute to these actions; and

Whereas, we recognize that the worldwide effort to achieve the wise use of the environment would benefit from establishing a list of priorities of present and emerging problems as well as from some proposals for their solution;

Therefore, we have reached a consensus that the following items require immediate and effective international action.

Governments should begin international negotiations to establish appropriate systems for strict pollution controls suitable to individual locations. Such systems should be designed so as not to distort international economic competition, but to develop common environmental standards applicable to the contracting nations. Appropriate use should be made of internationally agreed limits (including yearly mean, 100-day mean, and an absolute daily limit) of intake of specified substances by human beings, animals, or vegetation. Governments should begin international negotiations to establish international health, product, emission and environmental standards applicable to products entering into international commerce.

International environmental research programs, as well as coordinated national research programs, in all aspects of environmental problems should be sponsored by the United Nations system, in close co-operation, whenever appropriate, with the concerned non-governmental international organizations. Relevant organizational changes of the United Nations system should be carried out in order that these research programs may be undertaken as soon as possible.

The environmental effects of development assistance and of foreign investment programmes should be carefully studied and considered by all parties concerned before such projects are initiated. Developing countries should be granted technical assistance in training environmental managers and scientists.

The international transport of hazardous or polluting substances should be subject to specific regulations permitting among other things the establishment of liability in case of degradation of the environment. A system of compulsory insurance should be established to cover the risks incurred by the transporter. No international transport of hazardous substances should be authorized unless such substances are accompanied by a notice describing in particular the measures to be taken in cases of danger or accident.

All nations should ratify the International Convention Relating to Intervention on the High Seas in Cases of Oil Pollution Casualties and the International Convention on Civil Liability for Oil Pollution Damage (IMCO, Brussels, 1969) as well as the amendments to the International Convention on the Prevention of Pollution of the Sea by Oil 1954. A convention setting forth a supplemental compensation fund, which fund is to be established by transporters and owners of oil cargoes, and which increases the limits of liability for oil spills, should be negotiated, signed, and ratified as soon as possibe by all nations.

In addition to the subjects spelled out in the Universal Declaration of Human Rights, there should be added the right to a high quality environment indispensable to Man's physical, mental and social well-being, as well as to his cultural development.

We have reached a consensus that the following items require urgent international consultation and action:

International rules and procedures should be established so that international treaties will be examined for the impact they may have on the environment. This should concern both proposed new treaties as well as treaties already in force.

Treaties when submitted to national parliaments for ratification should be accompanied by a report on their potential environmental effects. As soon as the procedure mentioned above is operating this report should show that it has been followed.

A convention which would prohibit the dumping of oil and toxic wastes, and would regulate the dumping of other wastes at sea, should be drafted, signed, and ratified as soon as possible.

In each international river basin the riparian states should strive to conclude agreements enabling them jointly to examine and to deal with environmental and nature protection problems relating to the river concerned. These agreements should in particular provide for a system of control and sanctions.

There should be an international agreement requiring each nation to test specified products and processes, particularly those containing non-degradable, non-recyclable, or toxic components for their potential effects on the environment, and to publish the results of these tests before the products are introduced on the market. Such an agreement should also provide for a standardisation of testing procedures.

A world network of protected areas under international sponsorship should be established under an international convention in order to preserve endangered species of fauna and flora as well as outstanding natural animal and plant communities.

International agreements for the conservation of endangered migratory species should be concluded. The states should commit themselves to provide, over and above what is already provided by non-governmental organizations, the financial means necessary to implement a global policy for flora and fauna.

The I.U.C.N. draft "convention on the import, export, and transit of certain species of wild animals and plants," which is designed to control the international traffic in endangered and declining species and their products should be signed and ratified by all nations as soon as possible.

Information on public environmental programmes and their implementation both at national and international levels should be centralized in order to give easy access to procedures and techniques which can be of potential benefit to the environment.

As far as overpopulated countries are concerned population control research and programmes should be effectively coordinated at the international level and all possible actions should be undertaken to enable practical implementation of family planning; for that purpose special attention and support should be given—financially and otherwise—to family planning education.

Governments should enter into such arrangements as are necessary to prevent industrial and other enterprises from obtaining concessions under national environment laws by threatening to transfer new investment to other countries.

An international system for the monitoring of water and air pollution should be set up. Such a system should include a list of the substances to be determined, detection methods, and the standards that are to be established.

An international pollution Data Bank whose function it would be to collect information on pollution, to interpret it and make it available to all countries, should be established.

We have agreed that the following items require urgent research and discussion with a view to arriving at international action if and when necessary:

National land and water use planning programmes should be coordinated with neighbouring nations when part of such programmes are likely to affect the environment of such neighbouring nations.

A study should be made of the legal means open to persons having suffered damage caused by harmful environmental activities originating in another country to bring legal action against those responsible for these activities.

Major projects which may have harmful effects on the environment of the earth, and in particular on its climate, should be fully assessed for their international environmental implications before the projects can proceed.

PARLIAMENTARIANS PARTICIPATING IN THE INTERNATIONAL PARLIAMENTARY CONFERENCE ON THE ENVIRONMENT, BONN, JUNE 2–4, 1971

Aner, K. Riksdag (Schweden).

Bardens, H., Bundestag (Deutschland), Ausschuss fuer Jugend, Familie und Gesundheit, Obmann, IPA-Kommission fuer Umweltfragen.

Bay, H., Bundestag (Deutschland), Ausschuss fuer Jugend, Familie und Gesundheit, IPA-Kommission fuer Umweltfragen.

Burhenne, W. E., Secretary-General (elected), IPA Chairman, IUCN Committee on Environmental Law, Governor, International Council of Environmental Law.

Chtourou, A., Assemblée Nationale (Tunisie), Commission des Affaires Politiques.

Corbin, E. G., House of Commons (Canada), Parliamentary Secretary, Department

of Fisheries and Forests, Special Committee on Pollution and the Environment.

Decker, R., Landtag (Baden-Wuerttemberg), Ausschuss fuer Verwaltung und Wohnungswesen, IPA-Kommission fuer Umweltfragen.

Demuth, A., Bundesrat (Oesterreich), Verfassungs- und Rechtsausschuss, Konsumentenforum des Bundesmin. fuer Handel, Gewerbe und Industrie.

De Zeeuw, D., Eerste Kamer der Staten-Generaal (Netherlands), Permanent Committee on Education and Science; Social Affairs and Public Health.

Dichgans, H., Bundestag (Deutschland), Rechtsausshuss, Stellv. Vorsitzender IPA.

Digvijay Sinh, Y., Gujaret State Legislative Assembly (India), Chairman, Gujaret Ecological Council.

Doumba, J. C. Secrétaire-General, Assemblée Nationale Fédérale (Cameroun).

Dupont-Fauville, H., Assemblée Nationale (France), Commission de la Production et des Echanges.

Fortuit, J. C., Assemblée Nationale (France), Secrétaire de la Commission de la Production et des Echanges.

Fox, E. M. C., House of Representatives (Australia).

Garcia Orcoyen, Cortes Espanolas (Spain).

Glatz, G., Buergerschaft Hamburg, Bauausschuss, Verkehrsausschuss, Ausschuss fuer Ernaehrung und Landwirtschaft.

Gruhl, H. Bundestag (Deutschland), Innenausschuss, IPA-Kommission fuer Umweltfragen.

Hanzlik, H., Bundesrat (Oesterreich).

Hirsch, M., Bundestag (Deutschland), Rechtsausschuss, Vorsitzender IPA.

Hofbauer, G., Beobachter (Oesterreich).

Kabas, H., Beobachter (Oesterreich).

Kebassa Maleba, Assemblée Nationale (République Democratique du Congo).

Kennet, Lord, House of Lords (England), Chairman, Pollution Working Party of Environment Group of the Parliamentary Labour Party, Chairman, Committee on Oil Pollution of the Sea.

Kerstnig, H. Nationalrat (Oesterreich).

Klanjscek, V., Federal Assembly (Yugoslavia).

Kubanek, H., Bundesrat (Oesterreich), Finanzausschuss, Geschaefts ordnungsausschuss, Ausschuss fuer Verfassungs-und Rechtsangelegenheiten.

Lemass, N. T., Dàil Eireann (Ireland), Parliamentary Secretary to the Minister of Finance.

Liedl, O., Bundesrat (Oesterreich), Sozialausschuss, Wirtschaftsausschuss, Gemeinsamer Ausschuss.

Luembe, G. P., Assemblée Nationale, Sous-Commission des Travaux-Publics et Amenagement du Territoire (Republique Democratique du Congo).

Marigoh Mboua, Président, Assemblée Nationale Fédérale (Cameroun).

McClory, R., House of Representatives (U.S.A.).

McMullin, Sr. A. M., President of the Senate (Australia).

Moussa, Yaya, Vice-Président, Assemblée Nationale Fédérale (Cameroun).

N'Gom, I. M., Assemblée Nationale (Senegal).

O'Fori, B. B., National Assembly (Ghana), Committee on Agriculture, Land and Mineral Resources.

Orth, E., Bundestag (Deutschland), Ausschuss fuer Ernaehrung, Landwirtschaft und Forsten, IPA-Kommission fuer Umweltfragen.

Pena, Urmeneta, J. M., Cortes Espanolas (Spain), Commission de Agricultura.

Pohl, J., Sénat, (Belgique), La Commission de la Sante Publique.

Poma, K., Sénat (Belgique).

Pringle, M. E., House of Commons (Canada), Committees on Agriculture, Transport, and Communications.

Romalho, T., Camera des Deputados (Brasil).

Rimawi, K., Vice-President, House of Representatives (Jordan).

Reus Cid, A., Cortes Espanolas (Spain), President, Sindicato Nacional de Cereales.

Sawyerr, H. R., National Assembly (Ghana), Committee on Agriculture, Land and Mineral Resources.

Sayn-Witgenstein-Hohenstein, Prinz zu, Bundestag (Deutschland), Haushaltsausschuss, IPA-Kommission fuer Umweltfragen.

Sinnecker, W., Landtag Nordrhein-Westfalen, Landwirtschaftsausschuss, Staedtebauausschuss, IPA-Kommission fuer Umweltfragen.

Stewart, R., House of Commons (Canada).

Tobe, E., Reichstag (Schweden), Zivilaussachuss, Generaldirektion fuer die Zivilverwaltung, Reichsamt fuer Staedteplanung und Bauwesen.

Tona-Maseka, P., Assemblée Nationale, Sous Commission de l'Energie (République Democratique du Congo).

Uren, T., House of Representatives (Australia).

Veder-Smit, E., Tweede Kamer der Staten Generaal (Netherlands).

Versloot, H., Eerste Kamer der Staten-Generaal.

Whelan, E., House of Commons Ottawa 4, Ontaria, Canada.

Yewchuk, P., House of Commons (Canada).

EIGHTIETH ANNIVERSARY OF COLE PORTER'S BIRTH

Mr. BAYH. Mr. President, June 9 marked the 80th anniversary of the birth of the late Cole Porter, a fellow Hoosier who was one of the most talented and creative individuals of the American musical theater.

I would like to take this time to pay tribute to Cole Porter's outstanding contribution to our musical heritage by focusing the attention of the Senate on an article by Robert E. Kimball, curator of the Cole Porter Archives at Yale University.

I ask unanimous consent that excerpts from his article be printed in the RECORD as follows:

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

Cole Albert Porter, one of America's foremost composer-lyricists, was born in Peru, Ind., on June 9, 1891, the only child of Kate Cole and Samuel Fenwick Porter. As a Yale undergraduate, he won acclaim as the writer of two of his alma mater's most famed football anthems, "Bull Dog" and "Bingo Eli Yale," but his Broadway debut as the co-author of "See America First" in 1916 was a fiasco. From World War I until the end of the 1920's, he lived primarily in Europe and was thought by many to be little more than a playboy expatriate.

In reality, Porter, a thoroughly trained musician who had studied with d'Indy at the Schola Cantorum in Paris, had embarked on an unceasing quest for new places and fresh experiences which heightened the quality of his art and provided him with the inspiration for many of his most enduring works. The candor and humor he displayed concerning love and sex in such songs as "Let's Do It"—dating back to 1928—and "But in the Morning, No," helped free the American songwriter from self-censorship and the undue restraints imposed by society at large. He also broke many conventional rules by extending the length of a song well beyond the traditional 32 bars.

During the 1930's, even after he had suffered the crippling riding accident which necessitated over 31 operations and kept him in constant pain for the rest of his life, he brought boundless joy to a depression-ridden world with a bountiful harvest of delightful scores for the stage and screen including "Anything Goes," "Red, Hot and Blue," "Du-Barry Was a Lady," "Born To Dance," and "Rosalie." His jaunty spirit and resolute determination helped him to bounce back from a period of public disfavor in the mid-1940's to write "Kiss Me, Kate"—1948—"Out of This World"—1950—"Can-Can"—1953—and "Silk Stockings"—1955—for the stage, and "High Society"—1956—and "Les Girls"—1957—for film.

His creative genius, which seemed so effortlessly attained, was the result of a lifelong dedication to his profession and nights and days of the most intense labor were required to achieve the elegance and refinement which characterize his most distinguished work. His melodies, full of harmonic richness and rhythmic subtlety were mated to lyrics of wit, ingenuity, and sophistication. He wrote the words and music simultaneously, generally working from the beginning and ending of a song back toward the middle to reach an artistic unity which is as subtle as it is unique. These very special qualities often delayed public acceptance of his work.

Today, the songs which so splendidly evoked the times in which they were written, possess a timelessness which is a precious part of our cultural heritage. Seven years after his death in 1964, his reputation has risen to even greater heights than it achieved during his lifetime. A courageous man and a great artist, Cole Porter left an imperishable legacy of glorious song and human valor for which we honor him on the occasion of the 80th year of his birth.

"THE BALLOT IS STRONGER THAN THE BULLET": GRADUATION SPEECH BY WILLIAM D. WOODS

Mr. GOLDWATER. Mr. President, it was my pleasure recently to have read the graduation speech by William D. Woods, the valedictorian of Washington High School in Phoenix, Ariz.

Looking at this speech was like sensing a breath of clear air from the West. It was refreshing to see a young person advising adherence by his peers to the social code of rule by the majority and according to peaceful processes.

Mr. President, I cannot believe the majority of American youth is represented by the ugly, shouting radicals of the left who are so often portrayed across our television screens and news pages Rather, I believe, the great majority of today's young generation is marked by intelligent and thoughtful behavior. In fact, I have often expressed my opinion that this is the finest generation I have seen in my lifetime.

My belief in this was strengthened recently when I received a copy of the excellent speech delivered by William Woods. As I viewed his eloquent, persuasive appeal for living by the commonsense rule of stability and order, according to the chosen decisions of the majority—while at all times preserving the freedom of peaceful dissension—I

was proud, proud of this young man and of our educational system which has taught him to think so soundly and brilliantly on his own.

Mr. President, I also am proud to ask unanimous consent that the remarks of William D. Woods, a young Arizonan, shall be printed in the RECORD.

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

GRADUATION SPEECH

(By William D. Woods, valedictorian of Washington High School, Phoenix, June 3, 1971)

Tonight, I have come to protest. I would like to call your attention to what I feel is an unfortunate situation in the United States today, that is, the increasing use of violent means to promote change in American society.

The foremost reasons for my feeling lie in our own Constitution, which outlines the principles of American democracy. These principles essentially include the guarantees that the will of the majority shall rule—that a minority, even as small as one person, may attempt to sway the majority opinion—and that all laws, once made, are binding on all persons in the society.

Finally, our country is founded on the basic principle that any major change in government may be instituted only through a vote of the people or their elected representatives.

Fortunately for all of us, there is no provision for violence in our governmental process; if there were, social stability would be impossible. Today, however, some persons have ignored the foundation upon which American self-government is built. In an attempt to change our society, too many have resorted to violent civil disobedience. Granted, our country, as any country, has many problems—poverty, crime, racial discord, the Viet Nam war. It is essential that these issues be brought into focus through peaceful dissension; however, dissension ends where others' rights begin—that is to say, legitimate protest ends where violence begins.

The irresponsible destruction of property and lives is just as illegal as peaceful disagreement is legal. Furthermore, civil hostility is pointless—it does not gain support by its obviousness, rather, it loses public support by its offensiveness, and to forfeit public sympathy is to abandon the only possibility of correcting the problem—a vote of the people. In this way, civil strife defeats its own purpose. It was once said that "civility costs nothing and buys everything"; this statement is nowhere more true than in a democratic society such as our own.

Because our Constitution provides no place for violent destructive disagreement in American society, it must, by necessity, present a peaceful, constructive alternative. Such an alternative is what we call "the right to vote." This procedure guarantees every mature person the opportunity to express his opinion, whatever it may be, and also ensures that the majority opinion will in the end prevail.

By voting, a democratic society not only may choose how it is governed and by whom it is governed, but also may reject those measures by which it does not want to be governed; therefore, a minority which must resort to violence to influence the majority is only making the feeble admission that its aims are what society does not want. To effectively exert its influence, a minority must first prove the validity of its aims to the majority and thereby sway the balance of society to its cause. Through this process, the American people may secure much-needed change and still avoid needless violence.

Fellow graduates, our society is in need of many changes and it is up to each of us to effect those changes, but may I urge you to resort, not to violence, but to the peaceful processes outlined in our United States Constitution. I challenge you to verify the truth in Abraham Lincoln's statement: "The ballot is stronger than the bullet."

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Is there further morning business? If not, morning business is concluded.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Leonard, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer (Mr. SPONG) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

THE MILITARY SELECTIVE SERVICE ACT

The ACTING PRESIDENT pro tempore. Under the previous order, the Chair lays before the Senate the unfinished business which the clerk will report.

The legislative clerk read as follows:

Calendar No. 95, H.R. 6531, a bill to amend the Military Selective Service Act of 1967; to increase military pay; to authorize military active duty strengths for fiscal year 1972; and for other purposes.

The Senate resumed the consideration of the bill.

The PRESIDING OFFICER (Mr. SAXBE). The question is on agreeing to amendment No. 143.

Who yields time?

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum and ask that the time be equally divided.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The 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.

ORDER OF BUSINESS

Mr. STENNIS. Mr. President, I yield 15 minutes to the Senator from South Carolina.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield to me for a unanimous-consent request?

Mr. THURMOND. Mr. President, I yield to the Senator from West Virginia with the understanding that the time not be counted against my time.

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

UNANIMOUS-CONSENT AGREEMENT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that time on amendment No. 149, offered by the Senator from New York (Mr. BUCKLEY) be limited to 1 hour rather than the 3 hours previously ordered, the time to be equally divided between the mover of the amendment and the manager of the bill.

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

EQUALIZATION OF TIME TODAY ON AMENDMENT NO. 143

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that as of the time when the unfinished business was laid before the Senate today, the time on the amendment No. 143 be equalized so that both sides may have equal time today thereon.

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

Mr. THURMOND. Mr. President, yesterday I addressed the Senate in a lengthy speech to express my reasons for opposing the amendment. Today, I would like to reiterate some of the major points and add some new ones to reaffirm my position that this amendment is a fatal mistake. It would remove the last incentive for the Communists to negotiate a settlement and to resolve the tragic prisoner-of-war problem. A vote for this amendment is a vote for the enemy.

It is inconceivable that some of my distinguished colleagues fail to weigh the facts. These facts are that all evidence demonstrates to the world that the U.S. participation in the war is rapidly coming to an end. Proponents of the amendment refuse to admit this, or to allow the President—our Commander in Chief—a few additional months to complete a successful and orderly withdrawal. They refuse to recognize that success is being achieved.

EVIDENCE SUPPORTS SUCCESS

Mr. President, I would like to repeat some of these facts I stated yesterday to convince any skeptics who doubt that U.S. involvement is coming to a successful end. These facts are:

A total of 365,000 troops will have been withdrawn by December. Over 66,000 will be withdrawn in the next 5 months.

Less than 184,000 will be left on December 1 compared to 549,000 in Vietnam when President Nixon took office in January 1969.

In October, the Commander in Chief will announce the schedule for additional thousands to be withdrawn. Our national interest will determine the timing of these withdrawals and not the national interest of North Vietnam.

The United States will announce the final withdrawal date when our Government is sure that the prisoners are going to be released.

The U.S. ground combat role will end this summer. U.S. advisers will no longer

be assigned to all Vietnamese battalions as of next month.

American air sorties have been reduced by more than 50 percent of the peak levels.

South Vietnam will assume full responsibility for the DMZ within the next few weeks.

War costs have been cut in half.

ECONOMIC AND GOVERNMENT STABILITY

Irrefutable facts show also that Vietnamization and related economic and political programs are successful and stability in South Vietnam is being achieved. I would like to cite examples of this significant economic and political progress with the following highlights:

By far the greatest majority of the rural population of South Vietnam feels the increased security in the countryside.

Over 1,450 miles of roads have been built.

Ownership of about 2,250,000 acres have been vested in more than 500,000 rural families.

Despite economic problems and inflation, the Vietnamese farmers are getting higher prices for their rice and real incomes have risen significantly.

"Miracle" rice—a fast-growing, disease-resistant variety—was cultivated on more than 700,000 acres in 1970. Expansion of this production is expected to reach 1,858,000 acres in 1971–72.

Election of Senators, provincial councils and local officials took place in 1970.

This year, the Vietnamese are scheduled to elect the entire 137-seat Lower House and the President and Vice President.

More than 60 percent of the rural population now feel the way to remove ineffective or unpopular officials is to vote them out in the next election.

Mr. President, I submit that the progress made in the last 2 years is phenomenal. The Communists are being defeated on all fronts. Yet, some of my colleagues turn their backs on these amazing achievements. Instead, they demand that we quit when we are winning; they demand that we risk jeopardizing success; they insist that we undermine the President's withdrawal operation; and they want the Senate to vote in favor of the enemy. They refuse to allow the President the opportunity for success by blindly insisting on the passage of this unrealistic and ill-conceived amendment.

Mr. President, our Nation has taken every conceivable unilateral action to settle the conflict. The Communists—especially the Soviet Union and Red China who are supporting North Vietnam to the hilt—have not taken one measure to show good faith to end the war. Now, this amendment would allow the Communists a final chance for victory after our Nation has lost over 45,000 of our courageous men for the free world and our Nation's security. In my judgment, the supporters of this amendment fail to see that it will jeopardize our Nation's security and national interests.

U.S. CONCESSIONS FOR A JUST PEACE REJECTED

Mr. President, permit me to list some of the many measures offered by our country for a settlement of the conflict which the Communists have ignored or rejected.

President Nixon's offer for a just peace has been proposed time and time again through all channels of communications with the Communists. He has proposed:

First, an internationally supervised cease-fire in place throughout Indochina.

This was rejected.

Second, he has proposed the establishment of an Indochina Peace Conference.

This was rejected.

Third, he has proposed negotiation of an agreed timetable for the complete withdrawal of all U.S. forces from Vietnam on the basis of North Vietnamese reciprocity and international verification.

This was rejected.

Fourth, he has proposed a fair political settlement reflecting the will of the South Vietnamese people and of all the political forces in South Vietnam.

This was rejected.

Fifth, he has proposed the immediate and unconditional release of all prisoners of war by all sides.

This was rejected.

Mr. President, it should be obvious to the world that the Communists will not negotiate or settle the conflict on any terms except their own. This amendment would help them achieve a settlement on their terms. Consequently, the President has adopted the only course of action which will end our involvement and still achieve the objective for which over 45,000 Americans died. Let it not be said they were allowed to die in vain because of an argument over a disengagement timetable when an honorable end of the conflict is clearly in sight.

ALLIES IN VIETNAM

Mr. President, apparently some of my distinguished colleagues have not given any consideration to our allies who have stood by the United States. They, too, have lost their youth in the war against aggression and communism. Have my colleagues who support this amendment consulted with the Korean Government whose soldiers have fought valiantly in Vietnam? I doubt it. At the current withdrawal rate, our Korean friends, who are facing a constant threat of their own, will soon have more troops in Vietnam than the United States.

Have my colleagues consulted with Australia, Thailand, the Philippines, and New Zealand? I doubt it. These are our friends whose security was also jeopardized when North Vietnam committed aggression against South Vietnam. If the sudden withdrawal called for by the amendment is passed, then the approximately 66,400 allied troops in South Vietnam have no alternative but to withdraw. This will add to the mass confusion and chaos, if the amendment is approved.

AMENDMENT IS LEGISLATIVE MADNESS

Mr. President, in summary, I would like to list some major points of my remarks yesterday to show that this amendment is legislative madness.

If this amendment is approved, it could jeopardize the lives of our fighting men and cause thousands of military and civilian casualties.

It is militarily impractical and logistically unrealistic.

It is ambiguous in that it states the President must provide for the safety of our men, but, nevertheless, he must withdraw 80,000 men in the next 2 months which is contrary to the advice of the President's military experts.

It would sacrifice a tremendous investment.

It would break the faith with all those brave Americans who have given their lives for our country.

It favors the enemy and threatens the success of Vietnamization.

It breaks faith with South Vietnam and our allies. And last, but most important of all, it provides no assurance on the release of prisoners, which is the objective of the amendment.

SUMMARY

Mr. President, in closing, let me say again that this amendment in terms of life is cruel. In terms of military operations, it is ridiculous. In terms of international affairs, it is a mockery. It makes the Senate a command post and American prisoners political pawns. It defies the President of the United States. It purports to accomplish through legislative means what the world's best diplomats have been unable to accomplish through endless negotiations. It ignores the reality of the world in which we live. It ignores the fact that in South Vietnam—like Berlin, Korea, Cuba, and the Middle East—Communist aggression to dominate the world must be stopped, if we and the free world are to survive.

The PRESIDING OFFICER. Who yields time?

Mr. McGOVERN. Mr. President, I yield myself 15 minutes.

Mr. President, on Monday of this week I addressed myself to the issue of the safety of American forces during the withdrawal period envisioned both by this amendment, the so-called McGovern-Hatfield amendment, and also the formula spelled out by the President in a policy that has come to be known as Vietnamization.

On yesterday I addressed myself to the issue of the relative chances for the release of our prisoners under these two alternative formulas.

Today I would like to direct my remarks to the deepening constitutional crisis in the United States, centering on the issues of war and peace and the proper role of the Congress in relation to the Chief Executive.

Mr. President, as I have studied the growing tendency of Congress to surrender its war powers to the President, I have been increasingly convinced that we are in danger of falling into one-man rule in this Nation with reference to the all-important decisions of war and peace that affect the lives of our people, and especially the lives of the young men of the United States.

The pending amendment not only seeks to terminate U.S. military involvement in the affairs of the people of Indochina, but, in the long run, it seeks to reassert, perhaps even more importantly, the congressional powers which I believe the constitutional fathers intended us to shoulder as elected representatives of the people.

The reverse view I felt was expressed very bluntly recently by former Secre-

tary of State Dean Acheson when he asserted the premise of exclusive Executive war powers to the Senate Armed Services and Foreign Relations Committees some two decades ago. This is what Mr. Acheson said:

> Not only has the President the authority to use the Armed Forces in carrying out the broad foreign policy of the United States and implementing treaties, but it is equally clear that this authority may not be interfered with by the Congress in the exercise of powers which it has under the Constitution.

That position—a mistaken position, in my view—has been taken by the present administration in language that is strikingly similar. Its comments of March 10, 1969, on the national commitments resolution give the Department of State's view as follows:

> As Commander in Chief, the President has the sole authority to command our Armed Forces, whether they are within or outside the United States. And, although reasonable men may differ as to the circumstances in which he should do so, the President has the constitutional power to send U.S. military forces abroad without specific congressional approval.

Mr. President, I submit that those two statements, one of them by a Democratic Secretary of State, Mr. Acheson, the other by a spokesman for this administration, a Republican, literally stand the Constitution on its head. They facilitate what that document seeks to impede. They brand as congressional "interference" the very powers which the Founding Fathers saw as among the most important prerogatives of the Congress.

INTERPRETATION OF THE FOUNDERS

Alexander Hamilton, a strong advocate of Executive power, interpreted the Office of Commander in Chief as amounting to "nothing more than the supreme command and direction of the military forces, as first general and admiral of the Confederacy."

The clause, therefore, places a civilian at the top of the military command structure. Each man in uniform is answerable to him. It says nothing about the purposes he can pursue with the Armed Forces under his command.

But Madison's notes of the debates at the Constitutional Convention shed important light on this matter. An early draft provided that the Congress should have the power to "make" war, and that proposal did attract some support. The record says, for example:

> Mr. Sharman thought it stood very well. The Executive should be able to repeal and not to commence war. "Make" better than "declare" the latter narrowing the power too much.

But Mr. Madison and Mr. Gerry moved "to insert 'declare,' striking out 'make' war; leaving to the Executive the power to repel sudden attacks."

The substitute language was approved, giving the President authority to meet an emergency attack in the absence of congressional action. But here also arises the first very substantial reason to suppose that unilateral Executive power under the Constitution is quite limited. The framers expressed themselves clearly on one instance in which an Executive decision could stand alone, and they mentioned no others, that one instance being in the case of a sudden attack or an emergency situation.

Surely, Mr. President, no one can argue that we face that kind of an emergency in Indochina. We are far from it. These decisions have come about after agonizing months and years of evaluation as to what our course should be, and it would be a very strange interpretation of the Constitution, indeed, to say that the kind of situations that faced us at each stage of the escalation of this war in Indochina were emergency situations or sudden attacks that did not provide time for debate and discussion in the Congress of the United States.

The actual situation is that we permitted those decisions to be made, although there was ample time for proper review and discussion and public debate in this body that could have involved the American people in a broad way in decisions that affected their lives. What we now see, in the revelations of the documents coming to light in the past few days through publication in the New York Times, is that even the senior Members of this body and members of the Committee on Foreign Relations and the Armed Services Committee were kept totally in the dark as to a series of decisions made in secret in the executive branch, accompanied by public rhetoric that was designed to mislead and deceive the Congress of the United States and the American people, rather than involving them in these decisions as intended by the Constitution.

Mr. President, the scope of this one single warmaking power that was given to the President, that he can assume unilaterally in emergency situations, is not precisely defined, and it is a matter of some dispute. Certainly, the President can use all of the forces at his command to defend the Nation's shores.

If this country were attacked, as we were at Pearl Harbor in 1941, there would be no doubt of the President's authority in responding to meet that attack, and yet even in that instance President Roosevelt came to Congress and asked for a declaration of war from this body.

Doubtless the President needs no permission to direct the protection of American military forces wherever deployed, if they are in immediate, perceivable danger. An act of Congress purporting to prohibit such action would be a nullity.

It is much less clear whether he can order offensive operations based on the fear that an enemy is about to attack. The terms used in the motion during the constitutional debate—"repel" and "sudden"—seem to imply that congressional approval should be sought in any case where the threat is not immediate, and they also suggest that the amount of force used should be as much as is sufficient to remove the threat or cancel out the immediate emergency situation.

More substantial questions are raised by the logical consequences of a broader power. While in Congress, Abraham Lincoln provided a compelling analysis on this point in a letter to his partner, Herndon:

> Allow the President to invade a neighboring nation whenever he shall deem it necessary to repel an invasion, and you allow him to do so whenever he may choose to say he deems it necessary for such a purpose, and you allow him to make war at his pleasure. Study to see if you can fix any limit to his power in this respect, after having given him so much power as you propose.

But Executive prerogatives on issues of war and peace do not stand alone. Against them are arrayed an extensive listing of legislative powers and duties. Under article I, section 8, it falls to the Congress to "declare war," to "make rules for the Government and regulation of the land and naval forces," to "provide and maintain a Navy," and to "provide for the common defense and general welfare of the United States." The Constitution further provides that "no money shall be drawn from the Treasury, but in consequence of appropriations made by law." And, in the case of appropriations to support armies, and only in that case, it limits those appropriations to a duration of 2 years.

In other words, Mr. President, the drafters of the Constitution were so determined that Congress would have the power to review military appropriations at least once in every session of Congress—once every 2 years—that they singled out the matter of military appropriations as the only one in the Constitution that must be reviewed by Congress at least once every 2 years.

Abraham Lincoln also supplied an accurate description of the reasons why Congress was so explicitly designated as having the money power over military operations. He stated:

> The provision of the Constitution giving the warmaking power to Congress was dictated, as I understand it, by the following reasons: Kings had always been involving and impoverishing their people in wars, pretending generally, if not always, that the good of the people was the object. This our convention understood to be the most oppressive of all kingly oppressions, and they resolved to so frame the Constitution that no one man should hold the power of bringing oppression upon us.

The framers of the Constitution wrote with the benefit of sharp hindsight upon two centuries of contest between English Kings and Parliament. What is most relevant here is that Parliament had successfully employed its power of the purse to prevent and halt royal adventures abroad. When everything else failed, Parliament finally turned in desperation to the money power, and cut off funds for wars that they felt were not in the interest of the English people.

In fact, a legislative forerunner to the pending amendment was passed in 1678, when Parliament specified that the Charles army in Flanders be disbanded by a date certain. And this is what we propose to do by this amendment. The framers clearly intended that Congress should have at least that much power, and they added more by requiring congressional action to initiate war as well as allowing congressional action to stop it.

Hence, the conclusion drawn by Mr. Ellsworth in the Constitutional Convention, again from Madison's notes:

> Mr. Ellsworth: There is a material difference between the cases of making war

and making peace. It should be more easy to get out of a war than into it.

Mr. Mason also expressed support for: "Clogging rather than facilitating war, but for facilitating peace."

In other words, these men made clear, in the notes kept in the constitutional debates, that what they were trying to do was to make it more difficult for one President or one leader to commit this Nation to war and to make it easier for Congress to bring a mistaken military conflict to a conclusion.

If any ambiguity can still be asserted, we have only to look to early authoritative opinions. In 1801, Chief Justice John Marshall wrote:

The whole powers of war being, by the Constitution, vested in Congress, the acts of that body alone can be resorted to as our guides in this inquiry.

As a member of the executive branch, Secretary of State Daniel Webster wrote in 1851, a half century after Chief Justice Marshall's decision:

I have to say that the war-making power in this Government rests entirely with the Congress; and that the President can authorize belligerent operations only in the cases expressly provided by the Constitution and the laws. By these no power is given to the Executive to oppose an attack by one independent nation on the possessions of another.

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

Mr. McGOVERN. I yield myself 10 additional minutes.

Mr. President, how much time remains for the proponents of the amendment?

The PRESIDING OFFICER. The amount of time that remains is uncertain at this time.

Mr. McGOVERN. Assuming that the vote occurs at 5 p.m., how much time would the proponents have?

The PRESIDING OFFICER. One hundred fifty-eight minutes remain for the proponents.

Mr. McGOVERN. I yield myself 10 additional minutes.

I repeat the words of then Secretary of State Daniel Webster, who also served as a Member of the U.S. Senate. He said in 1851:

I have to say that the war-making power in this Government rests entirely with the Congress; and that the President can authorize belligerent operations only in the cases expressly provided by the Constitution and the laws. By these no power is given to the Executive to oppose an attack by one independent nation on the possessions of another.

Mr. President, if that doctrine is right, as I believe it is, it does not exclude action by the President to defend the shores of this country or to meet emergency situations, but it does require that any action in which we use American forces in defense of another country's opponents requires a declaration of war or approval by Congress. No such approval ever has been given by Congress for our operations in Indochina, except by implication, through the funding of the war—the authorization bills and the appropriations bills that have provided the money.

So what we are asking here today is that Congress take the same route to bring the military operations to an end—namely, to use this power of the purse to express a judgment as to whether it is in the national interest to continue this foolish war.

Or consider James Buchanan's precise description in a December 1858 message to Congress:

The executive government of this country in its intercourse with foreign nations is limited to the employment of diplomacy alone. When this fails it can proceed no further. It cannot legitimately resort to force without the direct authority of Congress, except in resisting and repelling hostile attacks . . .

The legislative history, the historical setting, and the language itself are unmistakable. They all point to the conclusion that the power to determine the purposes for which American military forces will be used abroad resides primarily in the legislative branch, if not exclusively in the legislative branch, whose laws must be faithfully executed by the President. The Commander-in-Chief clause merely entitles the President to the supreme command and tactical control of those forces when they are engaged in activities authorized previously either by enacted laws or by the Constitution itself. I do not see how the Constitution can be read in any other way.

Those who contend for inflated executive powers can cite no textual support for their thesis. They make but one assertion—that the President holds full control over the use of the Armed Forces in pursuit of American security interests by reason of "practice" or "tradition," most of it in the last 25 years.

I fail to see how such foggy percepts can allow us to alter, without amendment, the terms of the Constitution itself. The truth is that Congress has acquiesced in Executive actions because it either supported them or lacked the will to assert its opposition. In most instances in which the President has acted alone, he probably could have obtained congressional authority had he asked for it. The trend which has concerned us has developed because Congress has not really disagreed with the Executive and has thus felt no need to assert its own views. It is a serious perversion of the Constitution to suggest that congressional inaction signals the loss of congressional power that was given to us under the Constitution of the United States.

The logical import of the powers claimed would be to destroy the constitutional scheme so painstakingly constructed at Philadelphia 200 years ago. It would establish virtual one-man rule over what I think we can all agree are the most important decisions any government is ever called upon to make—the decisions to commit young life to battle and possibly to death.

Considering the breadth of security interests claimed or claimable by the Executive, it would leave the President free to engage in any conflict, large or small, short or indefinite, anywhere in the world. Under the new assumption of Executvie power, it is impossible to envision a conflict for which congressional authority would be required.

In other words, if American forces can be committed across the frontier of Cambodia without so much as a glance at Capitol Hill, what power then is denied to the President that prevents a one-man rule situation in the areas of war and peace?

Yesterday, we saw this power extended to a new and unprecedented level. The Department of Justice has asked a Federal court—and has succeded in getting an order from that court—to prevent a great newspaper in this country from publishing certain material that the Government feels would be embarrassing to the national interest. That is the only time, so far as I know, in the history of the United States when any court has prevented, in advance, the publication of documents merely because of the convenience and wish of the Government. It is a crass form of censorship that violates the freedom of the press and violates the Constitution of the United States, and I cannot believe that the court will allow that decision to stand.

I suggest that those who oppose this amendment would do well to avoid the grave error of confusing their support for the President's Vietnam policy with an imaginary constitutional mandate for the Congress to abandon duties imposed upon it by that document.

In other words, I recognize there are legitimate difference within this body as to whether the President's policy is right or whether it is wrong, but what I object to is the notion that we have no right as Members of Congress to advocate a different view and to insist on that view by legislative action in this body. We were elected by the people of our States. We are empowered by the Constitution of the United States with certain obligations and powers in the field of war and peace. We have an obligation that is just as sacred and just as important as the President's to stand on our convictions on these matters which affect the very lives of the people of this Nation.

Every Senator is and should remain free to make his own choice on matters of policy, relying upon knowledge, wisdom, and conscience. But we are bound, by our oath of office, to uphold the Constitution.

THE DUTY OF CONGRESSIONAL REVIEW

The points I have discussed may appear to have only an indirect relevance to the pending amendment, since they relate primarily to the question whether the war in Vietnam was properly initiated. Our amendment does not contest that issue; it does not seek to declare illegal the past actions of any President. It is not an amendment to find scapegoats or to crucify anyone for decisions made in the past. It applies only to the future. It applies not to the 50,000 young Americans who are dead, whom we cannot recall, but it applies to the thousands of young men who will die if we do not end this war. It applies to our prisoners of war who have been sitting in their cells in Hanoi for these past 5 or 6 years.

I suggest, Mr. President, that if those prisoners could vote, if the GI's in Vietnam could vote, if the American people could vote on the rollcall vote on the amendment that the Senate will take at 5 o'clock p.m. today, it would pass overwhelmingly, because it is the only way by which Congress can stand on its constitutional authority and exercise what I believe to be the overwhelming sentiment of the GI's in Vietnam and of the American people here at home, and that is the conviction that this war must be brought to an end.

Mr. HATFIELD. Mr. President, will the Senator from South Dakota yield?

The PRESIDING OFFICER (Mr. SPONG). The time of the Senator from South Dakota has expired.

Mr. McGOVERN. Mr. President, I yield myself 15 additional minutes in order that I may yield to the distinguished Senator from Oregon.

The PRESIDING OFFICER. The Senator from South Dakota is recognized for 15 additional minutes.

Mr. HATFIELD. Mr. President, first of all, I am very, very grateful to the Senator from South Dakota (Mr. McGOVERN) for his very temperate and scholarly presentation of this question of the constitutionality of our amendment.

Throughout the time the distinguished Senator and I have been associated in behalf of this amendment, over a matter of some years now, I have come to know him well and to respect his patience and the careful manner in which he explains his position on this issue, and especially today for his very careful and scholarly presentation.

Mr. McGOVERN. If the Senator from Oregon would yield right there momentarily, he has spoken so kindly about me that I want to take advantage of this opportunity to express my great appreciation to him not only for his years of consistent leadership in his effort to end the war, but before that, for his leadership as Governor of the State of Oregon, when he was the only governor in the early days who stood up against American involvement in Indochina, when he spoke out sharply against it. His record on this issue is long and consistent, going back to the mid-1960's when the escalation first began.

I stress that, Mr. President, because there has been some implication made on the part of some Members of this body that the pending amendment has been introduced for partisan reasons, to embarrass the President or, somehow, to grab credit for bringing this tragic war to an end. It is important to understand for the record that the distinguished Senator from Oregon (Mr. HATFIELD), and others associated with this amendment, have not changed their position over the years, that it has been consistent regardless of who was the occupant of the White House, or the party. What we attempt to do here this afternoon is part of that consistent record.

Beyond that, I want to thank the Senator for carrying the major burden of this debate over the past week. As he knows, I have recently undergone surgery and have not been able to be on the floor as much as I would have liked to. For that reason, I especially appreciate the fact that he has carried the major part of the burden.

Mr. HATFIELD. I thank the distinguished Senator from South Dakota. He has been accurate on the one question raised frequently in relation to the amendment which has to do with the constitutional authority of Congress to act.

I should first like to preface my question to the Senator with a quotation from last year's debate, August 31, 1970, made by the manager of the bill, the very distinguished Senator from Mississippi (Mr. STENNIS), and the chairman of the Armed Services Committee, who is known as an outstanding attorney and a man skilled in constitutional law.

During that debate, the Senator from Mississippi said:

I thank the Senator very much. I am going to say something against a legislative termination only, but I am going to say again, too, that I think the Senator's amendment is directly on the button of the Constitution, that it is a limitation on appropriated funds, and only Congress has the power to appropriate money . . .

I would observe, Mr. President, that the pending amendment is completely constitutional. There is not the slightest doubt that Congress has complete authority to limit the use of funds for this or any other war, or for that matter, on any other activity regardless of whether it is related to the Department of Defense.

The Senator from South Dakota this morning has again stated the proposition clearly, that Congress does have the constitutional responsibility and the constitutional authority to act.

Let me now refer to an interview on July 1, 1970, which Mr. Howard K. Smith had with President Nixon, when the same point was brought up. The question posed to the President by Mr. Smith was this:

Mr. President, one of the things that happened in the Senate last week was the rescinding of the Gulf of Tonkin resolution by the Senate. Mr. Katzenbach, in the previous administration, told the Foreign Relations Committee that resolution was tantamount to a congressional declaration of war. If it is rescinded, what legal justification do you have for continuing to fight a war that is undeclared in Viet-Nam?

The President responded:

First, Mr. Smith, as you know, this war, while it was undeclared, was here when I became President of the United States. I do not say that critically. I am simply stating the fact that there were 549,000 Americans in Viet-Nam under attack when I became President.

The President of the United States has the constitutional right—not only the right but the responsibility—to use his powers to protect American forces when they are engaged in military actions; and under these circumstances, starting at the time I became President, I have that power and I am exercising that power.

I think the Senator from South Dakota would agree that up to this point there is no disagreement between the proposition that we put forth in the amendment and what the President of the United States has declared as a constitutional right and responsibility, to bring American troops home.

I would like to call this again to the attention of the Senate. It is a further expansion of this comment, a further expansion of this thought which goes beyond what the Senator would agree is the President's basic responsibility and authority under his constitutional power.

Mr. Smith said:

Sir, I am not recommending this, but if you don't have a legal authority to wage a war, then presumably you could move troops out. It would be possible to agree with the North Vietnamese. They would be delighted to have us surrender. So you could—What justification do you have for keeping troops there other than protecting the troops that are there fighting?

Mr. President, I want to make such emphasis on this that I restate that last part of the question:

What justification do you have for keeping troops there other than protecting the troops that are there fighting?

The President responds:

A very significant justification. It isn't just a case of seeing that the Americans are moved out in an orderly way.

Mr. President, that is the crux of our amendment. I continue to quote:

If that were the case, we could move them out more quickly; but it is a case of moving American forces out in a way that we can at the same time win a just peace.

The President continues:

Now, by winning a just peace, what I mean is not victory over North Viet-Nam—we are not asking for that—but it is simply the right of the people of South Viet-Nam to determine their own future without having us impose our will upon them, or the North Vietnamese or anybody else outside impose their will upon them.

The President goes on at a later point in the interview and says:

But let's go further. If the United States, after all of this effort, if we were to withdraw immediately, as many Americans would want us to do—and it would be very easy for me to do it and simply blame it on the previous administration—but if we were to do that, I would probably survive through my term, but it would have, in my view, a catastrophic effect on this country and the course of peace in the years ahead.

My question to the Senator from South Dakota (Mr. McGOVERN) is that we are talking about a constitutional question here. It is clearly established that the Congress of the United States has a constitutional authority to cutoff appropriations for any purpose including war. What is the constitutional authority for the President of the United States to retain those troops in South Vietnam and have them engage in military operations in Cambodia, Laos, and other involvements in Indochina? What is the constitutional responsibility and authority of the President of the United States?

Mr. McGOVERN. Mr. President, my view is that the President of the United States is without proper constitutional authority to continue this conflict.

The Senator from Oregon quoted the Senator from Mississippi (Mr. STENNIS) a few moments ago in saying that there was no question at all about the constitutional advisability of the amendment we propose. The Senator from Mississippi disagrees with the content of the amendment, but he has made it very

clear that we are acting within our constitutional rights in proposing the curtailment of funds for the continuance of this war.

It is interesting that another Senator, who is sometimes looked upon as the leading constitutional authority in the Senate, the senior Senator from North Carolina (Mr. ERVIN), said at the time of the debate on the Gulf of Tonkin resolution that if we were to repeal that resolution, which we did, there could no longer be any authority at all for the President to continue military operations in Southeast Asia.

Mr. President, I am not quoting the Senator from North Carolina directly, but I am quoting him substantially. It is his view that if we were to repeal the Gulf of Tonkin resolution we would have placed the President in a position where he had no other recourse except to terminate American military operations, and he would be without any constitutional authority at all to conduct the war.

I have never thought that the Gulf of Tonkin resolution was a proper declaration of war or a substitute for a declaration of war. As the Senator from Oregon knows, many Senators voted for that resolution at a time when we were really deceived by the executive branch as to what the situation was at that time. However, be that as it may, my answer to the Senator is that I think the President is now operating without proper constitutional authority in the conduct of the war. Certainly there is no doubt about our power to terminate the war by cutting off funds.

Mr. HATFIELD. Mr. President, would the Senator from South Dakota agree that the burden of proof as to the constitutional questions involved is upon the opponents to prove the constitutional authority that the President has and that those who vote for our amendment support that position by their very vote. As far as I am concerned, he has no constitutional power whatsoever other than to withdraw troops.

Mr. McGOVERN. Mr. President, there is no question in my mind about that at all. What puzzles me is that some of the strictest interpreters of the Constitution in the Senate are still willing to go along with a war that I should think they would see was in violation of what the Constitution intended with reference to the decision of matters regarding war and peace.

Mr. HATFIELD. Mr. President, would the Senator agree that in order to bring this down to as definitive a point as possible we have to look at Vietnamization in at least a twofold aspect. The first, in which we also support and applaud the President and admire him greatly, is that he has been withdrawing troops and bringing them home. When he came into office, we had 449,000 troops there. He has withdrawn thousands and thousands of troops. On that we agree that it is within his constitutional power.

There is another side of this question which the general public and perhaps some in the government establishment have not been as quick to identify. That is, to listen to the words of the President himself when he said that if it were merely the withdrawal of troops, he could do it faster than he is doing it. Then he identified the second part of Vietnamization as being some kind of commitment or agreement—I do not know what it is—to the Thieu-Ky regime requiring that our troops are only going to come out at a rate sufficient to give them the opportunity to defend themselves and stand on their own feet.

Does the Senator agree that this is a part of the Vietnamization policy that deserves most careful scrutiny and that it represents the most serious obstacle to getting a consensus and agreement on this matter?

Mr. McGOVERN. There is no question about that. I think the crucial matter on which the administrative policy is hung up in Congress is the unwillingness of the administration to carry out a withdrawal schedule that is in line with our own national interest. Always that withdrawal schedule is gaged in terms of the political interest of Saigon and the various regimes in Saigon going clear back to President Diem from 1954 on. We have not asked what is in the interest of the American people or what is in the interest of our prisoners or what is the best manner to bring about their release and the safety of our forces.

Always the point the President has made is to reiterate in one way or another—not just the present President, but also his predecessor—that we are not going to withdraw troops below the point that whatever regime is in power in Saigon feels will permit them to stand on their own feet.

I would think that after arming and equipping an army of 1 million men in South Vietnam, which is about five times the size of the enemy force, that we have given them a reasonable chance.

But what is lacking is the kind of conduct on the part of that Saigon Government that commands the respect and support of their own people, and we cannot export that. We cannot send the respect of the Vienamese people to General Thieu and General Ky. They have to earn that, and that is the ingredient that has been missing. No matter how long we stay, until there is a government in Saigon that commands the support and respect of their own people, they will never have a reasonable chance to survive, and American forces will stay indefinitely.

Mr. HATFIELD. I appreciate the Senator's succinct response to the question.

I ask the Senator from South Dakota if he agrees that Members of this body who vote against this amendment are voting to support an unknown commitment and a prior commitment to the Saigon government, and this kind of vote clearly indicates our emphasis is more on the political commitment to Saigon than it is on the withdrawal of American troops.

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

Mr. HATFIELD. Mr. President, I yield myself 15 more minutes.

The PRESIDING OFFICER. The Senator is recognized for 15 additional minutes.

Mr. McGOVERN. I do not see how it can be read any other way. The policy of Vietnamization, as I said yesterday, is a two-track policy. The President said two things have to happen before we withdraw our forces. First, the other side has to release our prisoners. That seems to me to be a false hope, to think the enemy will release American prisoners as long as military hostilities continue, particularly as long as the bombing operations go on. Second, he said that we have to make sure that the Saigon political regime has a reasonable chance to survive on its own. In other words, even if the first condition were met, if they agreed to release the prisoners, the President has said that is not enough; we have to stay there with the forces necessary to assure survival of this regime in Saigon, a regime that, as far as I am concerned, is so corrupt and antidemocratic that it does not deserve that kind of commitment of the American people.

Mr. HATFIELD. Let us analyze this commitment. We are involved in this kind of commitment. I do not know of anyone who has talked about it or identified what it is other than the time sufficient or time reasonable for the South Vietnamese Government to stand on its own feet.

I think it is necessary to go back and realize, with all respect to the President's judgment, and with every belief I can conjure up that the President is dedicated and sincere when he said he wants peace—and I do not challenge that—but we have to recognize that the President, when he said he wants to give reasonable time for the Saigon government to stand on its own feet, must be a pretty disillusioned man as far as the capacity of that government to do so is concerned, because I would like to remind Senators that on September 26, 1969, and that is more than two and a half years ago, the President, in an interview, was asked, "How do you feel about the various proposals proposing an arbitrary cutoff time on our military presence in Vietnam?"

As the Senator from South Dakota realizes, this is not a new proposal we are making today. We voted on it in September 1970, and it was discussed even in 1969.

This is what the President responded. These words should be carefully weighed:

> However, it is my conclusion that if the administration were to impose an arbitrary cutoff time, say the end of 1970, or the middle of 1971, for the complete withdrawal of American forces in Vietnam, that inevitable leads to perpetuating and continuing the war until that time and destroys any chance to reach the objective that I am trying to achieve, of ending the war before the end of 1970 or before the middle of 1971.

Later in the interview he said:

> We believe that it can be achieved and we believe that if we stay on this course and if we can have some more support in the Nation—we have a lot of support, but even more support in the Nation—for this steady course, that the enemy then will have the incentive to negotiate, recognizing that it isn't going to gain time; that it isn't going to wait us out.
>
> Once the enemy recognizes that it is not

going to win its objective by waiting us out, then the enemy will negotiate and we will end this war before the end of 1970. That is the objective we have.

I think it is obvious the President sincerely, and with all the facts he had at his command, probably believed the Saigon government would have been strong enough to stand on its own feet by the end of 1970 or the middle of 1971.

Now, here we are debating this again in June 1971, and they tell us that December 1971, is not a reasonable time for Saigon to stand on its own feet.

Does the Senator have any information that I do not have or that I have not read as to when the administration expects the Saigon government to have had a reasonable amount of time to stand on its own feet; and how many more American boys have to be slaughtered to fulfill this political commitment?

Since we debated this question last year, in 1970, when it was said that 1970 was not a reasonable time for them to stand on their own feet, 2,811 more American boys have been killed, there have been wounded 11,250 more American men, 16,578 more South Vietnamese soldiers have been killed, and 100,000 North Vietnamese soldiers have been killed. How many more? What is the time factor we can expect that Saigon can stand on its own feet? Does the Senator know this?

Mr. McGOVERN. All I can say in response to the Senator's inquiries is that he again reminds us how many times forecasts about the viability of the Saigon regime have proven to be disappointing. The Senator must surely recall that 6 or 7 years ago when a former Secretary of Defense made a study in South Vietnam and came back to report, along with General Taylor, that it was his best judgment that all American forces could be withdrawn or almost all American forces could be withdrawn by Christmas 1965. That is a long time ago. That is an estimate that missed the target by many years. We could fill this RECORD this afternoon with forecasts about the light at the end of the tunnel and the fact that the regime that happened to be in power at that time in Saigon was making progress and winning support and confidence of its own people. But every one of those predictions, as the Senator knows, proved to be in error.

I think there would be another factor that would be disillusioning to the President in connection with this matter, and that would be when he looks at the election law that is being considered and may be adopted in South Vietnam that requires anyone who wants to be a candidate next October must first get the signatures and support of 40 members of the Assembly.

Does the Senator think he could get 40 Members of the Senate to endorse his candidacy if he wanted to become a candidate for President? I think this is the kind of thing that indicates what a wobbly regime we are backing in Saigon and what little support it has. That law was designed to prevent a man as powerful as Vice President Ky from being a candidate against President Thieu. If even the Vice President of South Vietnam under this proposed election law cannot get enough signatures to be a candidate for office, I think it is clear that what is shaping up in October is another rigged election that betrays the lack of confidence General Thieu has in his own popular base.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 5 minutes.

Mr. McGOVERN. I think the Senator from Utah (Mr. Moss) is waiting to speak.

Mr. HATFIELD. I would like to ask one last question.

Would the Senator not agree also that when we consider the fact that we have waited now a year, almost, since we last voted on this amendment, that there has not been one breakthrough in the negotiations at Paris, or one indication that there is any way this stalemate is going to be broken, or that we have had the return of not one prisoner of war, does the Senator know of any way other than our amendment that would trigger that kind of action?

Mr. McGOVERN. I do not. What we have seen is that both the government in Hanoi and Madam Binh, speaking for the National Liberation Front, have said they will do two things if we will set a definite date for withdrawal of American forces. First of all, they will begin negotiations immediately for the release of American prisoners of war, but they have said the indispensable condition for starting those negotiations is for us to get out of Vietnam lock, stock, and barrel, not to retain a residual force, not to keep bombing, as I understand is a part of the Vietnamization policy. We have to agree to a definite date for the withdrawal of all forces. Second, they have said that if we would agree to a withdrawal date, they will enter into an agreement immediately for a cease-fire and for the safe withdrawal of our forces.

I do not have the slightest doubt that they would carry out both of those commitments if we would set a withdrawal date, not because I think they are saints or boy scouts or anything of the kind, but because it is in their own national interest for us to get out.

Mr. HATFIELD. We have nothing to lose by such a triggering mechanism, because it says that if it is not settled within 60 days, the deadline is extended for another 60 days. So we can put them to the test without losing anything.

Mr. McGOVERN. There is a safety valve which gives us 60 days to work out the release of prisoners. If it is not worked out, the amendment says the President can come back to Congress and ask for additional authority to continue the war.

Mr. HATFIELD. Does not the Senator agree that those who do not support the amendment, those who vote "No" on the amendment, have a great responsibility to the widows and wives, the mothers and sisters of those prisoners of war, as to just what they have to propose that will trigger a mechanism to get those men out? Do they not have a further responsibility to give some kind of indication as to what is going to bring about negotiations to release the prisoners of war? Is not the responsibility on them, rather than us, because we in our amendment have provided a triggering mechanism to break the stalemate? Does the Senator agree with that?

Mr. McGOVERN. Yes, I agree with that. I think, in a very real sense, we hold the key to the jail cells in Hanoi. We can unlock those doors and release those prisoners by writing into law a termination date for the hostilities. We can give a new lease on life to those young men in South Vietnam, American soldiers who are there, by adopting the amendment and saying to Hanoi, "We are calling you on your offer of a cease-fire and on the safe withdrawal of our forces." I do not see that as a ransom for our prisoners or paying a bribe. I say it is placing our national interest first, for a change, and not letting General Thieu exercise a veto on our withdrawal.

Mr. HATFIELD. I thank the Senator for yielding.

Mr. McGOVERN. I thank the Senator.

Mr. President, I yield 15 minutes to the Senator from Utah (Mr. Moss).

Mr. MOSS. Mr. President, I have been listening with the greatest interest to the colloquy between my two colleagues who are the coauthors of the amendment now before this body. I agree with the statements by these two fine Senators, and I intend to support the amendment when the vote comes this afternoon. I supported it last year.

I was particularly struck by the hope that the Senator from Oregon recited in which, more than a year ago, the President was giving assurance that he could probably end the war by 1970, and certainly by the middle of 1971. Here we are, in the middle of 1971, having resistance against setting a termination date to come at the end of 1971. And so it seems to go on year after year. I am convinced that we must, as a body of the Congress, take action to set the terminal time when we will be through with war in Indochina and bring our men home.

And so this afternoon, the Senate once again faces the painful question of our future course in Indochina. I think the Senate should answer that question in a firm and unequivocal voice—a withdrawal of all American forces by December 31, 1971.

For years we have been told that we were beginning to see the light at the end of the tunnel. If we would only be just a little more patient.

Well, we have come a long way from where that light was perceived by some of us. It is no bigger, no brighter, than it was 2 years ago—no more apparent, in fact, than it was 10 years ago. The "light at the end of the tunnel" has proven to be a cruel hoax played on the American people.

We are now witnessing another version of the tunnel game—it is the prisoner game. The rationale is the same: If we hold on just a little longer, we will be able to salvage something from the wreck of this disastrous war. And both

promises have the same effect: to prolong the killing, the suffering, and the destruction, without gaining us what we sought in the first place. In short, both are excuses for continuing a war in which the American people have lost faith, a war that the American people want stopped.

How serious is the President about the issue he professes to feel so strongly? A few days ago, Clark Clifford, former Secretary of Defense, indicated that he was convinced by information that he had received that our prisoners of war would be released within 30 days of the setting of a deadline for American withdrawal from Vietnam. The Nixon administration's response the very next morning was given by Press Secretary Ziegler, who discounted Mr. Clifford's statement and added that, furthermore, return of prisoners was only one of several contingencies on which our withdrawal would be based. This contrasts sharply with Mr. Nixon's earlier statements, which have singled out prisoners of war as the governing reason for our continued presence in Vietnam.

I believe that the President must be more candid with the American people on the real issues surrounding our disengagement from Vietnam. The prisoner issue has been used as a red herring. History tells us that prisoners are returned after a war is over, not before. The real issues, it seems to me, are the future of the Thieu-Ky regime, the avoidance of a bloodbath following our withdrawal, the national security stake we have in Southeast Asia. And today, we consider the additional issue of whether it is proper for the Congress to accomplish by legislation what two Presidents have been unwilling to do by executive action: Set a firm date for withdrawal of American forces from Vietnam.

Our unwavering support for the Thieu-Ky regime is one of the most troubling aspects of our present policy.

I have said before that I do not believe the Thieu-Ky regime is worthy of our support. South Vietnam is not now a democracy in any sense of the word. Scores of newspapers are closed, temporarily or permanently, simply for questioning the government line. Political prisoners number well into the thousands. Trong Dinh Dzu, runner-up in the 1968 presidential elections, is now in jail for having advocated a coalition government. Our Government says that we are in Vietnam to protect the right of free self-determination for the Vietnamese people. Our association with such a blatantly undemocratic regime exposes our inconsistancy to all the world. The cause of Vietnamese self-determination would be better served by our leaving Vietnam completely and letting the Vietnamese settle their own affairs—after all, that is what self-determination is all about.

I am fully aware that there are Vietnamese—government officials and their families, and perhaps others—who might be subject to recriminations should another government come into power in South Vietnam. We must do what we can to protect them—not with more American lives—but by providing asylum for those individuals. The McGovern-Hatfield amendment would provide for this.

There is the question of commitment: What is the nature of our commitment to the Thieu-Ky government, and what dangers would our withdrawal pose in terms of our standing with our allies? I believe that after ten years, the expenditure of far over 100 billion dollars, the sustaining of over 50,000 deaths, and a quarter of a million casualties, we have more than fulfilled any commitment we ever had to the South Vietnamese Government. As for the argument that our allies would lose faith in us for terminating our involvement, I emphatically disagree. One would have to be blind not to see how this war has strained our alliances, lost us friends, and damaged our prestige around the world. Just recently the Thai Government announced it was initiating contacts with Red China. The reason? According to a government spokesman, the Vietnam war has shown them how dangerous it is to be "loved too much by a major power." The war, if anything is driving our allies away from us. The only way to restore the health of our alliances is a prompt termination of our involvement in Vietnam.

Finally, we come to the issue of our strategic interests. We have no vital security interests in Vietnam. And if we have vital interests in Southeast Asia, Vietnam is not the place to defend them. Of the two most powerful countries in Asia, one—Japan—is a firm ally. With the other—China—we are just beginning the long overdue process of inching toward normal relationships. Our interests in Asia are peace, security, and stability for that part of the world. The most effective way to achieve those objectives is to maintain our friendship with Japan and take further steps toward arriving at a stable relationship with mainland China. The Vietnam war only hampers the achievement of those objectives.

There are those who say that this amendment infringes on the President's constitutional duties. However, I believe this legislation reaffirms Congress' constitutional powers and responsibilities.

The Founding Fathers gave Congress the power to declare war and to "raise and support armies" because they feared war by Executive decree. Congress has not declared war; rather, the executive branch in waging war with moneys appropriated by Congress. From documents recently published by the New York Times, it is now charged by some that Congress and the American people have been deceived on American foreign policy and misled as to how American money was being spent. Whether or not these charges are true, it is certain that such matters are subject to congressional jurisdiction.

These things happen when one branch of Government begins to usurp the functions of the other, or begins to exercise unlimited power where that power should be shared. If we are to restore the balance of powers intended by the framers of our Constitution, then Congress must take its share of the responsibility in the conduct of this war. The McGovern-Hatfield amendment is fully consistent with that aim.

The war in Southeast Asia has taken a devastating toll—in terms of lives, both American and Asian; in terms of resources that are desperately needed elsewhere; in terms of the havoc it has wrought on Asian societies, and the anguish and division it has caused here at home.

There is no valid purpose served by prolonging our involvement. Let us end the war by setting a firm date for termination.

I believe the date proposed in the McGovern-Hatfield amendment, the end of December of 1971, is practicable and reasonable, and could be met, and that if we would give it a chance by adopting this amendment, we could set in motion forces that might enable us to have our prisoners returned at an earlier date, and certainly we could stop the killing that is going on even now.

I notice in the press every little while there is some kind of notice that "this particular week happens to be low in casualties." But even though it is low in casualties, there are always a number of our young men who have lost their lives, and many more have been wounded. I think the time certainly has come to terminate our involvement in Vietnam.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

THE TIME TO LEAVE VIETNAM IS NOW

Mr. PROXMIRE. Mr. President, I rise to speak in support of the McGovern-Hatfield amendment. The time has come, indeed it is long overdue, when Congress and the President should set a date to get out of Vietnam, and then get out.

NO PARTISANSHIP OR RECRIMINATIONS

I speak for what I believe should be a national purpose and a national intent. In no sense do I speak from a partisan viewpoint or from a narrow perspective. My position is not based on any attempt at recrimination or to place the blame for our effort on the heads of others.

While I take considerable pride in the fact that as early as 1966 I joined in calling for a halt to the bombing, it is also true that, like most other Sentors I supported the war either in voting funds for it or speaking in favor of many of our actions or by failing to speak out against courses of action which were pursued. There is enough blame for all—Democrats and Republicans, liberals and conservatives, and hawks and doves. As almost all of us shared in some degree in the responsibility for the war, what this amendment does is to propose that we all share in ending it. It is in that spirit that I speak.

AMERICA HAS FULFILLED ITS OBLIGATION

It is my view, and the facts support that view overwhelmingly, that we have fulfilled every obligation as a protocol signatory under the SEATO agreement to aid in the defense of South Vietnam. We have fulfilled our obligations beyond question. In deed, no nation in the his-

tory of the world has provided so much manpower, firepower, money, and support to a small nation as has the United States in the case of the Vietnam war.

Some 45,000 Americans have been killed in combat. Another 10,000 have died while in Vietnam from accidents, disease, or other causes. Some 250,000 to 300,000 Americans have been wounded. Some 2.6 million individual Americans have served there during the course of the war. We have spent at least $100 billion in support of that effort.

In addition, we have trained or helped to train over a million South Vietnam troops. We have provided them with huge firepower, overwhelming air support, and the dominance of the seas.

There is no question that the South Vietnamese have those advantages over the North Vietnamese, thanks overwhelmingly to our assistance: firepower that dwarfs that of the North Vietnamese, airpower which dwarfs that of the North Vietnamese, and, as I say, seapower.

If after this effort, unprecedented in the annals of mankind, South Vietnam is now unable to defend itself, there is no foreseeable time in the future when it will be able to do so.

Our mission has, therefore, been fulfilled and we can leave in the knowledge that that is the case.

AMERICAN LIVES RUINED BY HARD DRUGS

There are other reasons why we should get out. Some 50,000 Americans are now addicted to drugs as a result of that war. The massive drug traffic there increases the urgency of our withdrawal. No contribution the United States could make in the next year or 18 months is one-tenth as important as the American lives which will be ruined by hard drugs, especially heroin, as a result of our remaining there.

FABRIC OF NATION TORN ASUNDER

We should get out, also, because the war has torn asunder the fabric of our Nation as has no other modern event. There is a malaise over this country as a result of this terrible war which cannot be worth remaining there 1 day longer than it takes us to remove our troops safely. Many of the young are bitter against the old. Our institutions are under attack. There is deep strife over the equity of who should bear the burden of the war, with the poor and the black and the young bearing it almost entirely, while few, if any, sacrifices have been made by others.

SURVIVAL OF NATION AT STAKE

We cannot sustain a war which is now opposed by the overwhelming majority of the American people. That cannot be done in a political democracy and expect that democracy to survive as the working, functioning, buoyant, confident society we have known in the past.

The United States has done its duty. We have sacrificed the youth and treasure of our society to protect another. That mission has been fulfilled. It is time now to leave Vietnam and concentrate on the task we have ahead of saving this society and of fulfilling our own great national purpose. Now, the survival of the United States is at stake.

Mr. President, I thank the distinguished Senator from Ohio for yielding to me.

Mr. GURNEY addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. GURNEY. Mr. President, I requested my time from the manager of the bill, the Senator from Mississippi (Mr. STENNIS), who has agreed that I be the next speaker.

Mr. BYRD of West Virginia. How much time does the Senator desire?

Mr. GURNEY. Twenty minutes.

Mr. BYRD of West Virginia. Mr. President, on behalf of the manager of the bill, I shall take the liberty of yielding 20 minutes to the Senator from Florida.

Mr. GURNEY. I thank the assistant majority leader.

Mr. President, I am opposed to the Hatfield-McGovern amendment, and I intend to vote against it.

We have been debating here a question which poses a grave infringement not only upon the powers of the President but also upon the future ability of this Nation to retain its leadership in world affairs.

Much has been said in the last few days about the powers of the President and the constitutional limits of those powers. But I think we have to realize that we are considering not only the power to make war, but also the power to conduct foreign relations generally. We are not only in the middle of a protracted war in Vietnam; we are also in the middle of protracted negotiations in Paris. We have a President who is attempting to take the necessary steps to bring us through a rapid withdrawal of our forces, and who is also trying to conclude the fighting on terms of a peace which will contribute to the stability of that area and the security of the vital interests of the United States.

The Hatfield-McGovern amendment seriously interferes with those negotiations. It does so by preempting some of the vital conditions which are the subject of on-going bargaining. Once a withdrawal date has been set, there is no possibility whatsoever to extract reasonable conditions from the enemy. Even the vital issue of the prisoners of war is compromised in an area which requires the utmost sophistication and subtlety of negotiations. Congress with this amendment would preempt all discussion and impose rigid conditions.

Mr. President, when one reads the text of this amendment, one immediately sees the conflict between the clear powers of the President and the attempt by Congress to impose illegal restrictions upon them. I do not care whether the date is set at December 31, 1971, or whether it is set 6 months later, or a year later. The real imposition upon the President's powers is the attempt to set any date whatsoever.

Similarly, I do not think anyone really believes the pious declaration that the authority of the President to provide for the safety of American Armed Forces during their withdrawal from Indochina shall not be affected. It is a clear condition of military operations that the Commander shall have the ultimate authority to decide the operations of war. Who among us can say what conditions will affect the safety of the withdrawal action 6 months from now, or even 6 weeks from now? In the same way, how can the amendment lay down a commitment to arrange asylum for the protection of those who would be in physical danger from the Communists upon the withdrawal of American Armed Forces? If the President cannot have the freedom to use physical force, how can he possibly fulfill such a declaration?

Finally, how can anyone possibly propose to extend the date for 60 days if North Vietnam has not released American prisoners of war? What happens at the end of that 60 days? Do we delay again and again?

It is folly to believe that any unilateral action on our part will lead to an action on the part of the North Vietnamese and other insurgent forces in South Vietnam. If the Communists can gain everything by waiting for the United States to tire of this war, why should they not wait another 60 days? What reason have they to give up the prisoners that they hold?

This amendment amounts to nothing less than a self-imposed unconditional surrender on the part of the United States. We not only surrender our military power but we also surrender all of the tools of negotiation. In the end, we have a cruel twist, in which we have given up everything that we need, not only to secure a just and lasting peace, but even to secure the release of the American prisoners.

We must not overlook the fact of the importance of these negotiations. It is beyond dispute that the President is solely charged with the ability to conduct foreign relations under the Constitution except for the power of the Senate's advice and consent. We are concerned here with the basic division between executive and legislative powers.

It was Alexander Hamilton who said:

> The general doctrine of our Constitution then is, that the executive power of the nation is vested in the President, subject only to the exceptions and qualifications which are expressed in the instrument.

In other words, it was not in Hamilton's interpretation that Congress could impinge upon the Executive's powers.

Thomas Jefferson supported this doctrine in even more explicit terms when he said:

> The Executive . . . possessing the rights of self-government from nature cannot be controlled in the exercise of them but by a law passed in the form of the Constitution.

Plainly, among the powers of the Executive are included relations with foreign nations. It was John Marshall, when he was a Member of the House of Representatives, who said:

> The President is the sole organ of the nation in its external relations. . . . He possesses the whole executive power. He holds and directs the force of the nation.

When Monroe was Secretary of War he advised Congress that:

> The power of command was vested in the President primarily for the purpose of giving him that control over military and naval operations which is a necessary attribute of the executive branch.

Mr. President, there are some who would say that the constitutional power of making a war belongs to Congress. In fact, such a position seems to be implicit in the thinking behind this amendment. Yet, as Monroe pointed out, the President has control over our military and naval operations and that is a different thing indeed. Several weeks ago the distinguished senior Senator from Arizona appeared before the Foreign Relations Committee and pointed out that the United States has only declared war five times and yet has engaged in 153 military actions during the history of the Republic. Nor can it be said that these 153 actions were merely skirmishes. This list included 59 military actions which occurred before 1950 outside the Western Hemisphere. The Senator pointed out that 56 incidents involved actual gunfire or the threat of warfare. Sixty-four continued beyond 30 days.

Between 1899 and 1901, the United States used over 126,000 troops against the Philippine Insurrection. This was at least 60 percent of our total military force then in existence. In 1927 we had 56,070 troops ashore in China and 44 naval vessels in its waters. After World War I had ended, we landed 5,000 soldiers at Archangel in Russia, plus 9,000 more in Siberia. These examples presented to the Foreign Relations Committee by the Senator from Arizona are only part of the long history of military operations in which the President of the United States has engaged without a declaration of war. I want to thank the Senator for making this information available at such an important time in our national debate.

The point to be made, however, is that such military operations are entered upon in support of the foreign policy of the United States. This foreign policy is made by the President and not by the Congress. Military force is but one instrument of such policy and it goes hand-in-hand with negotiations.

In 1897 the Senate Foreign Relations Committee made an intensive investigation of the connection between presidential powers and foreign policy. The committee arrived at the following conclusion:

> The Executive branch is the sole mouthpiece of the nation in communication with foreign sovereignties. . . . In the department of international law, therefore, properly speaking, a Congressional recognition of belligerency or independence would be a nullity.

Some 10 years later Senator Spooner of the Foreign Relations Committee addressed the Senate in these terms:

> The Senate has nothing whatever to do with . . . the conduct of our foreign intercourse and relations save the exercise of the one constitutional function of advice and consent which the Constitution requires. . . . From the foundation of the Government it has been conceded in practice and in theory that the Constitution vests the power of negotiation and the various phases—and they are multifarious—of the conduct of our foreign relations exclusively in the President. And . . . he does not exercise that constitutional power nor can he be made to do it, under the tutelage or guardianship of the Senate or of the House or of the Senate and House combined.

This opinion was confirmed in 1930 by the Supreme Court in the landmark decision of the United States against Curtiss-Wright Corp.:

> Not only is the federal power over external affairs in origin and essential character different from that over internal affairs, but participation in the exercise of the power is significantly limited. In this vast external realm . . . the President alone has the power to speak or listen as a representative of the nation. . . . He alone negotiates. Into the field of negotiations the Senate cannot intrude and Congress itself is powerless to invade it.

This is the Supreme Court speaking directly on the very matter we are talking about here in debate today, and have been for some days now.

The Supreme Court went on to lay down principles in this case which are particularly relevant to the present attempt to narrowly restrict the President's powers:

> ". . . he (the President), not Congress, has the better opportunity of knowing the conditions which prevail in foreign countries and especially is this true in time of war.
>
> This consideration discloses the unwisdom of requiring Congress in this field of governmental power (i.e., federal powers in the field of external affairs) to lay down narrowly definite standards by which the President is to be governed.

A few years later, the Court in the case of the United States against Hirabayashi drew upon this doctrine to lay down some very commonsense principles:

> The Constitution of the United States was intended by the fathers who framed it to be able to cope with war emergencies. This nation came into being as a result of a successful war. The Constitution was written shortly thereafter and at a time when its framer had every reason, by virtue of their experience and in the light of then world conditions, to expect that this nation be confronted by war in the future.

In the same case, the Supreme Court held that:

> The war power of the national government which includes the President's command powers over armed forces in the field "extends to every matter and activity so related to war as substantially to affect its conduct and progress. The power is not restricted to the winning of victories in the field and the repulse of the enemy forces. It embraces every phase of the national defense, including the protection of war materials and the members of the armed forces from injury and from dangers which attend the rise, the execution and progress of war.

Mr. President, I would like to emphasize what this case said. The President's command powers extend to every matter and activity so related to war as substantially to affect its conduct and progress.

Here we see how this present proposal is taking key matters, not only of the war but of the negotiations and circumscribing them with what will obviously affect the result.

Finally, I would like to cite one more case from the Supreme Court, the case of Perez against Brownell:

> The restrictions confining Congress in the exercise of any of the powers expressly delegated to it in the Constitution apply with equal vigor when that body seeks to regulate our relations with foreign nations. Since Congress may not act arbitrarily, a rational means must exist between the content of a specific power in Congress and the acts of Congress in carrying that power into execution. More simply stated, the means . . . must be reasonably related to the act—here regulation of foreign affairs.

Mr. President, I think it is clear that this amendment is a deliberate attempt to restrict the powers of the President in a way which is not provided for in the Constitution. This purpose is much evident in subsection (C)(2) which says that:

> The Congress may by joint resolution authorize such further action as is recommended by the President to secure the release and repatriation of American prisoners of war.

Congress clearly has no power, no such authority, to exercise. The President, both as Commander in Chief and as the maker of foreign policy, is solely in the position to negotiate the release of such prisoners. The Constitution does not provide for the Senate's advice and consent on this matter. As a practical matter, no President could operate so constricted.

This amendment unreasonably ties the President's hands on a matter which could mean life or death to these unfortunate American soldiers. There is nothing in Hanoi's history to suggest that they will respect any unilateral act of this kind. Through this resolution we abandon our prisoners of war. We leave them as pawns in the hands of the enemy.

In the same way, the proposal attempts to circumscribe the Presidential powers and undermine not only the prisoner of war issue but when possible, future arrangements with North Vietnam. By giving in on the timing and the freedom of our decisionmaking, we are placing a rigid straitjacket which cannot be molded to future developments. It leaves no hope whatsoever for the stable and lasting peace which the President is seeking.

Mr. President, in my opinion, the proposed amendment is a dangerous proposal which will seriously jeopardize not only the President's role but the role of the United States in preserving freedom.

QUORUM CALL

Mr. GURNEY. Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time be taken equally from both sides.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Florida? The Chair hears none, and it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

UNANIMOUS-CONSENT AGREEMENT

Mr. BYRD of West Virginia. Mr. President, I yield myself such time as I may require on the time allotted to the Senator.

I ask unanimous consent that on the amendment No. 164 by the Senator from

Ohio (Mr. SAXBE), with reference to the continuation of selective service functions under a volunteer army, the time on that amendment be limited to 20 minutes, to be equally divided between the mover of the amendment and the manager of the bill, and that the same conditions which will obtain under the agreements entered heretofore, on amendments to H.R. 6531, prevail in this instance.

Mr. GRIFFIN. Mr. President, reserving the right to object, and I shall not object, it is my understanding that this arrangement has been cleared with the sponsor of the amendment and with the manager of the bill.

Mr. BYRD of West Virginia. The distinguished assistant minority leader is correct.

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

The unanimous-consent agreement, as later prepared, reads as follows:

Ordered further, That debate on an amendment relative to Selective Service functions under a volunteer Army, to be offered by the Senator from Ohio (Mr. Saxbe) be limited to 20 minutes to be equally divided and controlled by the mover of the amendment and the manager of the bill (Mr. Stennis).

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum with the understanding that the time be taken equally from both sides.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER. Without objection, it so ordered.

Mr. STENNIS. Mr. President, what is the pending business before the Senate?

The PRESIDING OFFICER. The pending question before the Senate is on amendemnt No. 143, offered by the Senator from Oregon and other Senators.

Mr. STENNIS. Mr. President, how much time remains for each side?

The PRESIDING OFFICER. If the vote comes at 5 p.m. and if there are no other amendments to be offered prior to the vote, there are 88 minutes remaining to the proponents and 133 minutes remaining to the opponents.

Mr. STENNIS. Mr. President, I yield myself 15 minutes.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

Mr. STENNIS. Mr. President, this has been a good debate. We have had an exchange of views for several days. I do not know of anything especially new that has been said about this amendment. I do not know that I will say anything especially new myself. But I have been keeping up with the points that have been made and at the expense of some repetition I wish to discuss some of the basic matters that pertain to this amendment.

Mr. President, we all start with the agreement that we want to get out of the war and we want that to be done as soon as we can, consistent with reason and the obligations we have, and more particularly, looking to our future responsibilities and the influence it might have in that regard. The President has that same desire, I am sure.

Many Members of the Senate now were not Members of the Senate when the war started. The President was not in the White House when the war started, but I am among those who have been here all this time, from the first time a uniformed American soldier went into South Vietnam under orders. I share a part of the responsibility and I am willing to assume that responsibility for having been in that position, although I was in opposition to our going in.

However, the question on this amendment, and that is the starting point for all of us, and I attribute only good faith to the authors and supporters of the amendment, is: Do we really want to relieve the President of the United States of his responsibility in the handling of this war? That is the basic question. I did not say to interfere with his prerogatives or interfere with any title he has. I say: Do we really want to relieve the President of the United States of his responsibility to handle this war?

I am directly and totally opposed to such a step. I want to keep the responsibility where it belongs under our system, and in the situation we are now in that primary responsibility and power rests with the President of the United States. He is the man who has contact indirectly with the enemy, not the Senate. It is the Chief Executive who has some chance for contact, in some way, in some manner. He is the one who has the responsibility for contact with other nations, those friendly to the enemy and those friendly to us. It is his accountability, his responsibility, and his power under our system of government, granted we are at war and, of course, we are at war.

With respect to the purpose of the amendment, how we got into the war does not have one thing to do with it. The question now is: How do we get out in a proper way?

So I do not want to yield one bit on the question of the responsibility of the President, his power and his opportunity. I do not know of any way that we could run the war, so to speak. I do not know of any way we have of making North Vietnam agree to something. I do not think the President can make them agree to something, but he is the one under our system who is in charge. He ran on the ticket that he is going to end the war; he had a plan; and he was elected.

For us to try to take the responsibility away from him is not new in American history. It has been tried but it has never been done. Congress has never wrested control of a war from a Chief Executive under our system of government. Congresses before have interfered a great deal with the President in the conduct of war.

I am familiar with what General Lee said about the war that took place a hundred years ago. He said the congressional committee that tried to run the war for Mr. Lincoln was worth to General Lee 15 to 20 divisions in the field. I believe that is the way he put it. Outside of his statement, I have read much evidence that their intentions were to the contrary, but they were the main allies against President Lincoln, not meaning to be, but the main allies of the cause President Lincoln was trying to overcome.

So, intended or not, I do not think anyone would intend interference and deterrence to the President of the United States, regardless of who he might be, and say what may be said, it is a help to our enemy. Of course, that is not intended. I attribute nothing but good faith to those who bring the amendment and support the amendment; but I have never found a way I could say and do some things that would not help or encourage the enemy.

So I think we are in a difficult spot, and we are up against a hard proposition, but we have to do what a majority of Congresses have always done after much fussing and complaining. We have to toe the line as long as we think the present President is acting in good faith, and I believe he is, and I believe most people think he is, we have to back up that policy and break with it only when we lose all patience or lose faith. Let us keep the responsibility on the President.

Another reason for this is that he said he had a plan; and I am not throwing that up to him. He went before the people as a candidate for the highest office and said he was going to get us out of this war, and the people elected him. He understood then what a hard and tough job it would be. I have been watching very closely ever since he moved right in on this job. He may not have done what you would have done or what I would have done, but he moved right in on the job and made announcements to us very soon after he took his oath of office.

It was very clear then that he understood it was a tough job, and it was very clear to me, too, that he was not taking a soft approach or easy approach; that he was not going to run out or be chased out. I think, on the whole, the American people approved that. We do not want to pay the price of what would come in the course of the years ahead for having been chased out of there or run out entirely on someone else's terms.

It has been a rugged 2½ years on that subject, and I know there have been temptations of a kind that it would have been easy to yield to, at least on the more rugged policies.

Frankly, I think the President deserves credit for not having softened up and yielded and created precedents that would plague us far worse, in years to come, than we are plagued by the situation we are in now.

This amendment was first filed just about a year ago, and we debated it then. I felt then, and I have ever since then, that if we are going to tell our enemy when we are going to get out, if we are going to announce that to our enemy, we should leave tonight. I do not mean next month or 60 days or 90 days from now, but that we should leave tonight,

because, to me, if we announce that we are going to get out by a certain date, that is throwing in the towel. There would be great jubilation in the camp of the enemy. There might be some temporary jubilation here, but we would pay a long, bitter, hard price.

If we are going to announce it in advance, the President has not a single thing to stand on. If Congress, which controls the money, provides that we are going to get out by a certain date, we do not leave room for anyone else, under our system of government, to operate. We might just as well say that the Chief Justice shall do so and so as to say the President shall do so and so, after announcing a date.

Nevertheless, the writers of this amendment totally recognize that, after all, we are dependent upon the President, whoever he may be, to lead us out of the war.

Amendment No. 143, which is the one I am talking about, provides, in the second part, that if Hanoi or North Vietnam does not agree and have a plan and an agreement for our POW's—and I am reading from line 23, page 2 of the amendment—"the Congress may by joint resolution authorize such further action." We know Congress may authorize further action. We do not have to say that in the amendment, but it is in here and I will read it——

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

Mr. STENNIS. I yield myself 3 minutes more.

The reading is:

The Congress may by joint resolution authorize such further action—

What further action?

as is recommended by the President—

They make a 180 degree turn. They start out and then at the top they throw it right back in his lap at the end. That is an admission right here that in order to get action we are going to have to depend on the President. It is a confession, an admission, that that is where the power is.

I end these remarks on the same point I started. I am not willing, and I do not believe a majority of this body is willing, and no majority of any Congress has ever been willing, to relieve the President of the United States of the responsibility of handling a war once we got in it. I am not given to boasting, but I just do not believe this amendment is going to pass this body, because it is just as plain as the nose on a person's face that this is what it means and, at best, we have to turn it back over to the President.

Mr. President, If I have any of those 3 minutes left, I yield it back and I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. GRIFFIN. Mr. President, I suggest the absence of a quorum, with the understanding that it be charged equally to both sides.

The PRESIDING OFFICER. Without objection, it is so ordered, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. STENNIS. Mr. President, I yield myself 10 minutes.

Another important issue in this debate—and I covered this yesterday—is the question of what could happen to American society if our participation in the war should prove to be unsuccessful in its objective of giving the South Vietnamese enough help that they are able to withstand the attacks of the North Vietnamese.

I have pointed out already that the President of the United States has his responsibility, and it is one he willfully assumed. Going into this plan of withdrawal, he took the hard line, the hard course, and he made certain agreements and understandings with the people in Vietnam about the part they had to assume, what they had to train for, and the losses they would have to take.

They have lived up exceptionally well to those promises, I think—beyond what I thought at one time was their capacity. They have not hesitated to do the hard thing. They even went beyond their own borderlines into the toughest kind of situation in Cambodia, and we went with them there. They went on beyond their own borderlines into Laos, and have done exceptionally well there. Those two missions have made a tremendous difference. And they are continuing to build up, and try, I believe to give it everything they have so far as these men in the services are concerned.

Though for us it has taken a little more time than some thought at the beginning—perhaps more than the President thought—if the war is lost—and it certainly has not been totally lost, or a total failure so far, from our viewpoint, or theirs, either—and if Congress has forced upon the Commander in Chief a withdrawal more rapid than he believes is compatible with a safe and successful conclusion of our involvement, there would be many in this country who would blame the Congress for losing the Vietnam war. It would not help for us to say later that the extra months of effort which we prevented would have done no good—that the war had been lost in any case. It would not help for us later to say that, as I believe most of us now agree, the Vietnam involvement was a mistake from the beginning and had to be ended as quickly as possible. As I pointed out yesterday, I believe that the deep divisions that now exist in this country would be made extremely serious by a bitter series of charges and recriminations over the question of who lost Vietnam. As I stated yesterday, the debate in the United States in the early 1950's over who lost China—an involvement with which we were not nearly so closely connected—was a bitter and unhappy one and its effects on American society are not pleasant to remember.

I am not repeating here something I read in the history books. I arrived here, as a Member of this body, just in time to be remotely—very remotely—blamed for losing China, so to speak, according to the thinking of some people; at least these are things that I have sensed and felt to a degree. We had some bitter and unhappy years here in the Senate and in America in the early 1950's.

By way of analogy, I mentioned yesterday that one of the major reasons why the social and political fabric of Germany was shattered in the 1920's and 1930's was because many citizens were led to believe that parliamentary leaders had unnecessarily "stabbed in the back" the military leadership by ending World War I prematurely and thereby causing Germany to lose the war.

The postwar debates in any country's history over the responsibility for a loss are not easy periods for democratic traditions and personal liberty. Anger, frustration, and the desire to find a scapegoat in such times are almost universal human failings. I do not believe that our country will be free of them if South Vietnam falls to Communists after we leave. But if Congress and the President have cooperated in ending our participation in the war together, then I believe we will be able to weather any outcome of the Vietnam war, however unfortunate that might be. But I want to warn my colleagues again that if the Congress cuts off funds for American troops in the field at a time when their Commander in Chief has clearly stated that their safe withdrawal and the chance of a successful conclusion to the war depends upon those funds, many would be likely to say that the Congress, not the President, would bear the major share of the responsibility for the outcome of the war. The responsibility for the termination of this war absolutely must be kept where it belongs—in the hands of the Commander in Chief. If it is not kept there, and South Vietnam should subsequently fall to the Communists after our departure, I believe that party would be set against party, the Executive against the Congress, and the supporters of the military against those who oppose and distrust it. And I say again that I fear that the fissures created by a disaster of this type could be deeper than any which have existed in American society since that dark, unfortunate year of 1865.

Furthermore, Mr. President, if this war should terminate on a note of division between the President—any President—and the legislative branch—any Congress—then nations all over the world, friend and foe alike, would be disillusioned as to America. Those who are against us would say "Well, after all, there was an internal breakdown. They do not know; they start, they put their hand to the plow, and then they turn back," or "They do not have the ability to coordinate their power and carry through." And those that are inclined to be friendly would have doubts created about alining themselves with us in the future.

No nation can live entirely alone, any more than any individual can. Not in this present world. There would be doubt that

would lead to distrust and hesitancy. They would not know where we were, nor where they were in dealing with us.

We know now how just some little fraction of an incident might occur in our financial affairs—and I feel strengthened in my argument here by the fact that the chairman of our Senate Finance Committee has just walked in—and cause a worldwide reverberation almost instantly, when news spreads so rapidly of an adverse action here in our country toward our balance of payments or the soundness of our financial system.

I use that as an illustration. We have the same kind of reaction, worldwide, among friend and foe, seeking for tangible evidence that "after all, this powerful Nation over there, with more than 200 million people, rich as she is, is getting to the point where she cannot control her own affairs. The Executive goes off in one direction, and the legislative branch in another, even concerning a war that they all agree they want wound down and terminated as soon as they can."

I believe we are sowing the wind here, and we will reap the whirlwind. Certainly there is cause for further thought.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. STENNIS. Mr. President, I ask unanimous consent that we may have a quorum call charged equally to both sides.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. STENNIS. I yield 10 minutes to the Senator from Connecticut.

Mr. WEICKER. I thank the Senator from Mississippi.

Mr. President, I rise today in support of the President of the United States and what he has done to get us out of Vietnam.

I have the greatest respect for the men who propose or support propositions such as the McGovern-Hatfield amendment. But whether it is that amendment or others akin to it, the ostensible line-by-line plans to work with and help the President are obliterated by the intended implication that this be a no-confidence vote in Richard Nixon's handling of Vietnam.

When Richard Nixon took office 2 years ago, he promised to bring the 6-year conflict in Vietnam to a close. Almost immediately, he ordered the national policy changed from escalation to withdrawal, thus giving substance to that commitment. The McGovern-Hatfield amendment implies that this promise has not been kept or the withdrawal he ordered continued. It is that implication which in the face of facts is false, and I so label it.

The amendment addresses itself to an escalation mentality. It attacks the assumptions of the midsixties which made us content to languish in the unsatisfactory conditions of that time. In this respect, the McGovern-Hatfield amendment is 4 years too late. For 2½ years the United States has been withdrawing its troops—hardly the right direction for winning a military victory, of which the President is accused by some.

The idea that a set withdrawal date can accomplish more than the President has already done or is irrevocably committed to is speculative fantasy. It is reality, not fantasy, with which government must deal. By the end of 1971, the United States can play no ground combat role in Southeast Asia. That is reality. By the end of this year, there will be fewer than 25 percent of the troops in Vietnam than were there when President Nixon took office. That, too, is reality.

It was speculative fantasy that brought us into Vietnam. It was speculative fantasy that promised withdrawal while escalation was the order of the day. And it is also fantasy that those of us, President and Senators alike, who are against the McGovern-Hatfield amendment, are hawks on the war issue. If withdrawal from South Vietnam, declining draft calls, declining defense expenditures, comprise the new definition of hawk, I would say the President has brought this country a long way back to its senses from the insanity that set this Nation on excessive military commitments in the first place.

There have been many issues during my past 3 years in the House and Senate on which the President and I have not agreed. I have striven to look at the merits of each issue as objectively as possible, and to state my beliefs and cast my vote with the strength of conviction born of the facts. I am not swayed by images of Richard Nixon before he became President, or the Vietnam images of Presidents who preceded Richard Nixon. I am interested only in comparing the U.S. role in Vietnam today with what it was in 1968. I am interested only in getting young Americans off the Asian mainland.

The President has brought Vietnam troop withdrawal into the ninth inning. Through all of this he has been the pitcher of record. It is only fair that he be granted support in success commensurate with the scorn he would have received in failure.

Mr. President, I yield back the remainder of my time.

Mr. BYRD of Virginia. Mr. President, I yield 10 minutes to the distinguished Senator from Wyoming.

Mr. HANSEN. Mr. President, the proponents of the Hatfield-McGovern amendment have said that its purpose is to get our forces out of the war in Indochina.

That is, of course, President Nixon's purpose in his withdrawal plan. Since his inauguration, more than 250,000 Americans have been taken out of Vietnam. That is more than half the number there when he took office. He has pledged to have out all but 184,000 men by December 1, of this year. And there will be announcement of a further withdrawal before that date.

The President keeps his promises. His record is unblemished in that regard. The President has at least as much incentive to get our men home as any of the sponsors or advocates of this resolution. The issue certainly is not whether to take our men out. It is how to bring them out.

The President intends to bring our men home in a way that will leave the South Vietnamese a reasonable chance to defend themselves. He will not betray the cause for which so many South Vietnamese civilians and soldiers of all allied forces have died.

A negotiated settlement has been President Nixon's first priority. The day after his inauguration, he assigned Ambassador Lodge to represent him at the Paris talks.

As early as May 1969 he proposed a comprehensive program for peace. He asked a withdrawal of all outside forces, internationally supervised cease-fires, free elections, and release of prisoners.

The President and his negotiators have searched for peace from the day of his inauguration to present. Every channel, official and private, has been tried in an effort to engage Hanoi in serious negotiations. The United States has offered to talk without preconditions. The United States has promised flexibility in any negotiations that might take place. Yet all of us know how fruitless these sincere patient efforts have been.

In October 1970 the President made another major offer to end the war. He proposed a standstill cease-fire throughout all of Indochina. This would have left the North Vietnamese in control of large areas outside their borders. Yet the President, with the concurrence of the Governments of Laos, Cambodia, and South Vietnam took this step, in a new effort to end the war. He called for an Indochina-wide peace conference to resolve the issues in dispute. He offered to withdraw all our forces as part of an overall settlement. He called for a fair internal political solution for South Vietnam. He pledged to abide by the political arrangements agreed upon among all of the South Vietnamese. He proposed the immediate release of all prisoners of war. He, of course, offered to release the vastly greater number of enemy-held prisoners in return for the release of our men.

What has been the Communist response? The demand that we pull out all forces, without any reciprocal action on their part; and, the demand that we take measures that would cripple the Government of South Vietnam as we go out. Whether this latter takes the form of our actually throwing out the South Vietnamese Government, as Hanoi has sometimes demanded, or only of halting all assistance to the Government, as Hanoi has recently suggested, is immaterial. The substance of Hanoi's demands is that we destroy the power and the spirit of the non-Communist South Vietnamese as we depart.

Faced with such cynical rebuffs, the President turned to an alternative route to bring our men out of Vietnam without prejudicing our basic goals. This is the policy of Vietnamization.

Under this policy the President has withdrawn our forces on a unilateral basis as fast as the course of the peace talks in Paris, the level of enemy military activity, and the growing capability

of the South Vietnamese forces allow. The President is convinced that in the not distant future the South Vietnamese will be able to take over the entire burden of their own defense, even if the North Vietnamese still refuse to negotiate a settlement.

The President has warned that we will not withdraw all forces until American prisoners are returned. Until that time, he wants enough force in Vietnam to provide an incentive for Hanoi to release them.

The President has a clear, coherent, and practical policy to withdraw our men from Vietnam. His performance since taking office is clear proof that he wants to end the war and bring all our men home. He has kept every commitment to reduce our force levels. There is no reason to doubt that he will continue to do so.

But the Hatfield-McGovern amendment would abandon this policy of orderly withdrawal while at the same time searching for peace. It would notify the other side that we are prepared to give up the fight; that we would abandon our allies, the men and women of South Vietnam, to the aggressors. Who among us believes that such a giveaway would induce the North Vietnamese to be more reasonable at the negotiating table?

This would not ransom our men in prison.

This would not end the war in a way that could preserve the world's faith in U.S. commitments.

I believe all of us are agreed that we will bring our troops out of Vietnam. But the President's program, not the amendment before us, is the most practical way to achieve this end.

Mr. President, I urge the defeat of any proposal which would force the President to abandon a sound and responsible policy for the short-term political gains of the easy way out.

Mr. BYRD of Virginia. Mr. President, I yield 8 minutes to the Senator from North Carolina (Mr. ERVIN).

The PRESIDING OFFICER (Mr. WEICKER). The Senator from North Carolina is recognized for 8 minutes.

Mr. ERVIN. Mr. President, I rise to oppose the McGovern-Hatfield amendment.

I ask unanimous consent to have a copy of the amendment printed in the RECORD.

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

H.R. 6531

SEC. 302. (a) Subject to the provisions of subsection (c) of this section, no funds authorized or appropriated under this or any other law may be expended after December 31, 1971, to support the deployment of United States Armed Forces in or the conduct of United States military operations in or over Indochina.

(b) Nothing in this section shall be construed to affect the authority of the President to:

(1) provide for the safety of American armed forces during their withdrawal from Indochina,

(2) arrange asylum or other means of protection for South Vietnamese, Cambodians and Laotians who might be physically endangered by the withdrawal of American armed forces, or

(3) to provide assistance to the nations of Indochina, in amounts approved by the Congress, consistent with the objectives of this section.

(c) If, after sixty days after the date of enactment of this Act, North Vietnam and other adversary forces in Indochina holding American prisoners of war have not made arrangements for the release and repatriation, by December 31, 1971, of all such prisoners:

(1) the date in subsection (a) shall be extended for sixty days, and

(2) the Congress may by joint resolution authorize such further action as is recommended by the President to secure the release and repatriation of American prisoners of war.

Mr. ERVIN. Mr. President, I oppose the amendment because it does not say what it means and it does not mean what it says.

Subsection (a) states:

Subject to the provisions of subsection (c) of this section, no funds authorized or appropriated under this or any other law may be expended after December 31, 1971, to support the deployment of United States Armed Forces in or the conduct of United States military operations in or over Indochina.

Mr. President, that is a rather queer provision. It provides that so far as Congress is concerned, if Congress approves it, at midnight on the 31st day of December this year, no money shall be spent to provide food for American soldiers who may happen to be in Indochina, including Thailand where no war now exists. It would provide, so far as Congress is concerned, that at midnight on that day, no money shall be spent to give hospital or medical treatment to American soldiers in Indochina—or even in Thailand—who happen to be suffering from disease or wounds incurred in battle. It means that after midnight on that day, no money shall be spent to furnish weapons or bullets to enable American soldiers who may be in Indochina, including Thailand, to protect their lives from enemy attack.

The theory is that the President of the United States will have more compassion for American servicemen than Congress and that the President will be coerced, by his compassion, to withdraw all those troops from Indochina before midnight on the 31st day of December 1971.

Subsection (b) of the amendment takes back everything that is in subsection (a). It contradicts everything in subsection (a). It says that subsection (a) does not mean what it says.

Why do I say that?

I say that for two reasons. Eliminating unnecessary portions of subsection (b), it contains two provisions which absolutely nullify subsection (a).

The first is:

Nothing in this section shall be construed to affect the authority of the President to . . . provide for the safety of American armed forces during their withdrawal from Indochina.

Notwithstanding the fact that midnight will occur on the 31st day of December 1971, this section says that subsection (a) is not then applicable and that the President can use money to protect the safety of American soldiers.

But it does not stop there, Mr. President, it contains a second provision which nullifies subsection (a). I read it, eliminating the unnecessary portions:

Nothing in this section shall be construed to affect the authority of the President to . . . arrange asylum or other means of protection for South Vietnamese, Cambodians, and Laotians who might be physically endangered by the withdrawal of American armed forces.

Mr. President, subsection (b) authorizes the President, notwithstanding the fact that midnight of December 31, 1971, will have come and gone, to make other arrangements to protect the people of Southeast Asia, the South Vietnamese, the Cambodians, and the people of Laos against physical danger. No amount of sophistry can erase the plain fact that there is only one way on this earth to protect people against physical danger, and that is to use physical force to do it.

I charge that is a minature Gulf of Tonkin resolution. It says in effect that the President can use the military forces of the United States after midnight on the 31st of December to protect the people of South Vietnam, the Cambodians, and the people of Laos against physical danger. What I have pointed out are not the only consequences of the amendment. It has got another provision, subsection (c), that states:

(c) If, after sixty days after the date of enactment of this Act, North Vietnam and other adversary forces in Indochina holding American prisoners of war have not made arrangements for the release and repatriation, by December 31, 1971, of all such prisoners:

(1) The date in subsection (a) shall be extended for 60 days: . . .

Subsection (c)(1) applies if we do not get an agreement with North Vietnam for the release of our prisoners of war by December 31, 1971. But after the 60 additional days, what? As far as this resolution is concerned, nothing.

We abandon our prisoners and all efforts to release them 60 days after midnight on the 31st day of December 1971. I cannot vote for an amendment which says one thing in subsection (a) that is contradicted by subsection (b) and which, in subsection (c), shows that, as far as American prisoners of war are concerned, 60 days after December 31 we abandon efforts to secure the release of our prisoners of war.

That is what subsection (c) provides. I cannot support a provision of this nature. The fundamental defect in the contradictory amendment is that the enemy is given assurances by the Congress of the United States that it need make no settlement whatever, that we will get out and turn everything over to them when the deadline arrives, regardless of the conditions existing at that time.

I favor withdrawing our forces from South Vietnam as soon as this can be done in a rational manner without destroying the world's confidence in America, and I believe that the President's plan is calculated and intended to do this.

Mr. CRANSTON. Mr. President, I yield myself such time as I may require.

Mr. President, I rise to speak to clarify the provision of the McGovern–Hatfield amendment relating to prisoners of war.

The McGovern-Hatfield amendment stipulates that the funding termination

date of December 31, 1971, would be extended at least 60 days, and that Congress could authorize further action to secure the release and repatriation of American prisoners of war, if North Vietnam and other adversary forces in Indochina holding American prisoners of war have not made arrangements for the release and repatriation of "all such prisoners" within 60 days of enactment of this legislation.

As one of the four original sponsors of this amendment, I want the record to make absolutely clear what we mean by the phrase "all such prisoners."

There is, as we all know, a critical difference between our Government and the Government of North Vietnam over the number of Americans actually being held prisoner at the present time.

The U.S. State Department asserts that no fewer than 463 American servicemen were being held prisoner in Indochina as of June 5, 1971. They say the Hanoi Government is holding 378 POW's in North Vietnam, and the State Department assumes that the Vietcong are holding another 85 Americans—82 in South Vietnam and three in Laos.

In addition, the State Department lists 1,160 men as missing in action—some or all of whom may also be held prisoner at the present time.

In contrast, the North Vietnamese claim that they have captured only 368 Americans since the outbreak of hostilities, that 20 have died in captivity, and another nine have been released, and that as of December 1970, only 339 American servicemen were imprisoned in North Vietnam.

The Vietcong have not accounted for the 85 men we say are being held in South Vietnam and Laos.

Now, when the McGovern-Hatfield amendment speaks of the release and repatriation of "all" prisoners, I assume it means precisely that: "all" prisoners, every single American actually now being held by "North Vietnam and other adversary forces in Indochina," regardless of the number claimed by one side or the other.

I feel certain that is also the understanding of the two principal sponsors of this amendment, who have together exercised primary responsibility for drafting its language.

Since the two governments do disagree over the number, however, some disinterested third party—such as newsmen, or some sort of international team—clearly may be needed to make an accurate count. That seems to me to be so obvious as to be implicit in the wording of the amendment.

Mr. President, I yield the floor.

Mr. STENNIS. Mr. President, I yield 10 minutes to the Senator from Colorado.

The PRESIDING OFFICER. The Senator from Colorado is recognized for 10 minutes.

Mr. DOMINICK. Mr. President, I thank my friend, the Senator from Mississippi.

I rise to oppose the McGovern-Hatfield amendment. In Air Force language, in which I served for some 4 years during World War II and in which I am still active, adoption of the McGovern amendment would be a "crash landing" or a "wipe-out." It reminds me of De Tocqueville's story of the man who, when halfway down the stairs, decided to jump out the window to reach the ground more quickly.

For 8 years we had a constant build-up of American troops culminating when President Nixon took office; 534,000 men in South Vietnam not counting support forces in the Philippines, Okinawa, and elsewhere. After a careful review of this policy, including an analysis showing that the North Vietnamese had not lived up to any real negotiation policy whether we had a temporary or permanent bombing halt—and most of us will remember the statements of many of our colleagues that negotiations would promptly begin and the war shortened or ended if we stopped bombing the North—deliberate and callous mistreatment of our prisoners of war by the North Vietnamese, and no effort to arm and train the South Vietnamese so they could take over the burden of defending their country against the invaders from the North instead of just rooting out the Vietcong, President Nixon established a new policy—a policy of gradual U.S. withdrawal as the South Vietnamese gained the ability to take on the fighting, thereby giving themselves a chance to determine their own form of government.

Every commitment made by the President has been fulfilled. We have withdrawn almost 300,000 of our troops and continue to withdraw at the stated rate. We knocked out the North Vietnamese sanctuaries in Cambodia and pulled back in the stated 60 days. We have continued to insist on decent treatment of our POW's and their safe return even though, to the shame of North Vietnam, they have failed to fulfill the Geneva agreements to which they are a party. Their most recent statement on the POW's is one more gambit to see how far they can push their stated designs of conquering South Vietnam. Now their chief negotiator in Paris states that they will discuss the POW subject if all American troops are withdrawn from Indochina and all military and economic aid is forgone.

History being a signpost, this does not leave much room for hope for an early release as discussions have now been going on in Paris for 2½ years and the only point decided to date is the shape of the discussion table. Adoption of this amendment would, in my opinion, simply remove one of the levers left to us to get negotiations off dead center.

Mr. President, the question might well be asked at this point, "If the North Vietnamese have not agreed to negotiate at this point, with less than half the U.S. troops in South Vietnam than we had in 1969, why would we now expect them to do so when we will have even less troops there in the future?"

The answer is simple enough. The North Vietnamese are slowly losing their bargaining position as the South Vietnamese forces become stronger. They want us out now because they feel they could still defeat South Vietnam if we were not there. But Vietnamization is changing that and they know it. They are losing this war and they know that. That is why they are insisting on our total withdrawal before they will negotiate seriously. So the passage of this amendment would be an opportunity to gain a victory that they have not gained on the battlefield and which seems to be moving even further from their capability.

Mr. President, last Thursday my distinguished colleague from Kansas (Mr. DOLE) gave a very powerful and moving speech against this amendment. His presentation was extremely clear and well documented and, in particular, the articles he included in the RECORD were especially enlightening.

I appreciate that not all of my colleagues had the opportunity to hear this excellent speech and I am sure most have not read the attached articles. I highly recommend it because they are most revealing.

Two articles on the recent pullout polls are worthy of the attention of the Senate since the opponents of the war have recently been claiming 73 percent of the American public wanted a congressional vote to bring home all U.S. troops from Vietnam before the end of the year.

But the 73-percent figure is a myth because it implies regardless of the circumstances the people want this and obviously the poll did not ask the logical follow-up question. However, the Opinion Research Corp. at Princeton, N.J., did delve into this subject and their results change the implication of the 73-percent figure completely.

The results of the poll reveal:

The Public seems willing to endorse any plan that promises to bring all U.S. troops home from Vietnam soon—but not if it endangers our POW's or threatens a Communist take over.

72% of the public say they support President Nixon in his plan to end the war in Southeast Asia, compared to 18% who do not support his plan and 10% who have no opinion. At the same time, 68% of those polled would approve their Congressman voting for a proposal requiring the U.S. Government to bring home all U.S. troops before the end of this year; 20% opposed this move and 12% have no opinion.

However, when various possible consequences of quick withdrawal are tested, the public is against withdrawal of all U.S. troops by the end of 1971 if it means a Communist take over of South Vietnam. When asked if they would favor withdrawal of all U.S. troops by the end of the year if it meant a Communist take over of South Vietnam, 55% said no, 29% said yes, and 16% had no opinion. Also an overwhelming majority, 75%, would not favor withdrawal by the end of 1971 if it threatened the lives or safety of the United States POW's held by North Vietnam.

11% of those polled would favor such a withdrawal and 14% had no opinion.

The results of this survey were obtained by nation wide telephone interviews conducted among 1,062 persons age 18 and over during the period May 1 and 2. Following are the actual questions asked and their results:

1. "Do you support President Nixon in his plan to end the war in Southeast Asia?"

Yes	72
No	18
No opinion	10

2. "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?"

Yes	68
No	20
No opinion	12

3. "Would you favor withdrawal of all U.S. troops by the end of 1971 even if it meant a Communist take over of South Vietnam?"

Yes	29
No	55
No opinion	16

4. "Would you favor withdrawal of all United States troops by the end of 1971 even if it threatened the lives or safety of United States POW's held by North Vietnam?"

Yes	11
No	75
No opinion	14

There is one final point I would like to make, Mr. President. The idea that those of us who support the President's withdrawal plan and who are opposed to this amendment are in favor of the war is absurd. We are not in favor of the war any more than those who favor the amendment are, or the President is. But I personally do not think it makes good sense to handicap ourselves with the restriction that this amendment would impose when we have an opportunity to accomplish what we set out to do. I am convinced this amendment would place that opportunity in jeopardy.

The U.S. ground combat role will be over by the end of the summer and the withdrawal of the remainder of our forces will continue as forecast. The war may continue at a reduced level, but, if Vietnamization is successful, the South Vietnamese forces will be able to handle the threat. And most importantly, if we are successful to that degree, we will have shown to the Communist world that so-called wars of liberation, which are in fact naked aggression, and cannot be successful, provided the people of the country attacked have the desire and are guaranteed the capability to defend themselves.

Mr. President, we all seek a negotiated peace and surely we have a better chance of accomplishing this goal if we do not give the enemy advance knowledge of our plans and programs.

Mr. President, I urge my colleagues to reject this amendment which, if agreed to, would give advance notice of our plans and programs and increase the ability of the North Vietnamese to overthrow not only South Vietnam but also Cambodia and Laos as well.

Mr. President, I ask unanimous consent to have printed in the RECORD a letter from POW-MIA International, Inc., dated June 11, 1971. It is especially interesting to note that this organization also agrees the pending amendment should be defeated.

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

POW-MIA INTERNATIONAL, INC.,
Tustin, Calif., June 11, 1971.

DEAR MR. CONGRESSMAN: As prisoner of war and missing-in-action families, we have a deep personal concern in your vote on the McGovern-Hatfield Amendment. We therefore pray you will take a few minutes of your time to try to understand how we feel about such an important issue.

There has been a vast, concerted, expensive and professional campaign waged via media, advertising and lobbying to influence your vote on this amendment. Obviously the great majority of American people want to see the end of this tragic war. The major emphasis however, of those who want the date of December 31 set for unconditional withdrawal, is that when this date is set, Hanoi will then respond by releasing *all* the prisoners. Recently Mr. Clark Clifford made such a statement as if it were absolute fact. We feel this is a complete deception. Xuan Thuy stated on the same day as Mr. Clifford that "the question of the prisoners relates to the aftermath." Not only have they refused to commit themselves to actually releasing 339 prisoners, but if they do honor their commitment to *discuss* the prisoners if the United States sets the date, they will be *discussing* only 339.

The question we as families want to know is which prisoners does Mr. Clifford and the others who are pushing toward a December 31 deadline refer to? The ones the communists admit to holding or the far greater number that our government has evidence that are alive?

Mr. Charles Ray's son is held in South Vietnam. The only reason we know this is because an escaped prisoner, Spec. 5 Tom Van Putten, was held with him. The communists will not allow him to write to his family nor will they acknowledge his presence. Over 100 other young men that the communists refuse to acknowledge are known to be alive in North Vietnam, South Vietnam, Laos and Cambodia.

There are undoubtedly many others, however, the 100 that we are aware of are the men that your conscience will knowingly write-off if you bow to the communists' demands to set a date before Hanoi is willing to let the International Red Cross inspect the camps and identify the prisoners. Is it truly too much to demand that they show that small measure of "good faith" before we make the final concession of unconditional surrender?

The question has often been asked, "What has happened to the conscience of the American people?" We feel the people can be forgiven, for even in this era of mass communications, they are frequently ill-informed of all the facts. This excuse cannot apply, however, to those of you elected to decide our fate. How can the Congress of the United States keep on playing politics with a war which has cost 50,000 American lives. It is referred to as Mr. Nixon's war. Are memories so short to forget that our first prisoners were sent there by President Kennedy? Although the public is often told that LT Alvarez was the first prisoner, the truth is that Eugene DeBruin was lost in 1963.

Most of us find it hard to understand that after all those years and lives were committed by Presidents who saw a need to send our men overseas to contain communism, that there could not be more patience and unified support for the logical termination which would insure the return of all our men.

Admittedly, it is difficult for us to be concerned about the people in South Vietnam or for that matter, whether the communists enslave all of Asia, for we have been living a nightmare for many years. Some of us not knowing whether their husbands or sons can withstand all the years of mental and physical torment. All we want is our men back—*all of them!* Any reasonable person knows that unless you members of Congress *demand* that the communists account for the men via a neutral, international inspection team before any more concessions are made by our country, we have no chance of obtaining more than the 339 they admit to. You are responsible if not as a member of Congress, then simply as an American for the fact that three duly elected Commanders-in-Chief sent them over there.

We pray that your conscience will not let you abandon the men who have served you at such great sacrifice.

Mrs. Darrel Pyle, the wife of one of the 339 men who at least the communists promise to talk about, has as much at stake in your actions as any living American. She feels as many other POW wives and mothers do, that no matter what their men have gone through, they would not be ready to abandon their fellow Americans. She states, "My son and I have been without Darrel for five years. God knows that I would trade my life for his safe return. Only those of us who have lived in this manner would probably be able to realize that we would do anything to see our husbands again—that is with one exception, I cannot sell my soul and that of Darrel's by bowing to the communist demands of writing off the other men who have made the same sacrifices for their country as he has. I know that to do so would mean that even though he has been able to withstand all the mental and physical abuse for these five years, he would never be able to withstand the last and most abominable cruelty of finding his release had been arranged at the cost of abandoning his fellow Americans and all he has ever believed in."

We beg you to not allow the POW/MIA issue and the lives of our husbands, sons, and ourselves to be tossed around like a political football.

May God guide your conscience.

Sincerely,

MRS. STEPHEN HANSON.

Mr. HARRIS. Mr. President, once again I rise to speak in support of the McGovern-Hatfield amendment to end the war in Southeast Asia. Some opponents of the measure argue that, with President Nixon's declared intentions of withdrawing our troops from Indochina, the McGovern-Hatfield amendment represents a superfluous and unnecessary burden on the President in his efforts to end the war. I disagree. In light of the recent course the war in Southeast Asia is taking, adoption of the McGovern-Hatfield amendment is more important today than ever before.

We are all familiar with the horrible toll this war has exacted. Death and suffering have become a way of life for the people of Indochina. Since our involvement in the war, over 45,000 of our own young men have died and almost 300,000 have been wounded, many of whom will be maimed for life. Another 1,023 are missing and 465 are POW's.

At a time when our cities and rural areas are in serious financial trouble, when our own people's food, health, and housing needs are unmet, when the taxpayer's burden is becoming unbearable, we are expending huge amounts of our resources in Indochina. To date the Nation has spent over $140 billion on the war.

Unmeasurable in terms of dollars are the spiritual wounds and divisiveness inflicted on our country by this seemingly endless war. Our sense of unity and purpose, once so powerful, have been eroded, and replaced by mistrust, bitterness, and suspicion. Many of our citizens cannot remember, or were too young to know, why we even entered the war in the first place.

Surely, we have fulfilled any commitment we owed to the South Vietnamese Government, above and beyond what could be expected of us. The administration charges that setting the date of December 31 for total withdrawal is too

precipitous, and would endanger the South Vietnamese Government's chances for survival. If after 11 years of massive aid and military support, the Government of South Vietnam cannot provide a stable and representative government for its people once again, I ask when it ever will be able to do so.

The stated purpose of the administration is to end the war and bring all of our boys back home. The American people overwhelmingly have demonstrated their approval of this purpose. In fact, 80 percent of the people in this country feel that the war was a terrible mistake. Only by totally ending our involvement in the war can we begin to right the mistake and get on with the process of rebuilding America. Unfortunately, the President's troop withdrawal plan does not mean the end of our military involvement in Indochina. It only signifies the end of one phase of the war—the war on the ground—and the transformation of our entire war effort throughout Indochina to a second phase—the air war.

I do not believe, Mr. President, that the American public will be fooled by this new phase of the war in Indochina. It is true that our casualty lists will be lower than in the past and our overall involvement in Southeast Asia less visible. But the fact remains that we will still be involved in the war and its maiming and killing. As long as we continue on this course, there is no hope that our prisoners will be released.

If we are sincere in our intentions to get out of this war, the road home does not include the increased bombing of Indochina. Just last Monday, the Senate met in closed session to hear details of the air war in Laos. This war, kept hidden from the American people, is a shocking example of what seems to be our new pattern of fighting: massive bombardment of guerrilla zones, even if these zones lie in populated areas, and the use of American support for Asian troops fighting on the ground. The toll on the Indochinese people is devastating. In Laos, whole villages have been leveled, tens of thousands of peasants have been killed and wounded, and hundreds of thousands have been driven underground to seek refuge in caves and tunnels from American bombers. Presently 300,000 peasants in Laos are in refugee camps. And many of these Laotians do not even know where America is.

The war has expanded on other fronts. The neutrality of Cambodia exists today in name only. The bombing of North Vietnam has been resumed. By the first of the month bombing missions had occurred on 43 occasions since the beginning of the year. In short, while the number of our ground troops in Indochina is being reduced, the air war appears to be escalating. We cannot allow the innocent civilians of Indochina to be the victims of such a policy.

Our own self-interest also demands an end to the bombing, which jeopardizes American lives and can only add more pilots to the list of our POW's.

Some estimate the cost of the bombing to be over $10 billion per year.

By passing the McGovern-Hatfield amendment, we can end once and for all our participation in this tragic war. We can stop the unwarranted suffering of innocent Indochinese civilians.

We can test the sincerity of the North Vietnamese intentions to release our POW's. I believe that passage of the McGovern-Hatfield amendment will increase the chances of their safe release. But I am also satisfied that the amendment makes ample provision for future actions should our prisoners not be released.

Similarly, I am confident that the amendment allows sufficient room for the protection of our withdrawing forces and any Indochinese civilians whose physical safety might be endangered by our withdrawal.

Last, we can join with the President, by asserting our constitutional authority, to end the war to show the world an America united in purpose and direction. We all share the responsibility for ending this war.

I urge the adoption of the McGovern-Hatfield amendment.

Mrs. SMITH. Mr. President, I shall oppose the pending amendment and I ask my colleagues to examine the record carefully before they vote in its favor. There are many sides to the withdrawal of our troops in South Vietnam that are not too apparent to the American public. I personally know that President Nixon is as desirous as anyone of bringing an end to our involvement in Indochina and I, for one, am proud of what he has accomplished in the past 2 years.

Mr. President, there are certain facts about our involvement in Vietnam that should not be overlooked by anyone who cares to be informed.

Let us first examine carefully President Nixon's inheritance when he took the oath of office in January 1969.

First and foremost among the bequests of the previous administration was an escalating, growing, and unpopular war—this inheritance included a military offensive of sorts with a built-in, no-win policy.

President Nixon inherited a war with built-in rules of engagement never before heard of in the history of warfare.

President Nixon inherited an Army with one hand tied behind its back, and stripped of its spirit and proud heritage.

President Nixon inherited enemy sanctuaries which provided the enemy safe havens from which to launch deadly offensive operations at times and places of their choice without any fear of reprisal.

Mr. President, the present administration also inherited an air war that precluded offensive operations against meaningful and lucrative enemy targets.

The present administration inherited an economy of spiraling inflation resulting from deficit spending on the Vietnam war and other military commitments.

An important bequest of the previous administration, which was willed to President Nixon, was a policy of employing draftees under the Selective Service System to escalate the war in lieu of calling up the Reserves to perform the mission for which they were established.

In addition to the commitments in Indochina, President Nixon inherited other worldwide military commitments that were not of his making.

In recent months President Nixon has inherited the aftermath of Mylai and its most painful consequences.

Mr. President, the list of President Nixon's bequests would fill many pages, such as the family of total-package contracts entered into by the previous administration for such items as the F–111, the C–5A, and now the F–14.

I would be remiss if I did not include the disenchanted press which had already become more sympathetic to the enemy than to our own national interest.

Yes, Mr. President, these are but a few of the controversial items which were bequeathed to President Nixon by his predecessor in January 1969.

I think it both fitting and proper, Mr. President, that we now examine what has been accomplished since this legacy was dumped in the lap of the present administration.

Let us compare the situation as President Nixon found it with where we are today.

The U.S. troop authorized strength in Vietnam in early 1969 was just 500 men short of half a million men. Troop levels had risen for 5 years and were still rising. On December 31, 1970, just 1 year later, the actual strength was 335,800 and on June 3, 1971, the actual strength had been reduced to less than 251,000 American servicemen.

Mr. President, this withdrawal of American troops from Vietnam continues downward, and by December 1, 1971, the authorized strength will be 184,000 men. It is important to note that 60 percent of that strength will be composed of combat elements and the remaining 40 percent will be support troops.

For 2 years preceding President Nixon's assumption of office, combat deaths for the previous 12 months were 14,561 and averaged 278 weekly. Between the 2d and 29th of May 1971, there were 144 combat deaths which represent an average of less than 36 weekly.

Mr. President, I sincerely doubt that there are many people in the Nation who wish more than I that these figures were zero in all respects, but to me the accomplishments of the present administration are impressive. I, for one, salute the Chief Executive for this outstanding accomplishment. Aside from withdrawals and reduction of casualty rates, I might mention that in January 1969 the enemy was launching massive offensives from Cambodia, Laos, and across the DMZ. I ask my colleagues to note well the fact that few significant operations are being mounted from these areas today.

In January 1969 there was no realistic peace plan for ending the war. President Nixon, without bowing to the unreasonable demands of Hanoi, has laid out a flexible framework for a negotiated settlement.

I will not belabor the Vietnamization program, but at the time of President Nixon's inauguration, the ratio of South Vietnamese forces to American forces in Vietnam was less than 2 to 1. In January of this year this ratio has risen to 3½ to 1. In January of 1969, the ratio of South Vietnamese to American en-

gagements with the enemy was about 7 to 1. Two years later it was 16 to 1.

And at that time, Mr. President, there was no assurance that the South Vietnamese forces could undertake large military operations on their own. Today they have proven their ability to fight and to win.

At that same time, large areas of South Vietnam were considered a no-man's land, and many principal routes were impassable. Today, recognizing that dangerous pockets still exist, the vast bulk of the country is secure.

Mr. President, I believe that the South Vietnamese have come a long way and their dramatic advancement represents a concrete example of the partnership principles embodied in the Nixon doctrine.

I do not wish my remarks to be misconstrued and I am not viewing the future through rose-colored glasses. I would be the first to recognize that the conflict in Southeast Asia has been both costly and frustrating to the American people. I would also emphasize that an immediate withdrawal on an announced schedule of the pullout, in my judgment, would be to hand the enemy a blueprint of where, when, and how to destroy our remaining forces.

Those who would support this amendment would cop out and abandon our international responsibilities, and they would increase the risk of a greater escalation of the war. Those advocating immediate withdrawal might do well to ponder and review the unhappy consequences of Dienbienphu.

The adoption of this amendment, in my view, is tantamount to withdrawing our support from our forces which remain there today and those which will have to remain until we can extricate ourselves with peace and honor.

Under President Nixon's plan, American involvement in South Vietnam will end in a way that would provide the South Vietnamese survival as a free people. The amendment under consideration would end that opportunity and would, in effect, provide a victory to the Communists.

Mr. President, I ask unanimous consent that U.S. troop strengths in Vietnam from 1961 to the present be included in the RECORD. I ask also that the record of casualty rates be included following my remarks.

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

U.S. MILITARY PERSONNEL IN SOUTH VIETNAM—BY SERVICE

Date	Army	Navy	USAF	USMC	USCG	Total
Dec. 31, 1960	800	15	68	2	----------	[1] 900
Dec. 31, 1961	2,100	100	1,000	5	----------	3,200
Dec. 31, 1962	7,900	500	2,400	500	----------	11,300
Dec. 31, 1963	10,100	800	4,600	800	----------	16,300
Dec. 31, 1964	14,700	1,100	6,600	900	----------	23,300
Dec. 31, 1965	116,800	8,400	20,600	38,200	300	184,300
Dec. 31, 1966	239,400	23,300	52,900	69,200	500	385,300
Dec. 31, 1967	319,500	31,700	55,900	78,000	500	485,600
Dec. 31, 1968	359,800	36,100	58,400	81,400	400	536,100
Jan. 31, 1969	365,600	35,700	59,300	81,400	400	542,400
Feb. 28, 1969	364,100	35,600	59,900	80,700	500	540,800
Mar. 31, 1969	361,500	35,500	60,800	79,900	500	538,200
Apr. 30, 1979	363,300	36,500	61,400	81,800	400	543,400
May 31, 1969	361,300	35,800	61,200	81,700	400	540,400
June 30, 1969	360,500	35,800	60,500	81,500	400	538,700
July 31, 1969	362,200	35,500	60,400	79,400	400	537,900
Aug. 31, 1969	342,600	34,200	59,900	72,400	500	509,600
Sept. 30, 1969	345,400	33,700	59,700	71,200	500	510,500
Oct. 31, 1969	338,700	33,500	58,800	64,400	500	495,900
Nov. 30, 1969	331,400	31,400	58,700	56,800	500	478,800
Dec. 31, 1969	331,100	30,200	58,400	55,100	400	475,200
Jan. 31, 1970	331,200	29,700	57,400	53,800	400	472,500
Feb. 28, 1970	332,000	29,000	55,500	50,200	300	467,000
Mar. 31, 1970	315,800	28,600	53,800	43,600	300	442,100
Apr. 30, 1907	305,100	28,300	52,200	41,700	300	427,600
May 31, 1970	306,900	27,700	51,400	41,600	200	427,800
June 30, 1970	298,600	25,700	50,500	39,900	200	414,900
July 31, 1970	293,600	22,600	48,200	39,300	200	403,900
Aug. 31, 1970	294,300	22,200	47,900	35,200	100	399,700
Sept. 30, 1970	294,100	19,500	46,700	30,000	100	390,400
Oct. 31, 1970	286,400	17,400	44,100	25,000	100	373,000
Nov. 30, 1970	268,900	16,900	43,900	25,300	100	355,100
Dec. 31, 1970	249,600	16,700	43,100	25,100	100	334,600
Jan. 31, 1971	251,500	17,000	42,200	24,900	100	335,700
Feb. 28, 1971	245,000	16,700	40,200	22,500	100	324,500
Mar. 31, 1971	228,300	14,800	39,800	18,900	100	301,900
Apr. 30, 1971	207,800	11,100	38,900	12,200	100	270,100
May 31, 1971	200,100	11,300	38,400	5,800	100	255,700

[1] About.

Note: Between 1954 and 1960—U.S. Military Strength averaged about 650 advisors.

DEPARTMENT OF DEFENSE

NUMBER OF CASUALTIES INCURRED BY U.S. MILITARY PERSONNEL IN CONNECTION WITH THE CONFLICT IN VIETNAM, JAN. 1, 1961, THROUGH JUNE 5, 1971

	1961-62	1963	1964	1965	1966	1967	1968	1969	1970	1971 to date	Total
A. Casualties resulting from actions by hostile forces:											
1. Killed	20	53	112	1,130	4,179	7,482	12,588	8,119	3,467	803	37,953
2. Wounded or injured:											
(a) Died of wounds	1	5	6	87	517	981	1,636	1,170	578	108	5,089
(b) Nonfatal wounds:											
Hospital care required	43	218	522	3,308	16,526	32,371	46,799	32,940	15,211	3,533	151,471
Hospital care not required	38	193	517	2,806	13,567	29,654	46,021	37,276	15,432	2,949	148,453
3. Missing:											
(a) Died while missing	21	20	28	151	309	911	367	120	174	90	2,191
(b) Returned to control	7	3	2	12	22	12	26	10	1	6	101
(c) Current missing											1,027
4. Captured or interned:											
(a) Died while captured or interned			1	1	3	4	1	5	2	----------	17
(b) Returned to control				3	----------	5	26	16	1	----------	51
(c) Current captured or interned											465
5. Deaths:											
(a) From aircraft accidents/incidents:											
Fixed wing	24	23	39	111	168	173	250	165	88	31	1,072
Helicopter	7	35	38	88	185	287	631	638	610	196	2,715
(b) From ground action	11	20	70	1,170	4,655	8,918	13,711	8,611	3,523	774	41,463
Total deaths [1]	42	78	147	1,369	5,008	9,378	14,592	9,414	4,221	1,001	45,250
B. Casualties not the result of actions by hostile forces:											
6. Current missing											138
7. Deaths:											
(a) From aircraft accidents/incidents:											
Fixed wing	5	3	11	41	140	178	120	106	118	13	735
Helicopter	5	5	11	50	177	384	360	461	426	129	2,008
(b) From other causes	13	28	26	268	728	1,118	1,439	1,546	1,300	374	6,840
Total deaths	23	36	48	359	1,045	1,680	1,919	2,113	1,844	516	9,583

[1] Sum of lines 1, 2a, 3a, and 4a.

Source: Department of Defense, OASD (Comptroller), Directorate for Information Operations, June 9, 1971.

Mr. ALLOTT. Mr. President, today I want to explain why I think the Senate should not adopt the McGovern-Hatfield amendment.

When a similar amendment was put to a vote 9½ months ago the Senate decided that the case for the amendment was weak. The case for such an amendment has become even weaker in the intervening period.

There is only one set of circumstances in which it would be wise or necessary to pass such an amendment. If the President were not doing everything in his power to bring about a steady, prudent American disengagement from the war, then I would lend my voice to a call for some form of non-Presidential leadership toward disengagement.

But there is no such need for alternative leadership today. The President of the United States is doing the job that properly belongs to the President. He is in full charge of a sensible, prudent military and diplomatic disengagement from the war.

The last vote on this kind of amendment came during the period of great anxiety following the allied incursion into the Cambodian sanctuary areas. At that time a number of sincere and honorable Senators became alarmed at what they thought was a slowing, or even a reversal, of the President's announced policy of orderly disengagement from the fighting in Vietnam.

In the hectic summer months of 1970 three fears were voiced in connection with the post-Cambodia policy.

First, some Senators feared that troop withdrawals would slow or even halt.

Second, some Senators feared that American casualties would rise in the aftermath of the Cambodian incursions.

Third, some Senators feared that the Cambodian Government would collapse in a matter of weeks as a result of the increased fighting against the Communist forces occupying parts of Cambodia.

Fortunately, Mr. President, none of these things has come to pass.

The pace of American withdrawals has increased, not decreased, since the Cambodian incursions.

The rate of American casualties has continued the steady decline which began when, early in the Nixon administration, the policy of Vietnamization troop withdrawals was formulated and implemented.

And the Government of Cambodia is intact and is applying pressure on those Communist forces which, in years past, enjoyed the comfort of benign neglect while trespassing in Cambodia.

All indices confirm the obvious fact of steady, irreversible disengagement. The cost of the war today is less than half of what it was when President Nixon was inaugurated.

Since then the ratio of South Vietnamese to American engagements has risen from 7 to 1 to 16 to 1 and it continues to rise rapidly.

Since then the ratio of South Vietnamese forces to American forces has risen from 2 to 1 to more than 3½ to 1, and it continues to rise rapidly as American troops withdraw.

In January of 1969 when the President took office the authorized troop strength was 549,000. By the end of the year over two-thirds of that number will have been withdrawn. That is some 365,500 men.

Two years ago the average number of American combat deaths was 278 weekly—in the last several months the number had dropped to less than 50 and last week to 19, the lowest in 5½ years. The decline has been constant.

Two years ago there was no comprehensive allied peace plan for ending the war. Now as the result of several initiatives by the Republic of Vietnam and the President, we have laid out a comprehensive and flexible framework for a negotiated settlement.

On October 7, 1970, President Nixon, supported by President Thieu, proposed a generous five-point peace program calling for: an internationally supervised cease-fire in place throughout Indochina; the establishment of an Indochina Peace Conference; negotiation of an agreed timetable for the complete withdrawal of all U.S. forces from Vietnam on the basis of North Vietnamese reciprocity and international verification; a fair political settlement reflecting the will of the South Vietnamese people and of all the political forces in South Vietnam; an immediate and unconditional release of all prisoners of war by all sides.

In addition, Mr. President, we have supported the South Vietnamese Government's proposals of July 11, 1969, calling for free elections in which all people and parties of South Vietnam—including explicitly the National Liberation Front—can participate. Those elections would, under the South Vietnamese plan, be supervised by both an international body and an electoral commission on which the National Liberation Front would enjoy full membership. No one can expect us or the South Vietnamese to do more. We have made our commitment to peace perfectly clear.

The response of Hanoi and the NLF to our proposals has been entirely negative. They have refused to consider the allied proposals as even agenda items at the Paris talks. They have continued to reject all notions of reciprocity, of verifiably open elections, of international observation. They have refused—despite their promises—to negotiate with the Government of South Vietnam. And they have demanded that we—unilaterally and with no promise of anything in return—withdraw all our troops, overthrow the present Government of South Vietnam, and agree to the imposition of a "coalition" government consisting only of NLF members and various personages defined by the NLF as "really standing for peace, independence and neutrality."

There are those who genuinely believe that the best policy now would be one that placed faith in the reasonableness and benevolence of the Hanoi Government. According to these persons, we should cash in our last bargaining chip by announcing a date on which the last American will be out of Vietnam. But what is to be gained from abandoning the bargaining process at this point?

Those persons who advocated getting into the bargaining process did so on the basis of confident expectations for fruitful bargaining. They have been wrong, totally wrong. Now that we are nearing a point at which Hanoi might actually find it necessary to bargain, these same people want to formally opt out of the bargaining. This makes no sense.

We cannot entrust the safety of the American withdrawal, or the fate of American prisoners of war to the whims of the Hanoi government. Never in American history have we met with such unrelenting obstinacy in an attempt to negotiate differences with another nation. The Hanoi government could not have been more unrelenting or inhumane in its use of the prisoners of war as pawns in international politics. This is the worst possible time for trusting this worst possible government to act benevolently toward our prisoners of war.

Those who predict what Hanoi's reaction will be to any U.S. move should study the sobering record of past prophets.

We were told that meaningful negotiations would result if only we imposed some limits on bombing in the north. We did impose limits, and nothing was gained.

We were told that meaningful negotiations would result if only we would halt bombing of the north altogether. We did, and nothing was gained.

We were told that meaningful negotiations would result if only we began troop withdrawals. We did, and nothing was gained.

Most recently, Mr. Clark Clifford, former Secretary of Defense, joined the ranks of the prophets and, in record time, his prophecy was discredited. On June 8 he said that he had "reason to believe" that if we would agree to total withdrawal by December 31, then all American prisoners would be released. But on June 10 the North Vietnamese in Paris greeted Mr. Clifford's prediction with undisguised disdain. Both North Vietnam's Xuan Thuy and the Vietcong's Nguyen Thi Binh, when invited to support Mr. Clifford's prediction, refused to give us any reason to credit the veracity of his remarkable prophecy.

Frankly, Mr. President, I would expect those who have made unfulfilled prophecies in the past to be very reluctant to encourage us to rely on any other predictions about Hanoi's reasonableness.

Mr. President, I know the strong temptation to use this amendment to voice the strong revulsion we all feel for the anguish that has resulted from the war in Vietnam.

Furthermore, the President knows, as we all know, that it would be politically popular to try to legislate an end to this ghastly Vietnam involvement. All Senators, regardless of their views on ending the war, should ponder the fact that the President is refusing to take the easy and politically profitable course. This President, like his two predecessors, is making his policy subservient only to what he considers the national interest. This President, unlike his two predecessors, has the opportunity to end Ameri-

can involvement in this war, and he is doing so.

There are those who suggest that this amendment is politically motivated. They suggest that some supporters of the amendment want it passed precisely because they know the President is succeeding in disengaging us from the war. According to this interpretation, this amendment is a last-ditch attempt to grab a share of the credit for this achievement.

Mr. President, I categorically reject this suggestion. However much I disagree with the assumptions and analyses of the advocates of this amendment, I do not doubt the conscientiousness of their advocacy.

I very much respect the passionate dedication shown by the supporters of this amendment, both in the Senate and in the Nation as a whole. They have argued their case with civility and proper thoroughness. But events have passed this amendment by. Events have deprived the amendment of its capacity to do anything other than confuse and complicate the final stages of American disengagement.

That is why I urge the Senate to reject this amendment, respecfully, but firmly and decisively.

The PRESIDING OFFICER. Who yields time?

Mr. STENNIS. Mr. President, I suggest the absence of a quorum, and I ask unanimous consent that the time be equally charged to both sides.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

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

Mr. STENNIS. Mr. President, I yield 20 minutes to the Senator from Alabama (Mr. ALLEN).

Mr. ALLEN. Mr. President, I thank the distinguished Senator from Mississippi.

Mr. President, I rise to reiterate, to restate, and to reaffirm my opposition to the McGovern-Hatfield measure which faces us today.

Mr. President, I would set my desire for peace in Vietnam and throughout the world alongside the desire for peace of any citizen, and I daresay it would compare favorably in intensity and sincerity. I hate war—the toll that it takes of life and limb and blood; the destruction it causes; and the griefs and sorrows and divisions that result from it.

But I cannot support a measure that calls for withdrawing support from our troops in the heat of battle and that advises the enemy of our plans without any corresponding concession from them.

During debate on the new version of the old McGovern-Hatfield amendment, several Senators have risen to say that since the defeat of a similar proposal last year, Americans have continued to die and be wounded in Vietnam and that the war continues.

Yes, the war has continued since the McGovern-Hatfield amendment was defeated last September—but what is being ignored is the fact that U.S. troop involvement has continued to be wound down. President Nixon's policy of withdrawing our Armed Forces from Vietnam has continued, on a schedule he has deemed appropriate, mainly from the standpoint of the security of the American forces remaining in Vietnam as others are withdrawn.

The President is acting under his authority as Commander in Chief. The amendment before us now would restrict that constitutional authority.

Mr. President, far from being an end-of-the-war amendment, this amendment makes provision for a strange approach to the problem. It does not provide for the withdrawal of a single American soldier. What it says is that after December 31, 1971, no funds can be expended in support of any troops that we might have in military operations in or over Indochina.

The amendment recognizes the fact that Congress has no authority whatsoever to order withdrawal of a single American soldier from Indochina. That power rests in the President of the United States alone as Commander in Chief of the Armed Forces of the United States. What the amendment does is perform the incredible function of withdrawing support from our soldiers in the very heat of battle, so that if any of our soldiers remain in Indochina beyond December 31, 1971, the amendment would provide that no support whatsoever could be given them under this or any other law. If our troops remain there, and they are attacked, they run out of ammunition, and there is none in the pipeline, no further funds could be used to provide ammunition, armament, or guns for the defense of those soldiers.

This is the first time in history, Mr. President, that it has been proposed that support be withdrawn from fighting men while they are in the heat of battle. What kind of support does such an amendment give? What help does it give the President?

The proponents of the amendment, and proposed amendments to the amendment, say they are trying to strengthen the hand of the President to assist him in his negotiations. I say this proposal would hamper the President, Mr. President, would advise the enemy of our plans, and would remove the options that the President might have in the conduct of the war.

I opposed this amendment last year because I believe its passage would have been a restriction on the powers of the President. This year the amendment, though the wording differs slightly, still represents a restriction of the President's powers. I oppose it this year as I did last year.

Some critics of the President's Vietnam withdrawal policy are claiming this morning that the American public has been betrayed and deceived based on revelations published in the New York Times. They are citing publication of the documents as an added reason to vote for the McGovern-Hatfield amendment.

I do not excuse those judgments made and action taken in 1964. Even then, 4 years prior to my being elected to this body, I was opposed to this Nation's becoming involved in a war on the Asiatic mainland, and I still deplore the fact that we ever became engaged in such a war, and say that we ignored the lessons of history in doing so.

But critics refuse to recognize the incontrovertible fact that no matter how they got there, we do have 250,000 American boys now in Southeast Asia. They are there, not because of the present administration, but through policies made years ago by other administrations. In my judgment, President Nixon deserves credit and appreciation and support for the manner in which he is winding down U.S. involvement in Vietnam. The sacrifices of those who shed their blood there, and the safety and security of our men who remain, must not be recklessly thrown away by wanton retreat.

For the sake of our troops and for the sake of our country, we cannot allow ourselves the luxury of arguing today's issue on the basis of a 1964 action. History will take care of yesterday, but we are responsible for today and tomorrow.

Americans want peace—peace with honor—but not peace at any price—not peace through abject surrender.

McGovern-Hatfield would toll the death knell to any hopes for negotiated peace, including the return of American prisoners of war now being held by the North Vietnamese and the Vietcong. With McGovern-Hatfield, why should the enemy want to talk peace? He could continue his present tactics and would still be handed everything he wants on a silver platter.

History has no record of a military conflict other than this one in which one side, with overwhelming power, with power to wipe its adversary off the face of the earth, has sought peace so assiduously and so magnanimously as has our country. Peace terms are not "unconditional surrender," for we have forsworn a military victory and ask only that the South Vietnamese be allowed the right of self-determination as to their destiny and as to the type government they have.

We have sought peace—publicly and privately, through usual and unusual methods, in direct and indirect negotiations, in open and in secret sessions.

We have brought the South Vietnamese and the Vietcong into the negotiations.

We have limited bombing; we have stopped bombing altogether.

We have withdrawn 285,000 troops from Vietnam, and by December 1 of this year our forces will be down to an authorized strength of 184,000.

We have done all these things, but only one bilateral agreement has been made of which I have knowledge. This is the agreement on the shape of the negotiating table and the seating arrangement of the so-called peace negotiators.

It must be remembered that the Vietnam war is not of the making of President Nixon. When he became President, the war and our participation in it—except for the bombing halt—had been escalated to an all-time high. A record

number of American troops were in Vietnam at that time.

President Nixon's policy at all times has been to deescalate our participation in Vietnam and turn the fighting over to the South Vietnamese, but, at the same time, seeing that the American troops are protected and supported during the process of Vietnamization.

During this Vietnamization of the war, the President has been active in his efforts to get the North Vietnamese to enter into meaningful negotiations that would bring a lasting and honorable peace.

I am convinced that no person in the entire country wants peace more than President Nixon. The future of our country depends on it, and no one realizes this better than the President himself. He wants peace and his efforts are expended toward protecting American lives, shortening the war, and achieving peace.

As I have stated, the war is not of the President's making. He is not responsible for starting it; but now it is his responsibility. He says that he will end the war, that we will have a just and honorable peace. He accepts it as his responsibility to achieve these goals. He does not seek to shift the responsibility. He knows the risks involved. I respect him for his courage and his determination.

As I see it, the Constitution is clear and specific on three points:

First. The President is Commander in Chief of the Armed Forces of the United States. As such he can direct the conduct of a war.

The Constitution establishes the President's authority as Commander in Chief of the Armed Forces, the one man who must make final decisions affecting the use of our military forces. This is not a power that the President has seized without regard to the role and the prerogatives of Congress. It is a power that the Constitution has placed on the President. He would not be discharging his duty unless he acted to protect the members of the Armed Forces in Southeast Asia.

Second. Only Congress can declare war.

Third. Congress, with its power over the purse strings of the Nation, can finance a war or withhold funds with which to prosecute the war.

What, then, of undeclared wars or limited actions to protect American lives and property—who initiates these and who directs them?

The history of our country is replete with instances in which limited wars or military actions have been initiated by a President. These actions have been taken by the President under his powers as Commander in Chief of the Armed Forces. Once the conflict has been initiated—here, again, I say that President Nixon did not initiate the conflict—these seems little doubt of the President's power to direct the prosecution of the conflict—subject only to the right of Congress to cut off funds and to cut off support from that army in the field. I submit that it would be a great tragedy if support for our Armed forces in the field should be cut off by this Congress, and I say that Congress would rue the day that it passed any such legislation.

Congress has no power to limit or restrict the powers conferred on the President by the Constitution, except to the extent that the exercise of the powers which Congress has under the Constitution might restrict the exercise of the President's powers. The amendment we are presently discussing would be a method and a manner by which Congress could constitutionally act and restrict the President's powers as Commander in Chief.

Adoption of the McGovern-Hatfield amendment can, in my judgment, serve no useful purpose. Adoption of the amendment, on the contrary, would be detrimental for many reasons. I list several:

First. It would raise questions and create doubt as to the credibility of the President of the United States as to his promise to withdraw American troops from Vietnam.

Second. It would question the powers of the President of the United States as Commander in Chief of the Armed Forces.

Third. It would seriously weaken the power of the President as spokesman for this country in the quest for peace. This repudiation of the President and his action would be known in national capitals throughout the world within minutes of our action on this amendment.

Fourth. It would emphasize our national divisions and lack of unity in the matter of a national foreign policy.

Fifth. It could encourage our real adversaries, Russia and China, in believing that we lack the national resolve and determination to see the Vietnam war to an honorable conclusion.

Sixth. It would advise our enemies as to what our plans are in Southeast Asia, telling them just what limitations our Armed Forces are under, just how far we will go and no farther. It would remove all flexibility from future military plans and operations.

The President of the United States, acting as Commander in Chief of our Armed Forces, has had and will continue to have my support in his conduct of the war in Southeast Asia.

Certainly, I will oppose any moves in the Senate to tie his hands, to snipe at him, or to criticize his actions before the world.

I will certainly oppose the McGovern-Hatfield amendment, because, far from helping the President, as is suggested by some advocates, it would completely tie his hands and make his quest for peace in Southeast Asia an absolutely impossible task, because it would give away our entire position.

For these reasons, I oppose the McGovern-Hatfield amendment.

Mr. STENNIS. Mr. President, I compliment the Senator from Alabama. He has made some splendid points. I shall refer to one point.

The last major point he made was that if this amendment should be adopted, it would be flashed around the world in seconds, to friends and foe alike, that Congress has gone off in one direction and the President in another. As bad as this situation is now, what would become of our situation, our boys, our chances for a really decent settlement or any kind of meaningful settlement for the future?

Furthermore, the precedent would go far beyond this in future dealings with adversary and with friend. That question mark could not be erased for decades to come.

Mr. ALLEN. It would make of Congress, with 535 Members, a council of war; and we cannot constitute ourselves a council of war, planning each step of the conflict. That is a matter for military men and for the President of the United States, as Commander in Chief.

Mr. STENNIS. Not under the Senate rules. It would take too long. [Laughter.]

Mr. ALLEN. I thank the distinguished Senator from Mississippi for yielding.

The PRESIDING OFFICER. Who yields time?

Mr. GRAVEL. Perhaps as a humorous aside, it might be said that, since the situation has not gone well the way it is presently constituted, a larger council of war might be effective.

Mr. President, I yield 10 minutes to the distinguished Senator from California.

Mr. TUNNEY. I thank the able Senator from Alaska for yielding to me.

Mr. President, the question before the Senate today is nothing less than one of life, death, and commonsense.

More than 53,000 Americans have died in battle in South Vietnam. We have spent billions of dollars in a war that cannot be won. The war in Vietnam has resulted in explosive violence here at home as housing, education, and job programs have been shunted aside while America has pursued the mirage of victory through the jungles of Indochina. Millions of Vietnamese are today wandering refugees because of the protective-reaction airstrikes and free fire zones that we have employed with little thought given to the terrible cost in human casualties that have arisen from our military policies.

Our Army has been demoralized. Our men run the dual risk of death and drug addiction in the jungles of Southeast Asia. Our country is divided. The Paris peace talks are stalemated. The South Vietnamese Government seems ready to employ any method to prevent truly free elections. Our President talks of Vietnamization when in fact this term applies to only one half a country. He tells us that he will not accept a withdrawal date until our prisoners of war are released and the South Vietnamese Government has the capability to defend itself.

It is long past time that this administration faced reality. The reality is that since January of 1969 more than 15,000 Americans have been killed in Southeast Asia. The war has expanded geographically into Laos and Cambodia. While the President has been withdrawing our combat troops according to his schedule, I feel that every day any of our men are there is one day too much. The President's time table apparently runs from

election to election. In 1968 he maintained before his election that he had a secret plan—a plan for peace—a plan to end the war—a plan that has either not yet been announced or has been employed secretly and has failed. The current pace of withdrawal is too slow. The stalemate in Paris continues. The killing in Southeast Asia continues. And the divisions here at home widen.

Despite all of the rhetoric—all of the promises—all of the lessons of history—all of the false hopes in dreams of victory, the war goes on.

The continuation of this war means that hundreds of Americans continue to lead empty and shattered lives in the prison camps of North Vietnam. It is time that we took the same risks for their safety and release as we have taken to prop up General Thieu's government. The North Vietnamese have previously stated that there would be no release of prisoners until we set a date for withdrawal.

Recent indications, including reports by Representatives LEGGETT, of California, and HALPERN, of New York, of conversations with the North Vietnamese in Paris, are that they are prepared to negotiate the release of our men as soon as a date is set. I think we should set that date. Otherwise these men will be destined to many more months of containment as we tie the pace of our withdrawal to the stability of the South Vietnamese Government.

If after setting a date, the North Vietnamese do not act promptly to release our prisoners of war, then obviously we cannot abandon those men. I will state categorically that our adherence to a date for withdrawal of all our troops must be linked emphatically to the release of those men. But I also believe that we must now set that date. I have spoken to the wives of six of our POW's in the past few weeks, and they are convinced that the only way they will see their husbands again is if we set a date for getting out of Indochina.

The reality is that our commitment to General Thieu has long since been fulfilled. How much longer does the President suppose will be needed to fully realize this commitment? How many more lives? How many more billions?

The reality is that we are fighting for a government that is both corrupt and unrepresentative.

The reality is that Vietnamization is nothing more than a blind and open ended commitment to men who jail their political opponents, shut down the free press, and thwart the democratic process of government in South Vietnam.

The reality is that we have allowed this war to continue for too long. It has "wasted" our youth and our treasure. It has brought our country to the brink of psychic collapse.

We have fulfilled whatever obligation we had to the South Vietnamese Government. It is long past time that General Thieu be made to stand on his own and stop relying on the blood and billions of America for his survival.

Mr. President, I believe that those of us in the Senate are captured today in a critical moment of history. We have the opportunity to express the will and determination of this country to bring an end to a tragic and costly chapter in American history. We have the chance to begin to open the doors of imprisonment for the five hundred or more Americans presently being held in North Vietnam. We have the chance to end the fighting in Vietnam and begin ending the division that it has caused here at home.

All of our soldiers are, in a sense, prisoners of war. This amendment would win their release. All of the unemployed and underprivileged in America are prisoners of poverty as a result of our country's preoccupation with this conflict. This amendment would allow us to begin focusing our energy on their problems, America cannot live for long while poverty, hunger, and joblessness make a mockery of the American dream and a shambles of so many peoples' lives. We cannot continue to burn villages in Asia while our cities become cauldrons of fear and suspicion. We cannot continue to defoliate forests while we destroy our environment here at home. We cannot continue to concentrate our efforts on South Vietnam while ignoring the problems of equality and economic malaise at home. We cannot wait for other countries to become strengthened while ours is progressively weakened. In short, we cannot let this amendment fail. We cannot let this chance for peace pass us by.

If we do—the war will go on—men will die—debate in the Senate will rage—divisiveness in the streets will continue—America will suffer.

Before any Senator casts his vote today, let him ask himself how much longer does he want our country to live with this war? He should ask himself, how many more men does he want to see go off to this war? He should ask himself if he wants to find us here in the Senate, a year from today, still caught in a debate over a war that is destroying America?

If we do not speak for peace today, we will have failed in our duty to answer and represent the will of our people and we will have failed as men to answer to our conscience.

Mr. President, I intend to vote for the enactment of the McGovern-Hatfield amendment.

Mr. President, it is my firm hope that we will be able to get a majority of Senators to realize that the only way we can possibly end the war is to set a timetable to end it.

We have heard for too long how the war was going to be ended if we took just one more step. I think it is absolutely tragic that our policy in Vietnam today is based upon the supposition that the South Vietnamese Government will be able to take care of itself, without broadening its political base, without reaching out to its own people, without giving its own people the opportunity to participate in a realistic sense in the structure of power in that society. We must put an end to this war and we must do it today by adopting the McGovern-Hatfield amendment.

QUORUM CALL

Mr. GRAVEL. Mr. President, I suggest the absence of a quorum, with the time to be charged equally against both sides.

The PRESIDING OFFICER (Mr. WEICKER). Without objection, it is so ordered, and the clerk will call the roll.

The 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.

UNANIMOUS-CONSENT AGREEMENT

Mr. BYRD of West Virginia. Mr. President, would the distinguished Senator from Mississippi (Mr. STENNIS) yield 2 minutes to me

Mr. STENNIS. I am glad to yield to the Senator from West Virginia.

Mr. BYRD of West Virginia. I thank the distinguished manager of the bill.

Mr. President, having been authorized by the distinguished majority leader to do so, I have discussed with the manager of the bill and with the authors of the various amendments to which I shall refer, a time sequence under which the amendments are to be called up, following disposition of the amendment No. 149 which is to be made the pending business on tomorrow at the time the unfinished business is laid before the Senate.

I therefore propose the following unanimous-consent request:

I ask unanimous consent that upon disposition of amendment No. 149 by the Senator from New York (Mr. BUCKLEY) on tomorrow, the Chair lay before the Senate amendment No. 120 by the Senator from Massachusetts (Mr. KENNEDY).

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

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent, upon disposition tomorrow of the Kennedy amendment No. 120, that the Chair lay before the Senate amendment No. 156 of the Senator from Iowa (Mr. MILLER).

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

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that upon disposition of the Miller amendment No. 156, the Senate proceed to the consideration of amendment No. 135 by the Senator from Oregon (Mr. HATFIELD).

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

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that upon disposition of the Hatfield amendment No. 135, the Senate proceed to the consideration of amendment No. 136 by the Senator from Oregon (Mr. HATFIELD).

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

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that upon the disposition of the Hatfield amendment No. 136, the Senate proceed to the consideration of the amendment by the Senator from Ohio (Mr. SAXBE), amendment No. 164.

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

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that upon the disposition of the Saxbe amendment No. 164, the Senate proceed to the consideration of amendment No. 139 by the Senator from Massachusetts (Mr. KENNEDY).

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

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that upon the disposition of the Kennedy amendment No. 139, the Senate proceed to the consideration of amendment No. 137 by the Senator from Oregon (Mr. HATFIELD).

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

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the time on amendment No. 139 by the Senator from Massachusetts (Mr. KENNEDY) be limited to 2 hours, notwithstanding the fact that a previous agreement has been entered into limiting the time on the amendment to 3 hours.

I have discussed this matter with the aides of the Senator from Massachusetts (Mr. KENNEDY) and also with the manager of the bill. All are in agreement with my request that the time be limited to 2 hours, to be equally divided and controlled by the mover of the amendment and the manager of the bill.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent with respect to amendment No. 139 that the same conditions which will obtain under the agreements entered heretofore on amendments to H.R. 5631 prevail in this instance.

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

The unanimous consent agreement, later prepared in written form, is as follows:

Ordered, That, during the further consideration of H.R. 6531, an act to amend the Military Selective Service Act of 1967, debate on the following amendments be limited to 1 hour to be equally divided and controlled by the mover of the amendment and the manager of the bill (Mr. Stennis): No. 120 by the Senator from Massachusetts (Mr. Kennedy); No. 125 by the Senator from Alaska (Mr. Gravel); No. 149 by the Senator from New York (Mr. Buckley); No. 117, and Nos. 127 through 138 inclusive by the Senator from Oregon (Mr. Hatfield).

Ordered further, That debate be limited to 3 hours to be equally divided and controlled between the mover of the amendment and the manager of the bill on amendment No. 123 by the Senator from Alaska (Mr. Gravel).

Ordered further that debate be limited to 2 hours to be equally divided and controlled between the mover of the amendment and the manager of the bill on amendment No. 139 by the Senator from Massachusetts (Mr. Kennedy).

Ordered further, That debate on amendment No. 156 by the Senator from Iowa (Mr. Miller) be limited to 30 minutes to be equally divided and controlled between the mover of the amendment and the manager of the bill.

Ordered further, That debate on amendment No. 164 by the Senator from Ohio (Mr. Saxbe) be limited to 20 minutes to be equally divided and controlled by the mover of the amendment and the manager of the bill (Mr. Stennis).

Ordered further, That on June 17, 1971, during the further consideration of H.R. 6531, amendment No. 149 be laid before the Senate and made the pending business.

After the disposition of amendment No. 149, the Chair will lay before the Senate in the order listed the following amendments as soon as the one preceding it in the list is disposed of: amendment No. 120 by the Senator from Massachusetts (Mr. Kennedy); amendment No. 156 by the Senator from Iowa (Mr. Miller); amendment No. 135 by the Senator from Oregon (Mr. Hatfield); amendment No. 136 by the Senator from Oregon (Mr. Hatfield); amendment No. 164 by the Senator from Ohio (Mr. Saxbe); amendment No. 139 by the Senator from Massachusetts (Mr. Kennedy) and amendment No. 137 by the Senator from Oregon (Mr. Hatfield).

Provided, That debate on all amendments to amendments enumerated above be limited to 20 minutes to be equally divided and controlled respectively by the mover and the author of the original amendment (first degree).

Ordered further, That amendments not germane to the amendments enumerated above shall not be received.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, will the Senator yield further?

Mr. STENNIS. Mr. President, the time I yielded the Senator has expired. The Senator from Alaska would be glad to yield time to the Senator from West Virginia.

Mr. GRAVEL. Mr. President, I would be happy to yield whatever time the majority whip desires.

Mr. BYRD of West Virginia. Mr. President, I thank the distinguished junior Senator from Alaska.

Mr. President, Senators are on notice that we will have a busy day on tomorrow. It is anticipated that there will be roll call votes on most of these amendments which have been enumerated.

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

Mr. BYRD of West Virginia. I yield.

Mr. SCOTT. Mr. President, can the distinguished assistant majority leader advise us whether he expects any votes following the vote on the McGovern-Hatfield amendment which is scheduled to take place not later than 5 p.m. today?

Mr. BYRD of West Virginia. In answer to the query by the distinguished minority leader, may I say that after the vote on amendment No. 143 by the Senator from South Dakota (Mr. McGOVERN), the Senator from Oregon (Mr. HATFIELD), and other Senators, at circa 5 p.m.—and I do not think it will occur earlier—I would anticipate no further votes today. I say this after having discussed the matter on yesterday with the distinguished manager of the bill.

Mr. STENNIS. Mr. President, in enumerating these votes, the Senator does not mean to imply that the Senate will vote on all of these amendments on Thursday. As I understand it, the idea is that if we do not get through with all of them on Thursday, they will automatically go over to Friday.

Mr. BYRD of West Virginia. The distinguished manager of the bill has stated the case precisely.

Mr. STENNIS. Mr. President, and apart from those the Senator has mentioned, there will be rollcall votes on other amendments to this bill on Friday.

Mr. BYRD of West Virginia. Without question. It will be the intention of the leadership on this side of the aisle—and I am sure it will be with the cooperation of the leadership on the other side, and the distinguished minority leader is here to speak for himself—to try to schedule amendments on Friday which will result in votes on Friday, at least until about 3 o'clock in the afternoon.

Mr. STENNIS. Is the Senator ready to announce the plans he has about the filing of a cloture motion on Monday?

Mr. BYRD of West Virginia. Mr. President, the majority whip cannot announce plans with respect to cloture because it is not the intention of the majority whip—although he will vote for cloture—to sign a cloture motion. It is my understanding that a cloture motion will be introduced on Monday, in which case the vote would occur under rule XXII, on Wednesday next.

Mr. SCOTT. Mr. President, that would probably be in the neighborhood of 1 o'clock, although that would be subject to change.

Mr. BYRD of West Virginia. Depending on the hour of meeting.

Mr. STENNIS. It is the intention of the leadership on next Monday to get votes on pending amendments.

Mr. BYRD of West Virginia. Mr. President, it will be the intention of the leadership to seek votes on Monday, and this will be true on Tuesday pending the disposition of the cloture motion on Wednesday.

Mr. President, the amendments which have been enumerated, and which have been locked in by agreement for action on tomorrow, all have time limitations thereon. So, in the normal course of things, allowing for rollcall votes on some or most of these amendments, the Senate will have a busy day tomorrow.

The PRESIDING OFFICER. Who yields time?

Mr. STENNIS. Mr. President, I yield myself 1 minute.

The PRESIDING OFFICER. The Senator from Mississippi is recognized for 1 minute.

Mr. STENNIS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. STENNIS. Mr. President, I have heard some discussion about the possibility of an amendment in the nature of a substitute being offered to the pending amendment. There would be an hour of debate allowed on any such amendment.

As I understand it, that time would come out of the time that is already under control, and the final vote on the pending amendment would come at 5 o'clock.

The PRESIDING OFFICER. The Senator from Mississippi is correct, on the assumption that there will be that amount of time left on this particular amendment.

Mr. STENNIS. Mr. President, a further parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. STENNIS. Mr. President, no such amendment has been called up. The time is getting short. The unanimous-consent agreement allows 1 hour, the time to be equally divided, on such amendment. Suppose that such an amendment were not offered until after 4 o'clock. It would be impossible to have an hour allotted.

The PRESIDING OFFICER. The Senator is absolutely correct. In that event, the amendment would only be allowed such time as would be left before 5 o'clock.

Mr. STENNIS. Mr. President, would an amendment be in order after 4 o'clock?

The PRESIDING OFFICER. It would be.

Mr. STENNIS. Mr. President, I thank the Chair.

QUORUM CALL

Mr. STENNIS. Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time be equally divided on the quorum call.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. STENNIS. Mr. President, I yield myself 1 minute.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

Mr. STENNIS. Mr. President, the opposition to the amendment has 41 minutes remaining. I do not know whether further amendments will be offered or not. The proponents have 57 minutes remaining. I have no other speakers at this time. I do not care to speak further in the present situation. However, I cannot afford to yield any more time before a quorum call.

The PRESIDING OFFICER. Who yields time?

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. HATFIELD. Mr. President, I yield 5 minutes to the Senator from Florida (Mr. CHILES).

Mr. STENNIS. Mr. President, will the Senator yield for a parliamentary inquiry?

Mr. HATFIELD. I yield.

Mr. STENNIS. Mr. President, how much time remains on each side?

The PRESIDING OFFICER. If no amendment is offered, the Senator from Mississippi has 40 minutes and the Senator from South Dakota has 43 minutes.

Mr. STENNIS. I thank the Chair.

The PRESIDING OFFICER. The Senator from Florida.

Mr. HATFIELD. Mr. President, I yield 5 minutes to the Senator from Florida.

The Senator from Florida obtained the floor.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield for a unanimous consent request?

Mr. CHILES. I yield.

PRIVILEGE OF THE FLOOR

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that during further consideration of the McGovern-Hatfield amendment, Mr. Gordon Weil, Mr. John Holum, and Mr. Wes Michaelson may have the privilege of the floor except during the roll call vote.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. CHILES. Mr. President, I am preparing to send to the desk a substitute amendment to the amendment by the Senator from Oregon, the Senator from South Dakota, and other Senators, that would change the date for withdrawal from December 31 to June 1, of 1972, and would further provide that the provisions in the amendment for withdrawal and cutting off of funds would have no force and effect if North Vietnam and the other adversary forces holding American prisoners of war, or Americans designated as missing in action but held as prisoners of war, had not been completely repatriated 60 days prior to the date of June 1.

This substitute would substantially differ the amendment by delaying the date and providing that it would have no force and effect and would not be binding on this Government, or the President, or anyone else, if our prisoners were not released 60 days prior to the deadline that the amendment would envision.

I send my amendment to the desk at this time, and ask that it be read in full, because it is new language.

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

Mr. CHILES. I yield.

Mr. DOLE. Is the amendment of the Senator from Florida the same as the copy we find on our desks?

Mr. CHILES. No; this is not identical to the amendment on Senators' desks. That is why I asked that it be read.

Mr. STENNIS. Mr. President, may we have order? In view of the Senator's statement, it is absolutely necessary that we have it quiet.

The PRESIDING OFFICER. The Senate will be in order.

The amendment will be stated.

The legislative clerk read as follows:

PROPOSED AMENDMENT TO H.R. 6531

"SEC. 302. (a) Subject to the provisions of subsection (c) of this section, no funds authorized or appropriated under this or any other law may be expended after June 1, 1972, to support the deployment or maintenance of United States Armed Forces in or the conduct of United States military operations in or over Indochina.

"(b) Nothing in this section shall be construed to affect the authority of the President to:

"(1) provide for the safety of American Armed Forces during their withdrawal from Indochina,

"(2) arrange asylum or other means of protection for South Vietnamese, Cambodians, and Laotians who might be physically endangered by the withdrawal of American Armed Forces, or

"(3) to provide assistance to the nations of Indochina, in the amounts approved by the Congress, consistent with the objectives of this section.

"(c) This section shall have no force or effect if North Vietnam and other adversary forces in Indochina holding American prisoners of war or Americans designated as missing in action but held as prisoners of war have not completed the release and repatriation of all such prisoners and missing in action by a date 60 days prior to the date in subsection (a).

The PRESIDING OFFICER. Who yields time?

Mr. HATFIELD. Mr. President, I yield 5 minutes to the Senator from South Dakota.

The PRESIDING OFFICER. Is this from the time on the original amendment?

Mr. HATFIELD. The time on the substitute amendment.

The PRESIDING OFFICER. The Senator from South Dakota is recognized.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield for a parliamentary inquiry?

Mr. McGOVERN. I yield.

Mr. BYRD of West Virginia. Mr. President, is time running on the substitute amendment?

The PRESIDING OFFICER. The Senator is correct.

Mr. McGOVERN. Mr. President, I have discussed this substitute amendment with the Senator from Florida (Mr. CHILES) for some time this afternoon, in concert with the Senator from Oregon (Mr. HATFIELD). The amendment is substantially the same as the so-called McGovern-Hatfield amendment, except for two points:

It extends the withdrawal deadline from December 31 to June 1 of next year—in other words, providing a 5-month addition on the withdrawal deadline set in the McGovern-Hatfield amendment—and in addition to that, whereas the pending amendment, that is, the original amendment, provided that unless arrangements were worked out for the repatriation of prisoners within a period of 60 days, we could add an additional 60-day period on the withdrawal date, the Chiles amendment just offered as a substitute would carry this time up to 60 days from the withdrawal deadline. In other words, unless the prisoner arrangement is worked out within 60 days prior to June 1, then the entire amendment is null and void.

The Senator from Florida, in his conversations with us, has indicated that there are several Senators who are not willing to support the McGovern-Hatfield amendment for various reasons, who have indicated that they would support this substitute measure. A part of the reason for that may have something to do with presidential politics; I do not know what the other causes are, but I do know that I am far more interested in getting an amendment agreed to that will bring about an end to this war than I am in seeing an amendment passed simply because of the name which happens to appear on it.

I have been interested in this matter

for as long as I have been a Member of the United States Senate. I cannot recall a day since I joined this body when this war has been very far away from my heart and mind. It has been an aching pain as far as I am concerned for at least 8 years, and I cannot think right now of anything within my power as a Senator that I would not do to bring about an end to this conflict.

So if the Senator from Florida is correct in his judgment that we do have a chance to pass this substitute amendment, while I would much prefer to see the Senate vote on the McGovern-Hatfield amendment and pass it into law, under the circumstances, I shall support Senator CHILES in his effort, and if that amendment passes, it will not be necessary, then, for the Senate to deliberate any further on the McGovern-Hatfield proposal, and at least we will have said to the President of the United States that Congress, at long last, is going to assume its constitutional responsibility to set a limit on this war.

Beyond that, I think the crucial point is not really the date that we set, within certain limits, but the fact that we are saying to all parties concerned that within less than a year's time, before June 1 of next year, all American military operations will be terminated and all forces withdrawn from Indochina, provided only that we can have assurances on the release of our prisoners.

So I think it is a fair proposal, and one that I hope will have the overwhelming support of the Senate. There is no question but that the American people will support this amendment. They support the McGovern-Hatfield amendment, as they indicated in a recent public opinion poll, by a percentage of 73 percent. If the American GI's now fighting in Southeast Asia had a chance to vote on the amendment, in my opinion it would pass overwhelmingly, I think by a margin of 10 to 1. If the prisoners of war who have been sitting in North Vietnam——

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

Mr. McGOVERN. Mr. President, I yield myself 1 additional minute.

If the prisoners of war languishing in jails in Hanoi had a chance——

Mr. STENNIS. Mr. President, will the Senator yield to me?

Mr. McGOVERN. I yield.

Mr. STENNIS. Let me remind the Senator from South Dakota that under the time arrangement, the Senator from Florida has 30 minutes, and the Senator from South Dakota and the Senator from Oregon control the other 30 minutes.

It is customary, in situations like this, where you are supporting the proposed substitute, that you yield the time to the manager of the bill. I hope the Senator from South Dakota will do that.

Mr. McGOVERN. I think we can work that out.

Mr. STENNIS. Time is running. The Senator is running on my time now.

Mr. McGOVERN. I just want to complete this one sentence.

Mr. STENNIS. Again, I do not want to interrupt the Senator, except that time was yielded to him by the Senator from Oregon. The Senator is speaking, really, for the Senator from Florida. So if the Senator will shift the time, I shall appreciate it.

Mr. McGOVERN. I thank the Senator. I just want to conclude by saying that I think the one formula that will bring about release of our prisoners is the commitment in either of these amendments, and I am satisfied with the proposal of the Senator from Florida. I believe it is the kind of commitment for total withdrawal that will bring about the means to trigger the release of our prisoners, and I am happy to support it.

The PRESIDING OFFICER. Who yields time?

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

The PRESIDING OFFICER. Who yields time?

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

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

Mr. STENNIS. I ask the Senator from South Dakota whether we can straighten this out, because 5 o'clock is approaching. If the Senator will yield me such time as he has left on the Chiles amendment—not on the McGovern amendment, just on the Chiles amendment—then the Senator from Florida will control that part.

Mr. McGOVERN. I so yield.

Mr. STENNIS. I thank the Senator.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. Twenty-two minutes.

Mr. STENNIS. I yield myself 5 minutes.

I hope we will have quiet in the Senate. I cannot imagine any business that attachés would have here now except to be quiet.

Mr. President, this is an attempt to change the whole tenor and workability of the amendment and is a change, of course, in the time.

Let me point out that nothing could be more serious, as a matter of international policy and protocol and problems of negotiating for peace and dealing with enemies and friends, than something of the nature of this amendment, which is offered with less than 40 minutes to the manager of the bill for discussion on it and the first amendment, when it goes to the very vitals of the whole meaning. It still means that, even though the date is changed, it is a parting of the ways of the legislative branch from the executive branch of the Government, and leaves the President of the United States hand-tied and hog-tied so far as using any money is concerned. He cannot make any plans. He cannot make any arrangements. He has to stop almost in his tracks.

Here is a provisio that within 60 days before this year is out, if all these things have not been done, he will have to get out totally within 60 days. With all deference, that is an absurdity; it is an impossibility. It is just hoping to pick up a vote here, there, or yonder, and trying to get a majority. In logic and in fact, this just will not stand up.

With respect to the delivery, repatriation, and so forth, of the prisoners of war, the North Vietnamese have not given us any list. We do not know how many they have. When they claim they have delivered it, we would have no recourse beyond that.

My point is that if we are going to take this course, we had better work something out beyond what can be figured out in the cloakroom within the last few minutes.

Mr. President, this is grasping at a straw. The amendment was going down. Something had to be done to try to rally support and save it. So, within the last few minutes, after all this debate, apparently, at least the two sponsors of the amendment have gone over—lock, stock, and barrel—to new language, a new version, filled with uncertainty.

I submit that, on the whole, the Senate cannot possibly afford to wander off in a desert, so to speak, and use this as a substitute.

I put it as I have said before: The amendment as offered by the Senator from Oregon and the Senator from South Dakota presents a clear-cut issue here. It says yes or no. It says do this or do that. A vote on it would be a real determination of this body. Otherwise, we are just wandering off in an uncertain field, and we cannot afford to do that, as a matter of policy. Fundamentally, it is wrong, unsound, and uncertain. I hope the Senate will not—I do not think it will—follow a will-o'-the-wisp that is thrown out at the last minute, as a lifeguard throws a rope to a drowning man.

Mr. McGOVERN. Mr. President, will the Senator yield to me?

Mr. STENNIS. I yield.

Mr. McGOVERN. I am curious as to why the Senator thinks this is such a vague and uncharted field, when all we are doing is extending the withdrawal time by 5 months. The Senator surely understands that simply substituting the date of June 1, 1972, for December 31, 1971, does not raise some new monster here that the Senate is incapable of appraising. It is a 5-month extension.

I should think that the Senator from Mississippi would be one of those who would now support this amendment. It is much more in line with his own view that we need additional time to bring about the withdrawal.

Mr. STENNIS. Under the amendment of the Senator from South Dakota, the President of the United States knows where he stands. It means that he has to get out right away, if it becomes law. Under the other amendment, he does not know what he can do; and when it comes down to within 60 days, he has to get out all of a sudden.

Mr. McGOVERN. I, of course, would prefer the McGovern-Hatfield amendment. But I would think that the Senator from Mississippi would welcome an additional 5 months, in view of his view on the war. It gives the President almost a year's time.

Mr. STENNIS. I respectfully reject the Senator's offer. Time does not mean everything. This amendment is worse than the amendment of the Senator from South Dakota.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. STENNIS. Mr. President, I yield 3 minutes to the Senator from Pennsylvania.

Mr. SCOTT. Mr. President, this amendment does not cure any ills or any objections to the original McGovern-Hatfield amendment.

In the first place the problem remains which is the establishment of a deadline. Whether we establish the deadline at one date or another, we are removing from the Executive his power to continue a successful process of extrication from a tragic and an unpopular war. We are voting a lack of confidence in the President when we say to him, "We will settle the war and we will solve your problems for you," even though he has—or will have, by this early winter—withdrawn more than two-thirds of the forces from Vietnam; 296,000 Americans less are there than were there when he took office.

If we are going to fix a deadline, we will be saying that we might as well end the negotiations in Paris. Whatever chance there may be—and a chance exists—whatever opportunity there may be for negotiations, whatever may have been said by the parties, whatever proposals may be under consideration, will be canceled out. We might as well tell Ambassador Bruce to come home and close the door, shut up shop, because Congress has taken over the determination of a successfully proceeding foreign policy initiative. I think this would be regrettable.

I do not think this amendment adds anything. I hope Senators will not be led because the amendment differs from the McGovern-Hatfield amendment, to be altered in conclusions which I believe are quite obvious to all of us now—that they do not want, by the McGovern-Hatfield amendment, to direct the President to do what Congress thinks is the best way toward the conclusion of this war.

We all want to conclude the war. There are no prowar or antiwar Senators here. We are of one mind on that. But one thing is of the greatest concern, and that is the fixing of the deadline. This amendment is another attempt to fix a deadline. It is another attempt which appears to give the President some options, but the options are not real. The options are far less than those he has now; and the amendment says to Hanoi, "All right; we have given up the hole card. We will play it your way hereafter. You call the shots and we will call our delegation home from Paris."

Frankly, in my judgment, if we do that, we might as well end the negotiations in Paris if this amendment becomes law.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that it may be in order to order the yeas and nays on the substitute at this time, and on amendment No. 149 of the Senator from New York (Mr. BUCKLEY)——

Mr. HATFIELD. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. BYRD of West Virginia. Mr. President, I ask for the yeas and nays on the pending substitute.

The yeas and nays were ordered.

Mr. SCOTT. Mr. President, I yield back the remainder of my time.

Mr. CHILES. Mr. President, I yield 2 minutes to the Senator from Oregon.

The PRESIDING OFFICER. The Senator from Oregon is recognized for 2 minutes.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that it may be in order now to order the yeas and nays on amendment No. 149 of the Senator from New York (Mr. BUCKLEY), which will be the first order of business tomorrow.

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

Mr. BYRD of West Virginia. I ask for the yeas and nays on amendment No. 149.

The yeas and nays were ordered.

Mr. HATFIELD. Mr. President, I think the Senate should be clearly on record about the simple fact that we have at various times and in various ways indicated by a majority of 51 Senators a desire to set a date certain.

Distinguished colleagues have raised the question as to whether it is appropriate, or whether the Senate should or wants to set a date certain.

Let me remind the Senate that 38 Members of the Democratic caucus endorsed a date certain at the beginning of this Congress. Six Republican Senators are supporting this amendment with the December 31 date. An additional five Republican Senators have indicated, through various resolutions, they would support a deadline if they could be assured it would bring the release of all prisoners of war. At least two other Senators have told us privately they would support a date certain if it were later than December 31, 1971. Thus, supporters of the principal of this amendment—to set a date certain—total 51 Senators.

Accordingly, we are not coming up with something new. In fact, the only thing that we hear today are the old arguments that were used last year when we debated this issue.

How many times have we heard the statements made by various Senators—during last year's debate—when Senator after Senator rose on the floor of the Senate to object to our proposal at that time on the point, as they said, that it might undermine negotiations, that it might hamper the negotiations, that it might harm the possibility of the return of our prisoners.

Well, Mr. President, there has not been a single meaningful negotiation session in Paris since we debated this issue last year. Not one prisoner of war has been returned since we debated this issue last year.

I quote again, as I have earlier, the arguments used back in 1969. When the President of the United States argued against setting a time certain. He said on September 26, 1969:

> What I am trying to achieve is ending the war before the end of 1970 or before the middle of 1971.

I quote further—

> Our objective is to end the war by the end of 1970.

He argued the same point that it would undermine the negotiations to set a date certain.

Let me remind the Senate that since we debated this issue last year, over 2,000 Americans have died and thousands more have been injured——

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

Mr. HATFIELD. Not at this point—let me finish first, please.

So that I think the decision before us is not the choice of policy based on the old arguments that we have heard and heard and heard.

So, Mr. President, the decision before us today is no ordinary choice of policy: it is a decision of life and death.

The burden of this debate should be upon those who vote against the amendment. The burden should be upon those who tell the American people how many more lives will have to be given in order to carry out the policy of commitment to the Thieu-Ky regime.

We cannot avoid the harsh reality that we, the elected Members of this body share in the responsibility for those who are wounded and who die in this war.

That is what our Constitution intends.

We cannot pretend that we can abdicate this responsibility—that we can allow only the President to bear that heaviest of all burdens. By virtue of our membership in this body, under the Constitution, we must make the decisions that will mean life or death for others.

If we have any uncertainty, any slightest doubt, about the reasons for our continuing sacrifice of blood in Indochina, then we must approach this decision with fear and trembling—and approach it as one of those choices made in the solitude of our souls—guided only by our conscience, and by God.

Our political careers are not worth the price of one needless death.

Our standing at the White House is not worth the price of another American addicted to drugs in Vietnam.

Our relationships with our political friends and allies are not worth the price of the unnecessary loss of an arm or a leg of an American fighting in Indochina.

If any of us have the least doubt or misgiving about the purpose of further sacrifice in Indochina, then we must ask ourselves what reasons there are for continuing the bloodshed.

We must ask that question because we have the power and share the responsibility for prolonging or terminating that sacrifice.

Since the time each of us last faced this decision, as I said previously on September 1, 1970, 2,811 Americans have died in Indochina, 11,250 Americans have been wounded. More will follow in the days and months ahead.

Each of us has the constitutional power to bring this suffering to an end. Before any one of us chooses not to exercise that power—before any one of us answers "nay" when the vote is called, I would only suggest he ask and be able to answer this question: What constitu-

tional basis does the President have for committing American troops in the support of the Thieu-Ky government?

Do we believe that our Nation's Constitution, and the powers and responsibilities delegated to each of us, should be accepted or ignored?

Is America a country ruled by a patriarch, whose wisdom and judgment in the weightest of matters—life and death—must be blindly followed, or is the Congress truly a coequal branch that governs our land?

Are we more willing to trust the power of the executive branch than to trust our own judgments?

Do we believe that Congress' chief responsibility is to submit to the will of the President or to resond to the will of the people?

When it is announced that "only 19 Americans died in Vietnam from hostile action last week," can we explain the use of the word "only" to the mothers and fathers of those who have died?

Can we tell hundreds of young people in the weeks and months ahead why they must go, against their will, to fight in Indochina?

How do we explain to the wives and families of our prisoners of war that continuing an unending commitment to the Thieu-Ky government is more important than testing to see whether our prisoners can be returned home?

Can we explain to one more American boy that it is worth it for him to die in Indochina?

And when those notices of the dead from our States come to our office in the weeks and months ahead, do we say to their loved ones, " I am sorry, I did everything I could to save this life," or will we say, to them or to ourselves, "I might have actually saved this life, but I decided not to try. I decided it was necessary to risk his ultimate sacrifice. And this is why?"

What will be your reasons why?

That is why we have this responsibility, under the Constitution, to delineate between that which the President is doing as far as withdrawing troops, on which we congratulate him and commend him as Commander in Chief, but we must also test this whole matter of the power of the Constitution as it relates to a commitment to the Thieu-Ky regime, to remain in Indochina for the time necessary for it to stand on its own feet. There is no constitutional basis for that. But, let us remember the things the President said on September 26, 1969.

Mr. President, I yield the floor.

Mr. STENNIS. Mr. President, how much time do I have?

The PRESIDING OFFICER. The Senator from Mississippi has 15 minutes remaining.

Mr. STENNIS. Mr. President, I yield 4 minutes to the Senator from Kansas (Mr. DOLE).

The PRESIDING OFFICER. The Senator from Kansas is recognized for 4 minutes.

Mr. DOLE. Mr. President, let me say that, so far as the Senator from Kansas now views the situation, we are considering the 10th version of the so-called end-the-war amendment. There were eight amendments introduced prior to this week. The Senator from Florida then had an earlier version of his amendment, making No. 9. That version has now been changed to make No. 10, the 10th in an ever-changing series.

This is the 10th version we have before us now. Of course, all of the emphasis is on the American prisoners of war and the Americans missing in action, but it might be well to remind my colleagues that apparently this was not a great concern in amendment No. 1, amendment No. 2, amendment No. 3, amendment No. 4, amendment No. 5, and amendment No. 6, or amendment No. 7. In fact, it was not until June of this year, 1971, that American prisoners of war and Americans missing in action in Southeast Asia were, in effect, used as pawns in this struggle over who should be the Commander in Chief.

The introduction, now in the 10th version itself indicates the folly of the Congress of the United States trying to impose a date certain on the President.

We have had 10 versions of the so-called end-the-war amendment, and they all have sought to tie the President's hands to one date after another.

Why do they pick the date of June 1? Apparently the date was left blank and then penciled in on the mimeographed copy which has been distributed in the Senate. Why was that date chosen? What is the magic about June 1? Why not December 31? Why was the date picked?

I could also ask the Senator from Oregon the same question asked before. How many Americans will be killed by the simple stroke of a pen by virtue of changing the date from December 31, 1971, to June 1, 1972?

What does the President do if this amendment is agreed to and passed by Congress? What does he do in the interim between now and June 1; Does he escalate the war?

What would the Senator from Florida (Mr. CHILES) have the President do? How many prisoners will be left on June 1? What would happen if our prisoners are not released 60 days prior to June 1?

These are serious questions, raised by a Senator who is concerned about American prisoners of war and Americans missing in action and who has been concerned for a long time.

Let us not use American prisoners of war and Americans missing in action as they are being used in this debate.

I agree with the distinguished Senator from Pennsylvania. If we agree to this substitute, we might as well call off negotiations, call back Ambassador Bruce, and give up any hope for an earlier settlement. And there is still some hope.

I would hope that my colleagues would look at the amendment carefully and examine the questions it raises.

The date is not important. They could pick the date of June 1, 1974, or any other date. The simple fact is that it would be a vote of no confidence in the President if we were to adopt the so-called substitute.

I thank my distinguished friend, the Senator from Mississippi for yielding.

Mr. STENNIS. Mr. President, I yield 3 minutes to the distinguised Senator from Alabama.

Mr. President, will the Chair request that there be order in the Senate?

The PRESIDING OFFICER. There will be order in the Senate.

Mr. ALLEN. Mr. President, I thank the distinguished Senator from Mississippi for yielding to me.

Mr. President, this amendment is much worse than the McGovern-Hatfield amendment. It is more callous as regards the prisoners of war. It is more of an amendment requiring unilateral action on the part of the United States because for the first nine and one-half months after the enactment of the law, if this amendment is agreed to, all action would have to be by the United States. No action would be required of the enemy as regards the prisoners of war until March 1 of next year, whereas under the McGovern-Hatfield amendment, the enemy would be required to propose an acceptable plan for the release of prisoners of war within 60 days after the enactment of the law.

Mr. President, this would delay getting action on the release of prisoners of war. Also, section (c) in the amendment is most nebulous. It says:

> This section shall have no force or effect if North Vietnam and other adversary forces in Indochina holding American prisoners of war or Americans designated as missing in action but held as prisoners of war have not completed the release and repatriation of all such prisoners.

All such prisoners as of when? As of 9 months from now or when? Who will determine when it will be?

Suppose they offer only 10 prisoners and say that they have complied that all of the others are dead.

This provies a vehicle for propaganda by the enemy. It is a vehicle that would make our country and the President of the United States subject to a barrage of propaganda and invective by the enemy.

It would serve no useful purpose. It is no improvement on the McGovern-Hatfield amendment. I do not believe it will muster nearly as many votes as the McGovern-Hatfield amendment, even though the chief sponsors of that amendment have come out in support of this amendment.

I hope the amendment will be laid on the table at the proper time.

The PRESIDING OFFICER. Who yields time?

Mr. CHILES. Mr. President, I yield 2 minutes to the Senator from Indiana.

Mr. HARTKE. Mr. President, on August 7, 1964, the Congress passed the Gulf of Tonkin resolution formally committing this country to military involvement in Indochina. Now, nearly 7 years later the time has come for the Congress to once again assert its voice in the determination of American military policy in Southeast Asia.

For a decade now the Indochina war has been a defilement of our ideals and a perversion of our historic role as a beacon of hope to the peoples of the world. It has caused us to turn away our attention from vital domestic needs and to become increasingly immune to the sight

of death and destruction. We have been torn apart by this tragic war and our wounds will not heal for decades.

Today, we have the opportunity to right a grievous wrong by withdrawing funds for American military operations in Indochina as of December 31, 1971. Millions throughout the world are awaiting our decision.

Will we perpetuate a deadly folly which has only brought us grief and shame? Or will we rely on our greatness and resilience by announcing to the world that we have honored our commitments to the South Vietnamese—we have given them the very best of our youth—and now it is time to bring them home?

Public opinion demands an early end to the war, but I do not suggest that we rely on the polls in casting our votes today. The call of reason and conscience tells us that the time for total withdrawal has come.

There are those who say that the war can be ended by negotiations rather than by congressional action such as we contemplate today. I do not agree. For the fact is there is absolutely no hope for any serious negotiations to begin unless and until the United States fixes a date for total withdrawal of its forces.

In early April I had long discussions in Paris with all four parties to the peace talks and with other highly knowledgeable Europeans and Americans. If there is one conclusion that I drew with absolute certainty from those conversations, it is that there will be no serious negotiations in the absence of a formal American declaration of intent to withdraw all our forces from Indochina by a certain date. Such a declaration would lead to serious negotiations on major points of contention and may yield other very desirable results as well.

These include, first, an immediate cease-fire between Communist forces and ours, thereby bringing an end at least to the killing of Americans and of most Asians, as well.

Second, discussions would begin at once—that very day if we wished—on arrangements for the safe withdrawal of our forces and speedy return of our prisoners of war.

The attitude of the administration on this question has been most dismaying. I have complete certainty that the President shares with all Americans deep concern for the fate of American prisoners and those who are missing in action. But I am afraid that his present policies condemn those men to continued obscurity.

Recently, the White House lent its support to a $25 million worldwide advertising campaign sponsored by the National Advertising Council to urge international inspection of prisoner-of-war camps. This is a tragic diversion of public attention and an effort to inject politics into the prisoner-of-war issue. It is time that public officials stopped making use of the prisoners for their own narrow ends. The American people deserve to know that the fastest way we can get our prisoners released is by declaring a date certain for our withdrawal from Indochina.

The amendment before us today provides the best possible opportunity to end the long suffering of loved ones. From my own conversations in Paris as well as numerous reports in the news media, I am convinced that we will not get action from the other side on our prisoners until we make an unequivocal commitment to withdraw our forces from Indochina.

In this connection let me emphasize that both North Vietnam and the Vietcong made it as clear as they possibly could—short of offering me a signed contract—that they have no interest whatever in keeping our prisoners a day longer than is necessary. Any implication by the President to the contrary is grossly and cruelly deceptive.

A variety of arguments have been advanced against the idea of total withdrawal by a date certain. Some contend that a withdrawal of U.S. forces by the end of this year would bring about the fall of the present regime in South Vietnam. After years of shedding American blood and billions of dollars from American taxpayers, it is time that the South Vietnamese made their own political decisions.

Years of involvement by the United States in their affairs have made the South Vietnamese dependent on us politically as well as militarily. With the Presidential elections taking place on October 8, our adoption of the McGovern-Hatfield amendment will serve notice on the people of South Vietnam that the time has come for them to assume full responsibility for their country's future.

You have also heard it said that to withdraw now instead of waiting for Vietnamization to proceed to the President's still undefined idea of completion would gravely jeopardize the chances for the future survival of noncommunist governments in the area. The response to that is that if 1.1 million South Vietnamese troops armed with the very best and latest American equipment and enjoying total domination of the skies cannot provide for their own defense against an enemy which they outnumber 11 to 1, then Vietnamization is a concept so empty of hope that we had best abandon it before another drop of American blood or another dollar of American treasure is wasted on it.

But what about Cambodia and Laos, we will be asked? Their armies face hostile outside forces but without the advantages of overwhelming numbers and equipment—would we not then be delivering them into North Vietnamese hands?

The first answer to that is that North Vietnamese troops are in Cambodia and Laos today only in response to the massive American escalation that began in 1965. The extension of Hanoi's armed forces beyond its own borders came in direct response to our own occupation of the South, and it may be expected to end when our occupation ends, provided of course that South Vietnam's forces return to the defense of their own land and stop invading their neighbors.

In any case, we should bear in mind President Nixon's own estimate of only 140,000 North Vietnamese troops in Laos and Cambodia combined, as against a Cambodian army which now numbers over 200,000 and a Laotian army of indeterminate size. Let those nations defend themselves for better or for worse. All that our help and that of Saigon has brought them is unimaginable suffering for their own people. Nearly one-fourth of Cambodia's total population are now refugees as are 1 out of every 9 Laotians. Civilian casualties in each country number in the tens of thousands. If there is a worse fate for those tormented people, than American military help, I do not know what it is.

There are those who say our credibility will suffer throughout the world should we withdraw at this point in the conflict. But our presence in Southeast Asia has caused our credibility to suffer far more. The President has said that the only legal justification for the American military presence in Indochina is to protect American forces while they are engaged in military actions. His present policy of Vietnamization, however, makes it clear that we are there to support the Thieu-Ky government, a government which itself enjoys dubious popular support.

Far from hurting us in the eyes of the nations whose friendship we most value, withdrawal now from Indochina would serve us better than any other course we could pursue. We would be seen to have recovered at last from a long and terrible illness: And we would be seen to have regained at last the courage of our historic convictions. And, in this connection, it would be worth recalling that France never stood higher in the sight of the entire world than when it finally found the moral strength in Algeria and brought into being "a peace of the brave."

The present policy of the administration comes close to being the worst of all likely alternatives. It offers nothing but a continuation of the killing into the indefinite future. How long can we Americans continue to countenance a policy of mass slaughter of predominantly uninvolved noncombatant people in the nations of Indochina? For we must never forget that so long as the war goes on, it will do so at our instigation. With or without American troops, our air power will continue to devastate that land creating additional civilian casualties by the tens of thousands and refugees by the hundreds of thousands.

Is it not now obvious to everyone that the President's so-called plan to end the war is purely a plan to continue the war by subterfuge and deception? Does anyone not know that he intends, in fact, to prolong the war indefinitely, substituting Asian conscripts for American in the deeply cynical expectation that lower casualty figures are all that the American people care about in our Indochina policy?

But a war financed entirely by America and made tactically feasible only by American air power is an American war. And if some in this chamber do not understand that reality, I can assure them, Mr. President, that the people who elected them do.

And the people know, too, the price we have paid—and must continue to pay for a war without hope—without purpose—without end.

The President's policy may have succeeded in stopping this war from being a hemorrhage for America. But it is still a running wound. And there is no hope—no hope whatsoever—that the wound will ever, under this policy, be healed. Instead, the infection which it carries will continue to grow—to spread—to become more virulent every day, until we are consumed by it.

I do not know how to say it more strongly: Vietnam is a disease from which we may not recover. We are dying of Vietnam—and the physician tells us that we must not take the only available antidote to its poison because the cure for us may be noxious to military adventurers and war profiteers in Saigon.

The poison of Vietnam is deep inside us. We are dying of it. The cruelest evidence of its power to kill is not the 50,000 military caskets but the living dead among our veterans and our children—the dope addicts roaming the streets of our cities. Vietnam has done this to them—and to us—and the tentacles of its poison have now spread into every community and into every school.

I tell you we are dying of Vietnam. Just as surely as we have given the death stroke to Laos, Cambodia and Vietnam, we have written our own death sentence as a free and democratic society. And the whole thrust of the amendment before us today is to commute that sentence while there is still time.

Let there be no mistake about it, this plan which the President calls Vietnamization is in fact a plan to continue the war indefinitely using South Vietnamese conscripts to carry out the Nixon program for American domination of Southeast Asia. It is an attempt, in other words, to win a military victory.

The time has come to say that victory is not only unattainable, it is unworthy of winning, for it would be a victory—not for freedom—but for colonialism. Do we really imagine that the judgment of God and of history will go lighter with us because we have merely taken our own troops out of the line of fire?

I deeply believe that the struggle to end this war is a struggle for America's soul. And I cannot help remembering the words of the Old Testament:

> The sins of the fathers shall be visited upon the children even unto the fourth and fifth generations.

If we today remain passive as evils of such magnitude continue to be carried out in the name of America, we shall condemn ourselves and our posterity to frightful judgment.

We cannot pretend that we were unaware of the suffering we have permitted our arms to inflict on the innocent, nor can we rationalize the death and destruction we have wrought in the name of freedom and democracy. We know better. For if there is one thing which this war has done it is to reveal the truth as we have never known it before; no longer are we willing to accept myth as reality; no longer are we willing to accept pretense as a guide for policy.

The time has come for this Congress to speak out. At least two Presidents have withheld from us—and from the public at large—vital information about the extent of American involvement in Southeast Asia. They have made the fatal assumption that they—and they alone—knew what policy was best for this country. They have failed to include the Congress or the people in the decisionmaking process, and, in doing so, have progressively involved the United States in this tragic and disgraceful war.

Mr. President, today we can restore the integrity of America's will. Today we can commute the sentence of death and mutilation and exile that has been passed on thousands of our own sons and tens of thousands of Asian men and women and children. Let there be no misunderstanding—today we can end this unwanted war and bring all of our boys home.

For the sake of all who have died and all who are yet condemned to die, I urge my colleagues to join me in support of the McGovern-Hatfield amendment—the amendment to end the war.

[Applause in the galleries.]

The PRESIDING OFFICER. Demonstrations of approval or disapproval in the galleries are forbidden, and the Chair so advises the occupants of the galleries.

Mr. DOLE. Mr. President, will the Senator from Florida yield for a question?

Mr. CHILES. I yield.

Mr. DOLE. Mr. President, can the Senator from Florida give the Senator from Kansas information on why the date of June 1, 1972, was selected?

Mr. CHILES. Mr. President, this would be a date that would give sufficient time for the preparation for the withdrawal and a sufficient time to see if we could get a response on the question of the prisoners of war.

Mr. President, I yield 3 minutes to the Senator from Illinois.

The PRESIDING OFFICER. The Senator from Illinois is recognized for 3 minutes.

Mr. PERCY. Mr. President, as a matter of conscience I cannot vote to continue the war indefinitely and without further authorization by Congress. Since I was elected in 1966 on a commitment to do everything in my power to seek peace, I am voting for the amendment to bring American military involvement in Indochina to an end by June 1, 1972. In addition, I shall continue to support the President in all of his own initiatives to end the war.

I fully appreciate what the President has already done in reducing troop levels by over 50 percent and American fatalities by over 80 percent. It is my profound hope that he will continue in this policy, but accelerate it so that total withdrawal may be achieved soon.

We have already lost more than 54,000 American lives, suffered more than 300,000 other casualties, and spent more than $120 billion to support the regime in South Vietnam. We have already trained and equipped more than a million South Vietnamese regular troops and another million regional and local troops. We have done enough. It is time for the South Vietnamese to take over the responsibility for their own destiny.

Mr. YOUNG. Mr. President, no one in the U.S. Senate has been more opposed to the war in Vietnam than I. I thoroughly disagree with those who have claimed this is the right war in the right place. It is the wrong war in the wrong place. This has been my position from the beginning.

All but two Members of the U.S. Senate voted for the Tonkin Gulf resolution. I was one of those who voted for it. That resolution was considered by almost every Member of the Senate to only authorize President Johnson to take retaliatory action against the North Vietnamese who had previously attacked our destroyers in the Tonkin Gulf. It was no more an authorization to take us into a major war than was the Quemoy-Matsu resolution affecting those islands off the coast of Communist China.

Mr. President, I have a long record of opposing this war. As far back as April 27, 1954, in a press release to more than 50,000 North Dakotans, and carried by most of the press in North Dakota as well as Washington, I stated:

> We must count our foreign policy as a failure if nine years after World War II we cannot find enough people among the teeming millions of the Far East willing to fight the battle against Communist aggression. . . . I am unalterably opposed to sending our troops to another "Hell hole" on the Continent of Asia. (This was when the French were losing their war in Indochina.)

Eleven years later, on March 24, 1965, in a news release with the same coverage, I stated:

> It would be courting disaster to become involved in a jungle war with the hordes of Asiatic Communists in this, the most militarily untenable area in the entire world for us to fight.

I cite these quotes, and more to follow, to indicate that, unlike many of the doves of today who once thought this war was a great idea, I always thought, and still do, that our involvement in this war was one of the great tragedies of our time.

I doubt if there was any period in history when our foreign policymakers and some of our military leaders used worse judgment. Former Secretary of Defense McNamara under President Johnson, as well as a few military men associated with him, actually thought we could win this war in a matter of a few months just using American troops and without making any attempt to train and equip the South Vietnamese so they could fight their own war.

In another news release I said on June 30, 1965:

> After all, it is the Vietnamese people who will have to win this war . . . We will have to fight Communism for many years to come. The problem is so serious and the struggle so desperate that we simply cannot afford to dissipate our strength in areas such as Vietnam or the emerging nations in the jungle area of Africa.

I think most people have at long last come to the conclusion that if this war ever was to be won in Vietnam and Southeast Asia it would have to be won on the ground in the jungles. No war we have fought in the past 50 years involved more vicious ground fighting.

After we became involved in this war against my many protestations, I supported the President of the United States in his efforts to fight this war to a suc-

cessful conclusion. For far too many years the policy of the Government of the United States was to try and win this war alone without the Vietnamese. Only in recent years—in fact, since the Nixon administration—has there been a real effort to train and equip the South Vietnamese to fight their own war. They have come a long way in building a strong military force and many of their divisions can be rated as good fighting units. They still face a very difficult military situation. The North Vietnamese main army is still virtually intact and they have more than 110,000 crack troops in Laos. Most authorities, I believe, will agree that the North Vietnamese are the best and toughest jungle fighters in Asia.

With all of the training and equipment we have provided the South Vietnamese and with the more than 1 million men they have under arms, they are now in a position to hold most if not all of their country if we were to withdraw. This is a very different situation than if we had withdrawn 2 or 3 years ago. Thus a bloodbath such as occurred when the Communists took over North Vietnam has been prevented. The Nixon administration's policy has, to a considerable extent, been successful.

How to vote with respect to several of the amendments now pending in the Senate designed to terminate this war in one way or another involves some of the toughest decisions I have ever had to make. After all the blood and money we have spent in South Vietnam, I had hoped that we could salvage something out of this war and end it in a way we could live with in the years to come. In a large measure President Nixon's policy has accomplished this. His Vietnamization of the war has in a very large measure been successful and they are now in a strong position to defend themselves.

Mr. President, because of President Nixon's policy to deescalate this war our combat losses now have reached the lowest level in more than 4 years. They are still too high. What concerns me most, however, is the escalation of drug addiction among our troops in South Vietnam. It is reliably estimated that 35,000 to 40,000 of our troops are using drugs, and mostly heroin, and many of them have already become addicts. There is practically no return for a heroin addict—probably not more than 5 percent are able to shake this curse. I would rather have a son or grandson serving in South Vietnam be a combat fatality than to return a heroin addict to live the rest of his life with all the torture and misery that an addict must endure.

This situation is not going to get better in South Vietnam. Heroin is as easily obtained by our servicemen in Vietnam as is candy here in the United States. It is much purer and more powerful than anything obtainable here. The same is true of marihuana. Dope pushers in Vietnam even resort to such devilish practices as inserting a few heroin-loaded cigarettes in a package of regular brand cigarettes available on the market. Because of this, many of our Government officials, especially in the Embassy, are prohibited from buying cigarettes any place except in the Embassy compound. The South Vietnamese Government has done nothing to decrease the availability of heroin.

The people of South Vietnam have many, many fine qualities. They are a good-natured people and very intelligent. One of the most difficult problems we face in Vietnam, however, is that graft and corruption among their leaders is an accepted way of life. This has been a fact of life for centuries in Southeast Asia.

It is with great reluctance and after long, thoughtful, and prayerful consideration that I have decided to vote for one or more of the amendments now pending which could with all of their undesirable features hasten the end of this war.

President Nixon is to be commended for all he has done to bring our troops back from this unfortunate war and for the great strides he has made in training and equipping the South Vietnamese to fight their own war. While the main Army of North Vietnam is virtually intact and, even though they have at least 110,000 troops in Laos—soldiers who are the best jungle fighters in Asia—I still believe that the South Vietnamese in the past 2 years through President Nixon's efforts of Vietnamization are now in a position to hold most if not all of their country, even though we withdraw. There will be no bloodbath in South Vietnam such as occurred in North Vietnam when the Communists took over.

With the ever-increasing opposition to this war by our people, President Nixon or any other President would find it difficult if not impossible to accomplish more in bringing this war to an honorable conclusion. This has been a very difficult decision for me. One of the major reasons for my action at this time is the alarming increased drug use and addiction among our troops in Southeast Asia.

Mr. President, I ask unanimous consent to have inserted in the RECORD a recent news release of mine and other documents indicating my opposition to our becoming involved in a war in Southeast Asia dating as far back as 1954.

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

ADDITIONAL QUOTES FROM NEWS RELEASES OF SENATOR MILTON R. YOUNG

January 26, 1966. "It is entirely possible that our forces will have to be expanded to 500,000 or possibly even more, depending on how deeply involved Communist China may become in this war. (This was at a time when we had 200,000 troops in Vietnam.) . . . There is probably no place in the world where the Communists have more advantages and we more disadvantages. This is one of the reasons why I was opposed to becoming involved in this jungle war. We must oppose the spread of Communist aggression, but I have always strongly felt that, with our limited manpower and financial resources, we should be more selective as to whom we help and where we fight the Communists. I have expressed my views through these newsletters and even in a personal visit with President Johnson early last year.

"I am very much opposed to the President's request for $3.25 billion more than Congress provided last year for the Great Society Programs. Sacrifices will have to be made if we are to successfully prosecute this war and not have run-away inflation or excessive new taxes."

April 13, 1966. "Those who advocate that we must seek out and fight Communists in every rathole in the world should consider what importance it may have to our own national security, the cost involved, and our limited manpower and economic resources."

February 7, 1968. "Our role in trying to police the entire world is getting us more deeply and seriously involved, and particularly in Southeast Asia and Korea . . . Our military force there is one of the best the United States has ever put on a battlefield. They are doing a superb job under impossible circumstances. As important as the bombing is, this war will have to be won on the ground in the jungles of South Vietnam. Our peace offensive has not been as aggressive or as effective as our military efforts. While I was strongly opposed to our involvement in this war, I am not one who believes we can just walk away from it."

[From the Minot Daily News, Sept. 27, 1967]

JOHNSON "BRAINWASHED"

WASHINGTON, (AP)—Republican Sen. Thruston B. Morton said today President Johnson was "brainwashed" by U.S. military and defense industry leaders into believing the United States could achieve a military solution to the Vietnam war.

The former Republican national chairman said Johnson in turn "brainwashed" the American people during the 1964 presidential campaign by saying the Southeast Asian war should be fought by Asians.

The Kentucky senator, regarded as a foreign policy spokesman for GOP Senate moderates, leveled his strongest attack to date on administration Vietnam policies at the organizational meeting of Business Executives Move for Vietnam Peace.

He continued a slashing Republican attack on Johnson's policies that touched off an uproar in the Senate Tuesday.

The Business Executives Move for Vietnam Peace claims a membership that includes business leaders from 44 states.

Noting that former President Dwight D. Eisenhower warned before leaving office in 1961 of the growing power of a "military-industrial complex," Morton added: "I believe that President Johnson was brainwashed by this power center as early as 1961 when, as vice president, he ventured to Saigon on a fact-finding mission."

Morton said he originally backed Johnson's escalation of U.S. troop involvement in the war. But today he said, "I have grave doubts that any military action, then or now, would have decisively influenced the conflict."

Contending a political solution in South Vietnam may already be out of reach, Morton called for a unilateral reduction of the U.S. military involvement, if necessary, to halt the fighting.

Morton's assertion that a political victory may be out of reach in Vietnam was echoed independently by Sen. Milton R. Young, R-N.D., a member of the select committee which oversees the operation of the Central Intelligency Agency.

"There is no possibility of establishing a sound, strong and responsible central government in South Vietnam in the foreseeable future," Young said in a report to his constituents.

Young said "corruption is an accepted way of life there," and added that American officials "can be expected as they have in the past to tolerate this dishonesty and corruption."

He said "these top American officials do a pretty good job of defending everything in Vietnam, including rigged elections."

NEWS RELEASE OF SENATOR MILTON R. YOUNG, MAY 18, 1971

Limiting the power of the President to take us into major wars without a declara-

tion of war by Congress is long overdue. I strongly support a proposal now pending in the Senate which would sharply limit our involvement in such wars in the future. The President has had almost unlimited authority in this respect since our nation was founded, but it was only in recent years that it was used to take us into two major wars—Korea and Vietnam.

As the greatest nation in the free world, we do have a responsibility to try and prevent major conflicts in other areas of the world. We do not have the capability, however, to be the policeman for the whole world. President Nixon has wisely initiated a new policy—that of helping nations with financial and military assistance but without involving our troops. This more limited role of the United States is long overdue. Secretary of State William Rogers—the best Secretary of State in my time—is desperately trying to prevent another war in the Middle East and without committing U.S. military forces. Our involvement in a Middle East war would be even more far-reaching and potentially disastrous than Southeast Asia. Among other things, we would be directly involved in a confrontation with Russia.

For most of my life I have been a strong isolationist and, in a large measure, I still am. We just have to reduce our military expenditures. I strongly support legislation to sharply decrease our military forces in Europe and elsewhere. We have over 525,000 servicemen and their dependents in Europe now. This, and a sizable over-all reduction in our military personnel, would sharply decrease our defense expenditures and make more money available to modernize our military forces and to meet some of our more urgent needs at home. We can have an adequate defense with a smaller but more modern Army.

Even with a major war on our hands we are decreasing the percentage of our tax dollars for defense purposes, while Russia continues to increase their military expenditures. In many categories Russia is now militarily superior to the United States. They have always had a much larger Army. This is an area in which we cannot compete. They have built a large, strictly modern Navy since World War II, while much of ours is becoming obsolete. For the first time in their history they have a powerful fleet in the Mediterranean with bases in Egypt. They have more submarines and are building nuclear submarines at a much faster rate than we are. They continue to increase their number of intercontinental nuclear missiles. The nuclear warheads on their ICBM's (SS–9) are 25 megatons (the equivalent of more than 25 million tons of TNT). Our newest missiles (multiple warheads), which we believe are more accurate and effective, only carry about one-eighth of the Soviet megatonnage.

Russia has also made great advances in air power. They flew the first supersonic commercial aircraft (SST) in the world and will soon put it into commercial operation. Their new Foxbat fighter plane, some of which are now deployed in Egypt, is the hottest fighter in the world today. It flies faster and higher than anything we will have until our new F–14's are available, hopefully in three years.

When we faced a showdown with Russia in Berlin in 1948, Russia backed down only because of our military superiority. When President Kennedy forced a showdown with Russia on their deployment of intermediate range nuclear missiles in Cuba, Russia backed down again only because of our superiority. Russia may well force a similar showdown in the Middle East. It is questionable whether Russia would back down again. They are at least close to being as strong militarily as we are. Certainly if the present trend of Russia's accelerated buildup and our decrease in the development of new modern weapons continues, they will be a mightier nation than we are in the near future. That would be disastrous for us and the rest of the free world. We would be subjected to every conceivable blackmail and humiliation which is a major part of Communist strategy.

I am not a militarist, but I always believed in having the most modern military equipment. That is not inconsistent with my strong opposition to the war in Southeast Asia and our involvement in other very possible wars in other areas of the world.

The PRESIDING OFFICER. Who yields time?

Mr. STENNIS. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Mississippi has 8 minutes remaining.

Mr. STENNIS. Mr. President, I yield myself 3 minutes.

The PRESIDING OFFICER. The Senator from Mississippi is recognized for 3 minutes.

Mr. STENNIS. Mr. President, here are the facts in this matter, and this is such a serious matter. As manager of the bill I have not had a chance to see the wording of this amendment—the meaningful part of it, the last item (c).

At the time I made my first remarks in opposition to the amendment I had to speak in opposition to what I heard the clerk read just a few minutes before. Still, this matter has the effect of absolutely tying the hands of the President.

With all deference, providing for the pullout of all military forces from Indochina within 60 days after the President makes a determination, and giving Hanoi 9 months to make up their minds and to deliver, just shows that this is a piece of paper somebody picked up and started writing on so far as this proposal being balanced and worked out.

This is a complete knockout blow. There is no possibility of their support under this provision and no kind of prop that the President could leave there to help these South Vietnamese. There is no provision for any kind of logistical support. There is no provision for advisers. I do not mean United States soldiers that are put into battle but just instructors. There is not a chance in the world to make any kind of contribution along that line. It absolutely takes out the bottom.

This would be a total blocking of the President, whoever he may be, as our representative in this important matter.

Regardless of how Senators feel about the McGovern-Hatfield amendment I do not believe this will stand the scrutiny of 10 minutes' examination by the great majority of the Members of this truly fine body, but it is offered when they are not here with no expectation of language like this. They are at committee meetings and in various places as I have been able to locate them, and they have not had a chance to give this matter deliberation of even 10 minutes, and certainly not the time it deserves.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 1 minute remaining of the time he allotted himself.

Mr. HANSEN. Mr. President, will the Senator yield for a question?

Mr. CHILES. I yield.

Mr. HANSEN. I would like to ask the distinguished Senator from Florida what he thinks the President of the United States might do between now and June 1, 1972, if this amendment should be agreed to by Congress?

Mr. CHILES. I think the President would probably continue to do just what he is doing—withdraw troops. At the present time the President is withdrawing troops at the rate of about 19,000 a month. The way I have calculated, if he continued that rate to June 1, 1972, he would withdraw another 209,000. We have about 240,000 or 250,000 troops there now and if he continues to do that the number would be as I have indicated.

I see no indication from the President, the Secretary of State, or anyone else in the administration that they intend to cut down on that rate. They keep saying they are going to increase that rate. If they continue that rate we would have that number of troops withdrawn.

Mr. HANSEN. Mr. President, will the Senator yield for another question?

Mr. CHILES. I will not yield further at this time.

Mr. DOLE. Mr. President, will the Senator yield to the Senator from Kansas?

Mr. CHILES. No, I will not yield to the Senator from Kansas.

The PRESIDING OFFICER. Who yields time?

Mr. CHILES. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. CHILES. Mr. President, I have been listening to some of the arguments against this amendment. I hear arguments about haste and arguments that no one has had a chance to consider the amendment. Yet as I noted, the amendment goes 5 months beyond December 31. That seems simple for me to understand and I believe it is simple for anyone to understand. We have been talking about the McGovern-Hatfield amendment for a number of days. It has been before us for a long time. My amendment provides that the date will not be December 31, 1971, but we will go all the way to June 1, 1972. That is stated clearly.

The amendment provides that if the enemy has not released all of our prisoners, all of those men held as prisoners of war, 60 days prior to that date, this amendment would have no force and effect.

Mr. President, when I started campaigning for the Senate, I was appalled. I started walking through the State and talking to the people, and I found out I did not know where a hawk lived in America because we were not trying to win the war anymore. We tied the hands of our troops behind their backs and limited the day on which they could bomb and carry out missions. We said we were going to get out of Vietnam.

I found the position of the people of my State to be that if we are going to get out, then let us get out. But, in addition, they are interested in the prisoners and giving the South Vietnamese a chance to defend themselves.

Mr. President, let us look at the record and see what we have done for South Vietnam. They have 1 million men they

could put under arms, and they have all our equipment. We are talking about a country the size of the State of Georgia. We had nearly 600,000 men there and we have dropped more than twice the bombs that were dropped in World War II and the Korean war, and we still have as many of the enemy there today as when we started. We decided we could not whip them in that country because we did not want to do what it would be necessary to do. We did not make the decision to go north and when we did not make the decision to go north, the people of my State decided, "Let us get out as soon as we can."

Then, we come to the question of the South Vietnamese people and whether we are giving them an opportunity. I think we have given them every opportunity to train and to fight. If we wait until they say they are ready I think the date will never come. One question is: Have we done our part?

The other question is with regard to our prisoners. The amendment states that if our prisoners are not released unconditionally and in our hands 60 days prior to this date the amendment has no force and effect.

So this amendment says what I have heard so many Senators in this session say and what I have heard so many Americans say—"I would like to get out of there if we just had our men back." How many times have we heard that said—"I would like to get out of there if we had our men out of there"? This amendment says we do not have to budge about getting out until 60 days after our men are out; that we would agree to do it, but we would not do anything until we got our men out.

I do not see anything more proper than that. Hastily considered? I do not think it is hastily considered by any man who has an honest conscience about it, by any man who has talked with a young man who has walked into his office and talked about the war, or with mothers or married women whose husbands are over there. I think every one of us has been concerned about it every day. I know I have, and anything I could do that would express that feeling I would be willing to do.

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

Mr. CHILES. I yield.

Mr. MANSFIELD. Mr. President, I wish to commend the distinguished Senator from Florida. He certainly is living up to the promise his people put in him when he was elected last November. I think he has arrived at a medium, at an area which he and I think a majority of us want in this body. If we mean what we say about getting out of Vietnam, if we mean what we say about the release of the POW's, instead of using it as a political objective, then I think there is much merit in what the Senator from Florida has said.

He has indicated that for 17 years we have been supporting the government in Saigon—not this government, but those governments, because there have been many—that there are over 1 million men under arms, financed, paid for, supplied, advised, and supported by members of the military personnel in this country.

I think it is about time to face up to the realities based on 50,000 dead, 300,000 wounded, $130 billion spent, drug addiction which is becoming more and more prevalent each day, corruption, graft—you name it, you can find it there. We have done our share. It is time to get out. It is time to return home, and it is time to turn over the responsibility to the Government of South Vietnam and the people who live there, and who will live there long after we have gone.

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

Mr. STENNIS. Mr. President, I yield 1 minute to the Senator from Maine (Mrs. SMITH).

Mrs. SMITH. Mr. President, it is most unfortunate that an amendment of this importance should come to us at this late time, not giving us a chance to analyze it and see what the full effects would be. I have to oppose it, but I also expressed myself yesterday in opposition to the Hatfield-McGovern amendment.

It seems to me that this is not a matter that the Congress should take care of. This is a matter which should come from the Office of the Chief Executive, and it is not for the Congress to submit it. I am very much against our getting into allocation of troops, or setting a date for ending the conflict, much as I would like to see peace come, and I am sure everyone in this Chamber feels the same.

I do hope very much that this amendment will be voted down, as will the next one.

Mr. STENNIS. Mr. President, I yield 2 minutes to the Senator from Ohio.

Mr. SAXBE. Mr. President, I rise in opposition to the amendment. I find that my situation as a latecomer to this body, without the responsibility of having voted the funds for the conflict over the year, puts me in a very unusual position, because I, too, came here to get this war over.

I was very pleased when the President started the troop withdrawals, and I have been very pleased that he has continued a steady draught of withdrawals that can be shown all along the line.

I think we are tampering with a very historical matter today when we are attempting to vote "no confidence" in the President in his plans for withdrawal.

I cannot help but feel that if the Senator from Florida had left his amendment as he originally intended it, where he said "good faith was not shown," he would have genuinely given the President an opportunity to deal with it and say, "You must come up with good faith," but he has changed that and put in language about the release and repatriation of prisoners. Who is to decide that every prisoner has been released? They may say, "Here are 100 prisoners; they are all we have."

I find that, if anything, this is an amendment to lengthen the war. I believe that without this amendment and without the Hatfield-McGovern amendment, withdrawals would continue and that by December 31st of this year we would have a virtual withdrawal from Vietnam.

I believe that by setting the date for next June and by placing the phrase in the amendment "all prisoners" we are going to continue a controversy that is not going to be settled. I believe that shopping around for an alternative to the Hatfield-McGovern amendment has resulted in something less acceptable.

The Hatfield-McGovern amendment has been fully considered. We knew what was in it and what it meant. There have been something like 24 hours to consider the original Chiles amendment. It was rather well known what it meant. But I submit no one knows what the matter that is now before us means. There just is not time or a chance to analyze it and tell what is in it. It is a fact that this language came into being just a few minutes ago, but in all this there is enough in it to absolutely impair the effectiveness of the President of the United States all around the world. It is a total departure by the legislative branch into the field of the executive branch in trying to terminate the war within some kind of framework and policy in which we can keep our heads up and come out of there with the flag flying high rather than dragging it in the mud behind us.

I know something about what the people of this country want. I believe I know something about human nature. They do not want us to submit to anything that is in the nature of being ignoble. Call it what you will, this is running out, and it will plague us for decades to come.

I hope the Senate will kill this amendment and the next one, too.

AMERICA'S SOUTHEAST ASIAN POLICY IN PERSPECTIVE—THE LEADERSHIP OF SIX PRESIDENTS

Mr. DOLE. Mr. President, President Nixon is committed to ending the war in Indochina. But he is also committed to ending it on a responsible basis—one which will honor the sacrifices made and which will bring about a just and lasting peace for all the people of Southeast Asia.

I want to reply to those who think our commitments in Vietnam and Southeast Asia do not matter or are totally dishonorable or that the enemy there deserves to win. Let me attempt today to set the record straight.

Let us understand at the outset that President Nixon, having inherited American commitments and recognizing America's responsibilities in Asia, will not abandon those commitments nor shirk from those responsibilities as he shapes American policy to the texture of today's world. But let it also be clear that President Nixon understands that while small, distant countries may need our help when challenged from abroad, we cannot and should not do the job for them by ourselves alone. Rather, we must help them to help themselves.

It will pay us to review, for a moment, the history of the challenges our Nation has faced in that part of the world and the responses undertaken by American Presidents who have been determined to meet our responsibilities to the cause of freedom in Asia. Let us try to close the homework gap, for a clear view of our involvement will help us to understand the wisdom of President Nixon's path to peace.

CHALLENGE AND RESPONSE IN SOUTHEAST ASIA

Asia matters. It matters to the future of peace in the world, and it also matters to the security of our Nation. We, too, border on the Pacific, and it is vitally important for the people of the United States to have an understanding of and compassion for the independent peoples of Asia; 250 million of them live in Southeast Asia alone.

In seeking to transform their ancient cultures into modern nations, the peoples of Asia want to share the fruits of a peaceful and progressive world. They have their eye on the star of self-determination, and they will not compromise their quest by the imposition of new tyrannies. The United States has welcomed their efforts and has sought to foster their cause. And we will continue to be with them.

The record of six Presidents—Democrat and Republican—stands as a testament to American responsibility in the Pacific area, and it is a record in which all Americans can take pride.

PRESIDENT ROOSEVELT'S VISION

Let us recall that it was President Franklin D. Roosevelt, who while faced with major problems at home, did not neglect emerging threats and responsibilities abroad. He practiced responsible statesmanship and resisted the shortsighted counsel of those who insisted that America should insulate itself from distant "foreign" problems. "America First" was their slogan, but they forgot that America was not an island and that her hope and her security, and that of free peoples in both Asia and Europe, depended on American willingness to shoulder her responsibilities abroad.

PRESIDENT TRUMAN'S DETERMINATION

President Truman did not shrink America's Asian perspectives. He completed the costly task of defeating the Japanese empire. He fulfilled the pledge of independence to the Philippines. And he supported the push for independence by the peoples of Indonesia, now a nation of 100 million.

And President Truman did not hesitate or equivocate when in 1950 North Korean armies swept south across the 38th parallel. He knew—though there were those who questioned the significance of such a small and distant country—that to the people of South Korea and to the neighboring millions in free Asia, there was no more important test for the fabric of their own societies and that of the family of nations than meeting this aggression. And after early setbacks, the United States' Forces and those of the other allies achieved their purpose and repelled the invaders from the North.

And at a time when few Americans even knew such a place existed, President Truman also acted on Vietnam. There, in 1946, Ho Chi Minh's Communists had liquidated the non-Communist Nationalists in a short-lived "coalition" of seven parties. To this day, Ho's liquidation policy is remembered with bitterness throughout Vietnam whenever "coalition" is discussed. By 1950, Ho's Lao Dong Party had totally smothered the Vietnamese movements for national independence, and it had become clear to all that Ho intended to replace waning colonial control and gradual steps toward independence in a democratic Indochina, with his own dictatorship.

It was with an assessment of these developments in mind that President Truman provided economic and military assistance to the French, and to the Vietnamese Nationalists. At the same time, he urged them to proceed as rapidly as possibly to full independence and a democratic Indochina.

PRESIDENT EISENHOWER AND THE GENEVA ACCORDS

And President Eisenhower endorsed President Truman's policies. It should be noted that with the Geneva conference marking the end of the Indochina war in July 1954, the Eisenhower administration and the Nationalist Vietnamese—who were recognized diplomatically by 36 countries—insisted on the principle of reciprocal troop withdrawals, competitive elections and United Nations verification as the best means of preserving the chance for diversity and democracy in Vietnam.

The leaders in Hanoi, however, strongly rejected these principles. They moved instead to consolidate their regime and to lay the foundation for future aggression in the South. In flagrant violation of the Geneva Accords they cached arms and left over 5,000 armed guerrillas in South Vietnam; they tripled their regular army in the north to 21 divisions; they blocked the southward flow of refugees—although nearly 900,000 escaped—they established a Marxist-Leninist dictatorship in Hanoi which purged all opposition and collectivized the peasants' land at the cost of tens of thousands of lives and political prisoners in slave labor camps; they suppressed a mass peasant uprising; they prevented the international control commission from enforcing the agreements between the two zones of Vietnam and France as provided by the Geneva accords; and they have to this day refused to hold politically competitive elections in areas under their control.

RECORD OF VIOLATIONS

The continuing record of Communist violations is documented in the statements of North Vietnam's Lao Dong Party, in the records of the International Control Commission, and in the minds of the people of Vietnam. It is marked after 1956 by political terrorization and assassination of people who were trying to build their own society in South Vietnam. It is marked by the illegal infiltration, between 1956 and 1964, of 80,000 to 100,000 cadres taken north for training. By 1960, Hanoi had announced the creation of the "National Liberation Front," the NLF, to be followed in 1962 with the formation of the dominant element in the front—the "People's Revolutionary Party." In the winter of 1964–1965 regiments of North Vietnam's regular army, equipped with new Chinese and Soviet weapons, invaded South Vietnam. Hanoi's invasion reached its high point in the 1968 Tet offensive against South Vietnam's population centers. Two hundred and thirty thousand Communists troops lost their lives that year, but the South Vietnamese Armed Forces and the people held against the onslaught. More than 5,000 political murders carried out by the North Vietnamese and Vietcong in the city of Hue during that offensive permanently ruined the front's political image in South Vietnam. Finally, Hanoi's record of attack has also been marked by the constant and massive violation, over more than 6 years, of Laotian and Cambodian territory.

AMERICAN RESPONSE

The American understanding and response concerning events in Vietnam increased only gradually. And, we must be frank to admit, it was not always tailored to the needs of the local situation. But the position of the Eisenhower administration at the time of the Geneva accords appears in retrospect to have been appropriate. It was perhaps made most clear in the SEATO Treaty protocol of 1955 and in the limited advisory and aid programs initiated thereafter. President Eisenhower acted in the belief that the South Vietnamese ought to be given a chance. He felt it was far more honorable and important to work for reform and progress there than to turn away and to witness the imposition of Ho Chi Minh's totalitarianism.

PRESIDENT KENNEDY REMAINED FIRM

President Kennedy held a similar view. In 1956, while a Senator, he had risen to challenge the double standard which would accuse South Vietnam, a country under direct military attack from the north, of not meeting political standards, while never even mentioning the conditions and practices in North Vietnam. As North Vietnam's aggression mounted, President Kennedy increased the assistance being given to the beleaguered South Vietnamese and raised the number of U.S. advisers to 16,000 from the 685 permitted under the rotation provision of the Geneva accords.

And contrary to recent attempts to rewrite history, John Kennedy remained true to his responsibility in Southeast Asia. In a television broadcast of September 1963 he said:

> What I am concerned about is that Americans will get impatient and say, because they don't like events in Southeast Asia or they don't like the government in Saigon, that we should withdraw. That only makes it easy for the Communists. I think we should stay. We should use our influence in as effective a way as we can, but we should not withdraw.

CONTINUED COMMITMENT TO U.S. GOALS UNDER PRESIDENT JOHNSON

In the summer of 1964, regimental-size units of North Vietnam's regular army were directed by the leaders in Hanoi to move out of their training camps in North Vietnam, southward along the Ho Chi Minh Trail, through neutral Laos and into South Vietnam. These invading forces, following the 100,000 cadre infiltrated since 1957, began to arrive in South Vietnam in December 1964 and January 1965. In February and March of 1965 they launched a series of offensives against provincial and country capitals and installations throughout South Vietnam.

Mr. President, publications and revel-

ations of recent days have made it somewhat difficult to assess the course of American policy in Indochina during the Johnson administration. Several points, however, are clear:

The Johnson administration was committed to the same basic goals of the four previous administrations.

Congress, wisely or not, passed the Gulf of Tonkin resolution on August 7, 1964, stating, "The United States is, therefore, prepared, as the President determines, to take all necessary steps, including the use of Armed Forces, to assist" SEATO members and protocol states such as South Vietnam.

And in reliance upon that congressional resolution the U.S. involvement was significantly expanded.

In February 1965 President Johnson ordered air strikes against North Vietnam, and in June he dispatched the first U.S. combat units to South Vietnam. By the time President Johnson left office in January 1969, the number of U.S. troops in South Vietnam stood at 543,400; 31,000 had been killed there; all negotiation attempts had been rebuffed by Hanoi; and the war had been brought home to America.

PRESIDENT NIXON'S COURSE

President Nixon inherited the war in Indochina when he took office. He inherited it, but he has reversed its course. And he is committed to ending it on a responsible basis.

Today, we hear much about peace from those who have not looked at the record. We hear much about peace from those who press their counsel of abandonment, despair, and surrender. But let us be fair and consider the record. What has the United States proposed and done for peace? What have President Nixon and South Vietnam's President Thieu done? Anyone who looks at the record with an open mind and an unbiased eye will have to place the blame for continued war, for continued death, and continued suffering not on Washington, but on Hanoi and the NLF.

FIVE POINTS FOR PEACE

President Nixon's five-point peace proposal of October 7, 1970, is on the negotiating table in Paris. It is endorsed by President Thieu. It is a far-reaching and just proposal for peace in Southeast Asia.

It calls for an internationally supervised cease-fire throughout Indochina.

It proposes the establishment of an Indochina peace conference.

It proposes negotiation of an agreed timetable for the complete withdrawal of all U.S. forces from South Vietnam on the basis of North Vietnamese reciprocity and international verification.

It calls for a fair political settlement reflecting the will of the South Vietnamese people and of all the political forces in South Vietnam.

It calls for the immediate and unconditional release of all prisoners of war by all sides.

PRESIDENT THIEU'S PEACE PROPOSAL

In addition to this American proposal, endorsed by South Vietnam, the United States has also supported the proposal for a political settlement in Vietnam made by President Thieu in July 1969. President Thieu has asked the other side to accept the principle of peaceful political competition. His proposal calls for free elections in which all people and parties of South Vietnam, including the National Liberation Front, can participate peacefully, and for a mixed electoral commission on which all parties, including the NLF, can be represented to work out the verification procedures for such elections. This is a generous offer. It is, perhaps, unprecedented in time of war.

STEPS TOWARD PEACE

The record of allied proposals to negotiate a just peace deserves the Senate's and Nation's support. And strong as is this record for peace, it is made still stronger by the fact that we have not merely talked about peace. In the absence of the Communists' willingness to reach an agreement, we have also unilaterally acted to take substantial steps toward peace. These steps include:

The 1968 halt to the bombing of North Vietnam;

Agreement on the participation of the NLF in the Paris talks;

Agreement on the principle of troop withdrawals;

U.S. troop withdrawals totaling 265,000 by May 1, 1971, to reach 365,500 U.S. troops withdrawn by December 1, 1971. By December this will be a reduction of two-thirds from the number of 549,500 authorized in January 1969, when President Nixon took office;

A series of deescalatory steps substantially cutting back U.S. tactical air activity and B–52 activity in Southeast Asia; and

The appointment of a new senior negotiator in Paris.

THE COMMUNIST RESPONSE

What has the other side done in return to bring closer the day of peace? The answer is, Nothing. Nothing at all. The answer is, Absolutely nothing—in spite of the fact that many of these steps taken by the United States and South Vietnam were urged by the enemy and by many sincere Americans as constructive contributions to reduce U.S. involvement and to open the door to negotiations.

The door to peace has been blocked by Hanoi and the National Liberation Front. They have refused even to consider the allied proposals. They continue to reject the principles of reciprocity, open elections, and international verification. They demand unilateral and total withdrawal of all U.S. troops, war materiel and assistance, and they demand the overthrow of the leaders of the Government of Vietnam and the imposition of one of their "coalition" governments established prior to any elections and in the absence of any international verification.

PRISONERS OF WAR

In exchange for such a unilateral and total abandonment by the United States, Hanoi and the NLF have pledged nothing. They have at best indicated that if everything they demand were done, they might "discuss"—not release—the prisoners of war. This is meaningless propaganda, which they have used before, for example, when they indicated a host of results would be discussed and achieved if only the bombing was stopped, if only substantial troop withdrawals were undertaken, if only a senior negotiator was appointed and so on. We should call on them now not just to talk, but to respond with substantial actions in the cause of peace.

Let me say a special word about our nearly 1,500 men held prisoner and missing in action in Southeast Asia. This administration has demonstrated by word and deed, perhaps most dramatically in last fall's rescue mission at Son Tay, near Hanoi, that it will leave no stone unturned in seeking humane treatment and freedom for them.

In seeking to break the deadlock of POW releases, the United States and the Government of Vietnam have often proposed the early reciprocal release of POW's held by all of the parties to the conflict. Pending the end of hostilities, we have also proposed to repair all POW's to a neutral country. At the same time, the South Vietnamese have unilaterally released over 200 North Vietnamese POW's to the north and over a thousand Vietcong POW's in South Vietnam. And South Vietnam continues to permit inspection of its POW camps by international groups including the Red Cross. Regrettably, Hanoi has shown callous contempt for the accepted standards of international law and humanitarian behavior. Hanoi has made fewer than a dozen releases, tolerates no inspections and even treats as nonpersons its own POW's—the more than 8,000 North Vietnamese POW's held in South Vietnam.

A WITHDRAWAL DATE UNWISE

The argument has been made that if we would only set a "reasonable" date for our total withdrawal, the North Vietnamese would be willing to cease firing against U.S. troops and to release our POW's. This argument ignores several important points.

First, as long as the cease-fire did not extend to all hostile forces, our men would still be exposed to enemy fire and the risk of capture in connection with their activities in support of South Vietnamese forces. To date, the President's call for a total cease-fire has been categorically rejected by the other side.

Second, the other side has, in all their official statements, including those at the June 10 session of the Paris talks, limited themselves to a commitment to "discuss" the question of release of our prisoners after the United States has set a "reasonable" date for total U.S. withdrawal.

In Paris, both the North Vietnamese and the Vietcong have sought for some time to give congressional and other visitors the impression that the prisoner issue can be easily resolved once unilateral U.S. withdrawal is agreed upon. In conversations they often go quite far in attempting to create this impression, but without at any time changing their position that the subject of prisoners of war is only a matter for discussion after a withdrawal date has been fixed.

Third, the other side has made it clear that they include in the term "U.S. withdrawal" measures which would make

it very difficult—if not impossible—for the South Vietnamese to continue their resistance against North Vietnamese military aggression. The first point of the enemy's eight-point peace program of September 17, 1970, the basis for their negotiating position, states that—

The U.S. Government must put an end to its war of agression in Vietnam, stop the policy of "Vietnamization" of the war, totally withdraw from South Vietnam troops, military personnel, weapons, and war materials of the United States as well as troops, military personnel, weapons, and war materials of the other foreign countries in the U.S. camp, without posing any condition whatsoever, and dismantle all U.S. military bases in South Vietnam.

Chief North Vietnamese Negotiator Xuan Thuy was asked by Washington Post Reporter Chalmers Roberts on June 8 whether cessation of U.S. economic and military aid to South Vietnam would be a necessary condition for release of U.S. prisoners. In reply he specifically referred his questioner to the eight points. In response to Roberts' followup questions, Thuy reportedly said that "if the United States withdraws all its forces but maintained an advisory mission and continued to give military equipment aid to the Saigon administration," a chain of events would occur which would lead to reintroduction of U.S. troops and thus negate the original withdrawal.

Xuan Thuy called in this interview for a "total U.S. withdrawal and a change from the Thieu-Ky regime." Thus, he repeated earlier North Vietnamese implications that actual release of the POW's, as contrasted with "discussions" on the question, must await conclusion of agreements which would result in the removal of the present constitutionally elected government of that country.

It is the judgment of the administration that demands of this nature would be advanced by the other side in the "discussions" which they say would follow announcement of a reasonable U.S. withdrawal date. Only when these demands were satisfied would prisoner release be possible. Our experience with North Vietnam in the Paris talks since the November 1, 1968, bombing halt—which was supposed to lead to "prompt, productive, serious, and intensive negotiations"—shows how adamant they can be in insisting on unreasonable demands in the face of prior promises that matters could be "easily" settled in such discussions.

Thus, it is not felt that setting a deadline of December 31, 1971, for withdrawal of U.S. forces would lead to agreement within 60 days on arrangements for prisoner release by December 31, 1971, without further far-reaching concessions on our part. Furthermore, so precipitate a deadline for withdrawal of U.S. forces could increase the vulnerability of our own forces as they are withdrawn and seriously undermine our efforts to give the South Vietnamese a reasonable chance to defend themselves.

HOW MANY PRISONERS?

An additional point is the matter of numbers. As of June 10, 1971, the Department of Defense lists 1,492 American servicemen as captured or missing in North and South Vietnam, Laos, and Cambodia. Of this number 465 are known to be captured, and 1,027 are missing.

What does Hanoi say? They acknowledge only 339 American prisoners of war and disclaim knowledge of any others.

Are we to take their word on the number of men they hold—just as we relied on their representations in regard to a bombing halt; in regard to the participation of the NLF in the Paris talks; in regard to the appointment of a new senior negotiator; and in regard to withdrawals of more than a quarter-million troops?

Are we to take them at their word in regard to the fate of nearly 1,500 Americans, some of whom have been held in squalor and filth for upward of 4, 5, 6, or even 7 years

I say no, Mr. President. We should not take the North Vietnamese at their word on so vital an issue until they have proven that their word deserves to be relied upon.

As President Nixon has said, there is no higher priority than the brave American POW's and MIA's to whom our country owes so much. We will keep our troops in South Vietnam as long as our men are held prisoner by the Communists. We shall press for their release. We shall not let them down.

MILITARY AND SOCIAL PROGRESS IN VIETNAM

The path to a just peace through negotiations remains our first goal. In the face of Communist intransigence at the negotiating table, our second choice is Vietnamization—the program of reducing U.S. forces and helping to develop South Vietnam's capability for its own self-defense. Vietnamization is a responsible program and one that is working out very well.

Since President Nixon took office in January 1969 the South Vietnamese have greatly strengthened their capabilities in meeting the threat from North Vietnam and in developing their own society. This is a side of the story often neglected by our media and by the critics of our policy—by those who do not see that the South Vietnamese have great talents and increasing motivation and that the North Vietnamese and the southern Communists are not 10 feet tall.

TWO IMPORTANT SUCCESSES

Let me give you two important examples of South Vietnamese progress in the military field about which there has been much erroneous discussion. As a result of the 1970 Cambodian operations, as President Nixon accurately forecast, casualties have been greatly reduced, the level of fighting has been substantially reduced, security has been brought to Vietnam's populous delta region, and the U.S. withdrawal timetable has been safeguarded.

In the recent operations in Laos against the enemy's only remaining supply route, the Ho Chi Minh Trail, the South Vietnamese carried the fight to the enemy's own territory and won a significant victory. For 40 days they disrupted the enemy's flow of supplies in the height of the dry season and forced him to consume war materiel and manpower which is normally used for resupply and for offensive operations against South Vietnamese and American forces. In massing their own forces to defend their vital trail, the North Vietnamese paid a very high price in the face of overwhelming Allied firepower and air superiority, including over 600 B–52 strikes. Four of the enemy's best divisions were decimated at a cost of over 13,000 lives, and thousands of wounded rendered 13 of the enemy's best combat battalions ineffective.

Large stocks of enemy war materiel were also lost. The South Vietnamese lost 1,400 killed and 4,600 wounded with four of their combat battalions hurt badly, but they came out with their weapons and their pride. Their battalions have been refitted, and they feel they won a victory against the best of the enemy's forces on the enemy's terrain. They can also readily see that one immediate result of the operation has been the fact that since February the North Vietnamese have managed virtually no ground attacks in South Vietnam's populated areas, being limited to a few engagements near the Laotian border. Future quick, commando-style raids by the South Vietnamese against the trail are expected to keep the enemy off balance in his vital supply and staging areas.

One might point out that these two important operations have been conducted in the context of a 50-percent reduction in U.S. troop strength, a 50-percent reduction in U.S. war costs, substantial reductions in U.S. air activity and substantial increases in the South Vietnamese regional, local, and paramilitary defense forces, which give promise of a steadily increasing capability to shoulder the burden of their country's self-defense.

POLITICAL PROGRESS

Even though headlines and public attention continue to focus on the military aspects of the struggle in Indochina, we can take a great deal of pride in the fact that as the military aspects diminish, the South Vietnamese have also made remarkable progress in building their society even in the midst of war.

The South Vietnamese have written a constitution and are daily strengthening their constitutional system. In spite of Communist terror they have held a series of national elections, developed a lively multiparty system, a national assembly, province councils and an independent judiciary. They elected a president and their local leaders in over 2,000 of the 2,300 villages in the country. Last August's highly competitive senate elections were marked by the participation and the victory of the Buddhist opposition slate, a group which had boycotted the 1967 elections. But they called the 1970 senate elections fair and are planning to run candidates in the elections this fall. This fall Vietnam votes again with elections scheduled for the lower house and the presidency. In contrast to North Vietnam, South Vietnam's elections will be highly competitive and will fall under the careful scrutiny of South Vietnam's many parties and a large foreign press corps.

SOCIAL AND ECONOMIC DEVELOPMENT

In addition to these impressive political developments, there has also been considerable progress in the area of social and economic development. Three million young people are enrolled in South Vietnam's schools today. Additional hundreds of thousands are receiving professional or technical training under the Vietnamization program. Improved medical care and better housing for the people of Vietnam are a reality and continue to receive priority attention. As the war has subsided there has been construction of a record number of schools, hospitals, and homes.

Particularly noteworthy is the way in which the tremendous task of resettlement and rehabilitation of veterans and war refugees has continued with very positive results. This does not mean that all former refugees have been completely resettled or rehabilitated, but it does mean that hundreds of thousands of refugees have been resettled and assisted during wartime.

In the area of agriculture in Vietnam—a land of farmers—the Government's land reform and development programs are transforming the countryside from a battleground to a prosperous community of small landowners. More water pumps, farmer cooperatives, and a new agriculture credit program, a doubling of the fish catch—all are playing their share. "Miracle" rice and improved security mean that Vietnam will be close to rice self-sufficiency within the year. The "land-to-the-tiller" land reform program will transfer over 1 million hectares of farmland to more than half a million new owners. Farmer's unions, their membership doubled in the past 2 years, are helping to spread new techniques and to foster the farmers' lot.

These impressive accomplishments are not earth-shattering in and of themselves until one realizes that each of them is helping the small man in Vietnam—the fisherman, the farmer—who makes up more than 70 percent of the population. More secure, prosperous and confident, they are working and fighting to build their future and fighting to preserve their country. And they do not stand alone. Together with their peace-loving neighbors in Southeast Asia, they also hope to benefit from such regional cooperation as has already begun, in planning a dramatic project for the development of the Mekong River Basin. As the war diminishes throughout South Vietnam, these are truly times of new hope and new horizons.

A TIME OF TESTING AND HOPE

I have spoken of America's role in Vietnam and of the notable achievements made and hopes evident in Vietnam today which must give pause to Hanoi's leaders and which can give the allies confidence in winning a just peace.

In conclusion, let me make a few simple points:

We and the South Vietnamese did not start the war.

We will end our role—we are ending our role—but in a serious, responsible way.

We have made progress.

Those who seek a unilateral withdrawal date, the sponsors and advocates of this amendment, must ask themselves very soberly whether they are now—at the last moment—jeopardizing a policy which six Presidents have forged, for which 2,500,000 Americans have fought and 45,000 have died in the last decade, and in which very substantial progress is now being made.

AN EVASION OF RESPONSIBILITY

What they are proposing is not to end our involvement in the conflict. We all share that desire. They are proposing to end our involvement in a way which will mock the efforts and sacrifices of the past and will enhance the likelihood that aggression, having been victorious, will spread and grow to a point at some time in the future when we will have to take up arms to oppose it again. This is a proposal laden with enormous consequences: A policy proposal which places a heavy burden of proof on its proponents and upon whom a heavy burden of responsibility would fall if South Vietnam and Southeast Asia were to be lost. In fact theirs is not a policy but an evasion of policy and responsibility. It seeks to resolve a problem by pretending that South Vietnam and its people, and the whole of Asia do not matter and that we can walk away from there and not care about the consequences.

If Hanoi's leaders can obtain a unilateral U.S. withdrawal date without undertaking their own withdrawals and accepting the principles of international verification, open elections and prisoner releases in Indochina, they will have no incentive whatsoever to negotiate seriously and will be encouraged to continue their aggressive policies. To undercut the chance for a just settlement now and to accept the enemy's unilateral demands, would be to betray the sacrifices made and the progress achieved.

CONCLUSION

I can assure you that President Nixon will never choose such a course. He has chosen the path of responsibility. He will adhere to that path. And he will succeed in honorably ending our involvement in the Indochina conflict.

I endorse the President's course and his policy as stated in his message to the Congress:

> A negotiated settlement for all Indochina remains our highest priority. But if the Communist side leaves us no choice, we will follow the alternate route to peace—phasing out our involvement while giving the region's friendly countries the time and the means to defend themselves.

Mr. President, I urge the Senate to support the President and reject the amendment offered by the Senator from South Dakota and the Senator from Oregon.

Mr. THURMOND. Mr. President, the pending amendment, offered by the distinguished Senator from Florida (Mr. CHILES) should be refused by the Senate for many of the same reasons which have been presented against the McGovern-Hatfield amendment.

The Chiles amendment is essentially the McGovern-Hatfield amendment except that it extends the total withdrawal date to June 1, 1972. It questions the words of the President of the United States who said:

> Our goal is a total withdrawal from Vietnam.

As all evidence indicates President Nixon is moving toward that goal. However, to achieve it in a safe and orderly way he needs the flexibility due him as Commander in Chief.

Mr. President, I would like to offer a few reasons why I think this amendment is unsound.

First, it places limitations on the use of U.S. air power in support of Vietnam. It prohibits the use of any air power after June 1.

Possibly at that time the South Vietnamese Air Force will be trained sufficiently to handle this job. On the other hand, U.S. air power at that time might be critical. It is impossible to say today what the situation will be at this time next year. That is why we must trust the President.

Last week I met with Adm. Elmo Zumwalt, Chief of Naval Operations. He has just returned from a visit to South Vietnam and other key areas of the world.

In giving me his impressions on the results of that visit, he emphasized that it was extremely important that the United States continue to provide air support to our allies in Indochina pending their full assumption of this role.

Admiral Zumwalt pointed out that training men to operate and maintain aircraft required time. He noted that great progress has been made in this area, but if U.S. air support was cut off too early then all of our efforts in South Vietnam would be set back.

Second, the approach in the Chiles amendment still involves using our prisoners of war as pawns in a settlement with the Senate acting as a command post and a peace conference at the same time.

This Nation has long maintained that the POW issue is a humanitarian one and should not be linked to other aspects of the conflict. The President stressed this in his peace proposals of last October. He urged the return of all prisoners from both sides.

Any agreement to link the POW's and the political issues might well establish a precedent which would ultimately work to the disadvantage of these men.

Third, the amendment by Senator CHILES calls for unilateral action on the part of the United States. It places no requirement on North Vietnam other than the return of U.S. prisoners. Hanoi has rejected all reciprocal actions.

Hanoi has sent tens of thousands of its forces into South Vietnam and other Asian countries. Why is no one calling for Hanoi's total withdrawal from South Vietnam? From Laos? From Cambodia?

Mr. President, I urge my colleagues to defeat this amendment and in so doing help our Commander in Chief to continue the safe and orderly disengagement in Vietnam that he has carried out so successfully to date.

Mr. MUSKIE. Mr. President, we are no longer debating whether or not we should

stay in Vietnam. We are debating how we should leave. I believe that the Hatfield-McGovern amendment, which I cosponsor, is the best way for us to end our combat involvement in Indochina. By requiring the withdrawal of all our combat troops by December 31, 1971, it will insure that the United States will not have combat troops in Vietnam for the indefinite future.

It is unclear what kind of a continuing commitment to the South Vietnamese the President's Vietnamization program requires. Whatever it is, I feel it is essential that we make clear that our commitment to fight with our own troops in Indochina is over. It must be clear to our young people, clear to all Americans, and clear to the South Vietnamese.

By swiftly and cleanly ending our combat role, we can make a definite beginning in the processes of removing from our own political life the harmful battles over the Vietnam war. Not only have we done enough fighting for the South Vietnamese, but we have done enough damage to our own Nation. A lingering and uncertain combat commitment in South Vietnam will only continue the divisions, the bitterness, and the distrust that this war has brought to our Nation.

Just as important to us is the future of American prisoners being held by the Communists. I believe that the Hatfield-McGovern amendment provides the most promising framework for the release of our prisoners of war. There are indications that if we set a date certain for the withdrawal of our troops, we will be able to negotiate the release of our prisoners of war. We should set a date certain contingent upon the release of our prisoners, and then try to negotiate the release of our prisoners as we withdraw our troops. All our prisoners should be returned before the final American contingents leave South Vietnam.

Of course, the Hatfield-McGovern amendment requires that our prisoners be returned as a condition of our withdrawal. It is not a betrayal of the prisoners' freedom or a blow to the hopes of their wives and children. Rather, it is the most sensible way to obtain their release.

By setting a date certain, we also make it clear to the South Vietnamese that they will carry the combat responsibility at the end of this year. As has been said so often, the Vietnamese must be able to do the fighting by themselves. It is most appropriate that we make it clear to the South Vietnamese people that they will have to do the fighting themselves before the upcoming presidential elections. A date certain for our withdrawal will make the choice by the South Vietnamese about their future leadership more realistic.

Hopefully, the setting of a date certain for the withdrawal of our troops will improve the climate for negotiations. Nothing can guarantee the beginning of talks that will lead to a negotiated settlement and an end to the bloodshed in Indochina. But a withdrawal of American combat personnel from that area is probably the best way the United States could move toward creating the conditions for such a negotiated settlement.

Nor will the passage of date certain legislation threaten the safety of our withdrawing troops. Extensive withdrawal is already publicly scheduled, and if the Communists want to attack our withdrawing forces, they could do so with or without this legislation. The approximate timetable of our present withdrawal is available to the North Vietnamese as it is to every newspaper reader in this country. The only difference between the President's position and this legislation is the question of residual forces.

Neither alternative guarantees the safety of our troops. In fact, the indefinite stationing of the small combat forces in South Vietnam will create long-range threats to our troop safety that would not occur if all our troops withdrew by the end of the year. And certainly there is less incentive for the North Vietnamese or the Vietcong to attack our troops while withdrawing, thereby taking the chance that we would change our minds, than if they were to stay on indefinitely.

Moreover, the setting of a date for withdrawal will, in my judgment, enhance the prospects of negotiating the safe withdrawal of our troops. This legislation does not challenge the President's constitutional authority over the conduct of foreign policy. It does not direct the tactics of the war—it merely is an exercise of Congress' legitimate authority over ending the appropriations for the support of American troops abroad.

Just as important, this amendment is not a political challenge to the President. It does not make Vietnam into an issue in the next presidential election. It does the opposite: it removes Vietnam from politics. There can be no doubt that Democrats and Republicans support this legislation. This amendment should have the effect of sharing with the President the responsibility for ending a war that both parties are responsible for starting.

Mr. President, I think the passage of the amendment is of crucial importance for our Nation. It is important because it will begin to end an issue that has divided us at home more deeply than any other since the Civil War. It is important because it will restore faith in many of our citizens that we can control our foreign policy processes by quickly helping to end a war that the American public does not support. And it is important to demonstrate to Americans that our Government can move in a timely and adequate fashion to rectify past mistakes and move toward directing our energy to the problems at home.

Mr. SPONG. Mr. President, I must oppose the amendments before us that seek to hasten an end to our participation in hostilities in Indochina by cutting off appropriations at a fixed date. While I believe the Senate should express itself with regard to future policy, and I favor an early disengagement of our forces, I do not believe legislation of this type offers the best hope of achieving orderly withdrawal. The exceptions under which money may be appropriated, despite the cutoff, are subject to broad interpretation that would enable the Executive to maintain hostilities at the level of past years. There is probability of much conflict within Congress and between Congress and the Executive over future appropriations.

I do not believe Congress can legislate an end to the war as proposed by these amendments. I do believe that the Senate should express its preference for an early disengagement and call upon the President to name a date for final withdrawal, if negotiations lead him to believe this will hasten the release of our prisoners of war.

The orderly disengagement of our forces must be a cooperative effort between the President, as Commander in Chief, and the Congress. I hope Congress will soon consider and adopt a policy statement on early and orderly disengagement.

The PRESIDING OFFICER. The Senator from Florida has 3 minutes remaining.

Mr. CHILES. Mr. President, how much time does the Senator from Mississippi have?

The PRESIDING OFFICER. None

Mr. CHILES. Mr. President, I want to compliment the Senator from Mississippi, the distinguished chairman of the Committee on Armed Services, for the yeoman job he has done on the floor on the amendments.

I heard the arguments made against the McGovern-Hatfield amendment, and they were very persuasive. They were persuasive on me. They gave me all kinds of concern as to whether or not I could vote for that amendment.

I am sure he has made a persuasive argument with reference to the substitute I am now offering. However, I noted this time, in listening to his argument, that it kind of reminded me of an animal that is indigenous to his State and my State, called a possum. A possum has strong teeth, and when he can get his teeth into something, he bites on it, but if he is a little worried as to whether he can bite it, he plays possum.

The time element and not being able to understand this amendment on the part of the Senator from Mississippi make me think of comparing it to that animal, because he cannot find anything to bite into and he says we do not have enough time to look at it and we do not have time to determine what the chances are or whether the release of the prisoners of war is an obstacle.

What are we talking about? The withdrawal of troops is going on at a rate of 19,000 a month.

What are we going to do on June 1 when the United States wants to get its prisoners? The numbers will be down to 34,000, and they are not going to have anything to bargain with. The other side will say, "Wait a minute. In return for giving you your prisoners, we do not want you to give any aid to South Vietnam, or bullets, or anything." Are we going to give the prisoners a better chance when we deal with them now to free every prisoner, or when we are down to no men in there to make a deal?

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

Mr. CHILES. No, I do not yield.

Mr. DOLE. Will the Senator tell me

why he changed his substitute from his amendment of yesterday?

Mr. CHILES. I do not yield.

Mr. MANSFIELD. Mr. President, a point of order.

The PRESIDING OFFICER. The Senator from Florida does not yield.

Mr. CHILES. I think Senators know whether they can look people in the face and say, "We really want to get our prisoners out. We really want to end this thing. We really want to see if we can end it." I think this substitute gives us the ability to do that and allows us to show that we do care about these men and we do care about ending the conflict.

The PRESIDING OFFICER (Mr. WEICKER). The time of the Senator from Florida has expired. All time having expired, the Chair will advise those in the gallery to refrain from demonstrations, that neither expressions of approval nor disapproval are permitted.

The question is on agreeing to the amendment of the Senator from Florida. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. SPONG (when his name was called). Mr. President, on this vote I have a pair with the Senator from Arkansas (Mr. FULBRIGHT). If he were present and voting, he would vote "yea." If I were at liberty to vote, I would vote "nay." Therefore, I withhold my vote.

Mr. BYRD of West Virginia. I announce that the Senator from Arkansas (Mr. FULBRIGHT) is absent on official business.

Mr. GRIFFIN. I announce that the Senator from South Dakota (Mr. MUNDT) is absent because of illness and, if present and voting, would vote "nay."

The Senator from Ohio (Mr. TAFT) is detained on official business, and, if present and voting, would vote "nay."

The result was announced—yeas 44, nays 52, as follows:

[No. 96 Leg.]

YEAS—44

Anderson	Humphrey	Nelson
Bayh	Inouye	Packwood
Brooke	Javits	Pastore
Burdick	Jordan, N.C.	Pell
Case	Kennedy	Percy
Chiles	Magnuson	Proxmire
Church	Mansfield	Ribicoff
Cranston	Mathias	Schweiker
Eagleton	McGovern	Stevens
Gravel	McIntyre	Stevenson
Harris	Metcalf	Symington
Hart	Mondale	Tunney
Hartke	Montoya	Williams
Hatfield	Moss	Young
Hughes	Muskie	

NAYS—52

Aiken	Curtis	McClellan
Allen	Dole	McGee
Allott	Dominick	Miller
Baker	Eastland	Pearson
Beall	Ellender	Prouty
Bellmon	Ervin	Randolph
Bennett	Fannin	Roth
Bentsen	Fong	Saxbe
Bible	Gambrell	Scott
Boggs	Goldwater	Smith
Brock	Griffin	Sparkman
Buckley	Gurney	Stennis
Byrd, Va.	Hansen	Talmadge
Byrd, W. Va.	Hollings	Thurmond
Cannon	Hruska	Tower
Cook	Jackson	Weicker
Cooper	Jordan, Idaho	
Cotton	Long	

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Spong, against.

NOT VOTING—3

Fulbright	Mundt	Taft

So Mr. CHILES' amendment was rejected.

STATEMENT BY SENATOR BYRD OF WEST VIRGINIA

Mr. BYRD of West Virginia. Mr. President, we are about to vote on amendment No. 143, offered by Mr. MCGOVERN, Mr. HATFIELD, and other distinguished Senators. The amendment is often referred to as the "end the war amendment," which is indeed a misnomer. No amendment is going to end the war in Vietnam. The sincere purpose of the authors of the amendment, however, is to end America's participation in that war. While I have a great respect for the authors of the amendment, it is my judgment that the amendment, if adopted, would not end America's participation in the war. Pragmatically speaking, the amendment, if adopted, would probably be voted down in the other body, and it would undoubtedly meet with a Presidential veto even if the House of Representatives were to accept the amendment, in which case it would not be possible to get a two-thirds majority of both Houses to override the veto. So, I think it is unrealistic to believe that America's participation in the war would come to an end if this amendment were agreed to here in the Senate.

I am opposed to the amendment, and I now state my opposition thereto, not from the standpoint of my position in the leadership, but rather from the standpoint of my responsibility as a Senator from the State of West Virginia, and because I owe my constituents an explanation of my vote.

I have not had a great deal of mail on this subject, but it is only fair to state that the majority of the letters which have reached my office from West Virginia reflect support for the amendment. I respect the viewpoints of my constituents who have so written but, even though the majority of the letters reaching me have urged that I vote for the amendment, my convictions lead me to oppose it. And I want to say here and now that there is no political gain whatsoever to be derived from a vote against this amendment. I feel that it is my responsibility always to weigh the opinions and viewpoints of my constituents, but I also feel that it is my responsibility as a United States Senator, after weighing the viewpoints of my people and after weighing the facts on a given question, to vote for what I think is best for my country in the long run.

With respect to the McGovern-Hatfield amendment, I wish we had never become involved in the war in Vietnam. But we became deeply involved. I do want to see our men brought home from the war as soon as possible, and I hope that the President has in mind a tentative date for the total withdrawal of American forces from Vietnam. I have in the past urged him to accelerate the withdrawal, if possible. I have also expressed to him privately my hope that he did have a date in mind for total withdrawal but that he not publicly announce such a date. So, I do hope that the President has a withdrawal date in mind, and, if this should be the case, I think he should not publicly announce such a date until at such time as, in his judgment, based upon all of the facts, it would be beneficial to do so.

Having said this, I am strongly opposed, at this particular time at least, to the setting of a withdrawal date by legislative action. To do so would inform the enemy as to the date for final withdrawal, thus allowing the North Vietnamese and the Vietcong to sit back and prepare for that date, and then launch an all-out attack on South Vietnam. Moreover, the enemy, once it knew our timetable for withdrawal, could prepare to attack our own remaining forces at a time most advantageous to the enemy. Additionally, the President's negotiating power at the Paris talks and elsewhere would be greatly dissipated by such a publicly announced withdrawal date. So, I see no benefit whatsoever to be gained by telegraphing such a withdrawal date to the enemy, and I do see many possible pitfalls for ourselves if this should be done.

Whether or not our country should have gotten involved so deeply in the war is a matter which can only be debated now, and the future historian will write the verdict most objectively. The fact remains, however, that we are involved in the war, and the President is doing everything possible to bring about a gradual and orderly withdrawal of American forces—a withdrawal which has been accelerated beyond his previously announced schedule of withdrawal.

The President promised to get us out of the war, and he is keeping his promise thus far. As Commander in Chief, he has the primary responsibility for the conduct of the war, and he has the primary responsibility with respect to negotiations to bring about the release of American prisoners and to end our participation in the combat.

I do not think that the Congress should now attempt to take over a responsibility which belongs to the Commander in Chief. I think the responsibility should remain where it ought to be, and now is—squarely on the shoulders of the Commander in Chief. I believe that any action on the part of Congress at this time to set a withdrawal date, would undercut the President in his efforts to negotiate, and it would also interfere with his schedule of withdrawal—a schedule which is calculated to best protect our forces during the process of that withdrawal and which is also calculated to give the South Vietnamese at least a fighting chance for survival against Communist subversion and aggression. If our objective of thwarting Communist aggression in South Vietnam was valid in the beginning, then I feel that the President's efforts to schedule a gradual and orderly withdrawal in such a way as to give the South Vietnamese a chance of survival in these few remaining months are also valid.

A military withdrawal, I am advised, is one of the most difficult of all military maneuvers. The logistics of withdrawal

constitute a difficult problem. I understand that the withdrawal schedule which the President is implementing is one which takes into account the logistical problems involved, and I do not believe that a December 31, 1971, date, as set forth in the amendment, is a feasible one.

Mr. President, our fighting men did not ask to go to Vietnam. I want to see them brought home. But as long as they are in Vietnam, I will not vote to cut off the funds with which to support them. I think the best plan is to support the Commander in Chief, whether he be a Democrat or a Republican, in his efforts to successfully complete the withdrawal of American forces from participation in the Vietnam conflict. For these reasons, I shall vote against the McGovern-Hatfield amendment.

Mr. KENNEDY. Mr President, this afternoon the Senate has a new chance to vote to end the war in Indochina. I hope that every Senator will embrace the opportunity to examine the nature and scope of American involvement in the war—a war that to many of us has become an interminable procession of American and Asian deaths in a cause unworthy of the most powerful and compassionate nation in the world.

The inequity, inconsistency, and inhumanity of our policy in Indochina has become intolerable.

At the founding of our Nation, when we declared our independence from the tyranny of Great Britain, we wrote a Declaration of Independence asserting the truth that all men are endowed with certain inalienable rights, including the most basic right of all, the right to life. Yet, for years on end, we have indiscriminately bombed the life out of hundreds of thousands of innocent people in Vietnam.

We wring our hands over the plight of the prisoners. We deplore the brutal treatment they receive at the hands of the North Vietnamese. We share the anguish and suffering of their families here at home. Yet, we refuse to take the single obvious step that could bring them freedom. We refuse to set a date to end the war. If one thing at least is clear about the horror and confusion of the war, it is that the way to free the prisoners is to end the war—not, by some inverted logic, to insist that we can get them out by refusing to end the war.

And, finally, we argue that if only we stay a little longer in Vietnam, if only we keep the withdrawals to a modest rate, we will give South Vietnam one more chance to survive. Yet, that is the argument we have heard time and again for the entire decade of our involvement in Vietnam.

That argument was long ago unmasked for what it is—an argument based not on the survival of South Vietnam or on the best interests of the people of that embattled nation, but on the survival of President Thieu and his government in Saigon. The recent passage of a law in South Vietnam that virtually eliminates all opposition to President Thieu in this fall's election campaign is fresh evidence, if we needed any, that the interests of President Thieu do not coincide with the best interests of the people of his country. Yet, the Government of the United States stands silent, while once again the people of South Vietnam are denied the right to free elections and self-determination, the right for which 45,000 American soldiers have died.

Surely, if there were any political and philosophical fallacy that should have been laid to rest by now, it is the domino fallacy, the idea that somehow South Vietnam is vital to the national interest of the United States. I believe instead, and I have believed for many years, that the true path of national interest for the United States in Asia lies in rapid and complete withdrawal from Vietnam, not in our present policy of creeping withdrawal and continued war.

We want peace, and we see only war. We want an end to the killing, and we see only senseless slaughter. We want a date to end the war, and the only date we see is election day 1972.

And while we wait, we know that until we end the war, we cannot end the killing. Tens of American lives a week, hundreds of American lives a month, thousands of American lives a year.

And that is only a small portion of the heavy price of death the war is wreaking in Vietnam. We measure American dead by the thousands each year, but we measure Vietnamese dead by the tens and hundreds of thousands.

How much longer must we endure this senseless killing and destruction? How much longer must we wait before we end the war and find the peace?

Perhaps the most appalling aspect of the disclosures in the New York Times this week—more appalling even than the deceptions now laid out in black and white—is the terrible shock of renewed realization that we are still fighting the war those documents describe. Today, in 1971, years after those Vietnam memorandums were written, years after those policy papers were discussed, and years after those position options were prepared, we are still at war in Asia. Many of the passages we read are as current today as the day they were written. All we have to do is change the dates.

And we know that today the same sort of memorandums are being written, the same sort of policy papers are being discussed, and the same sort of position options are being prepared. Surely, if we learn any lesson from this tragic disclosure, it must be the lesson that we can no longer repeat the mistakes of the past. We must prove that America is big enough to learn from the missed opportunities and missed perceptions of the past, and reject the hypnotic fantasies of our policy in the sixties.

Let me conclude by reminding every citizen that our struggle is historic. We are not the first people to be divided by the continuation of a war unjust and immoral. The indignation in our chests, and at times the rage in our voices, while people die in our name and under our flag, has occurred before. We can gain strength to do what we have to do when we remember that in other centuries other Americans have tried to stop other governments from acts unnatural to our traditions and beliefs.

As long ago as 1777, at the founding of the American Republic, Edmund Burke wrote to his constituents in Bristol, protesting the war with the Colonies and the shame it was bringing to England's noble tradition. As Burke said—

> But America is not subdued. Not one unattached village which was originally adverse throughout that continent has submitted from love or terror. You have the grounds, and you have no more. The cantonments of your troops and your dominions are exactly of the same extent. You devastate, but you do not enlarge the sphere of authority.

Burke went on to predict—as we could predict today, unless we act together—that even though the lesson may be obvious to all, the violence would continue. He said——

> But in case the sword should do all that the sword can do, the success of arms and the defeat of policy will be one and the same thing.

That is why we are here today, 200 years later, to convince our Government that the success of arms means the defeat of policy for the United States of America in Vietnam. That is the crisis we face, and that is why we must vote to end the war.

Mr. TAFT. Mr. President, today I shall vote in opposition to the Hatfield-McGovern amendment. President Nixon deserves support in his efforts to bring the war to an early settlement. This amendment would not contribute to that goal.

I am not unmindful of the agony and frustration which millions of Americans have experienced with respect to the war. Many have been opposed to our involvement in Vietnam since the early sixties. Many critics of the war may say that by voting against the Hatfield-McGovern amendment that we are insensitive to the efforts to end the war. This is entirely untrue. We all hope to see a total end to the fighting in Southeast Asia before the end of this year.

My reasons for voting in opposition to the Hatfield-McGovern amendment are that the adoption of that amendment will be likely to, first, make negotiation more difficult because the other side would know when we will leave; second, could simply end American involvement in the war without ending the war itself; third, would not assure the identification and release of all of our prisoners of war; and fourth, is not directed toward making the South Vietnamese Government more representative and politically viable.

This war has been a difficult and controversial chapter in American history. We all seek its rapid conclusion. In my judgment, however, we must work earnestly for a negotiated settlement which is the only avenue toward a lasting peace in Southeast Asia. No easy formula is available. Restriction on the President's negotiating latitude seems more likely to prolong the war than to end it.

Mr. MONDALE. Mr. President, today we have, once again, a chance to put a stop to the war in Indochina.

The debate has been going on now for 7 years. It has all been said. There should be no more need to say what this war has done to the peoples and lands of Indochina—or what it has done to America.

The New York Times has now documented in awful detail how the last administration led us into this war. There in black and white is proof of our worst fears about the origins of this folly—the loaded options, the unquestioned assumptions and, perhaps most shocking, the enormous political deception of the Congress and the public

These documents are damning not only for what is in them—but also for what is not.

Amid all the careful calculations about the fate of the regime in Saigon, where are the calculations of the fearful human costs of the war?

Where did this Government ask how many American lives, how many Vietnamese lives, how many billions in wasted resources would be consumed to satisfy its policy?

Where were the thoughts of what the war would do to American society—how it would ravage our cities and farms, and our spirits, as brutally as any bombardment.

This record can only leave, as David Broder wrote so powerfully in the Washington Post, "a sickening feeling of deception and betrayal."

And most of us who had public responsibility during that period bear a part of the shame.

Yet we must also wonder how far the present administration has escaped the blind mistake of the last. If we could see the records of the decisions to invade Cambodia and Laos, or of the dealings with the present regime in South Vietnam, how different would they really be?

Nearly 15,000 Americans have died in Indochina, and over 50,000 have been wounded, since this administration took office promising to end the war.

Is this administration unstained by pride and delusion, by false assumptions and political manipulation, by dishonesty with the American people?

The record of 7 years begs so many questions.

How many more men must be killed; how many more billions will be wasted?

With the overwhelming majority of our constituents wanting us to end this war once and for all, how much longer will the Congress go on appropriating the money to perpetuate the tragedy?

And if we do not stop the war now, how much does representative government mean in this country?

That is why this vote is so much more than a trial of policy.

It is a test of this institution and of its pretense to legislate in response to the will of the people.

Most of all, it is a test of our ability as a nation to cleanse ourselves of incredible error and dishonor.

I pray we will not fail that test any longer.

Mr. TOWER. Mr. President, we are debating today a measure of great importance and are going to shortly be putting the Senate on record as to whether or not we support the President's conduct of ending the long war in Vietnam. There have been very many words said on both sides of this matter and, having participated extensively in the debate on this matter last year, I feel that there is very little new that I can add.

I feel that we must, as a body, support the President in this most difficult task of peace in Indochina. President Nixon came into office on a pledge to end the war in Vietnam and bring a lasting peace with honor to Indochina. The President has kept every pledge to the American people that he has made in this regard. He has reversed the continuing escalation of the war in that area and has brought home nearly half the American soldiers who were serving in Vietnam at the time that he took office. By December of this year, he will have brought the American strength down to just a little more than 180,000 with further reductions to be announced in November of this year. Our casualty figures are the lowest that they have been in 5 years and they are continuing to decrease. Every indication is that we are winding down the war in Indochina and that the South Vietnamese are becoming stronger and more able to exist without U.S. fighting men continuing to be with them. I believe that the best way to see a true end to the war in Vietnam is to support the President in this difficult hour and make certain that his policies of disengagement are a success.

Mr. President, I am also concerned with the assertion of some who support the pending amendment that by setting a date for U.S. withdrawal in Vietnam, our prisoners of war will soon be released. They give no support to this theory but as former Secretary of Defense Clifford said, he had "reason to believe" that such would be the case. If we review the history of the treatment of prisoners of war in Indochina, we can immediately ascertain that nothing could be further from the bounds of reasonable expectations. In 1954, the French Government signed a peace treaty with the Government of North Vietnam. Part of this treaty was an article calling for the release of all French prisoners within 30 days of the signing of the 1954 Geneva Accord. In spite of this agreement, the North Vietnamese did not respond to French efforts to achieve the release of their prisoners until November of 1962, some 8 years after the original accord. This reinforces my belief that you cannot trust the word of the North Vietnamese, even when the agreement is in the form of a treaty. I cannot imagine how we can abandon the fate of the thousands of Americans who are in North Vietnamese hands simply because some have a reason to believe that they will be released if we set a date for withdrawal in Vietnam. I for one will not abandon these Americans. I support the position that we must not set a date for withdrawal until all our prisoners of war are released. To do less could well mean many more years, if not a lifetime, of imprisonment and possible torture by the North Vietnamese enemy.

I believe it is, therefore, essential that we defeat this McGovern-Hatfield amendment if we are to maintain a hope for a true, negotiated settlement in Vietnam and if we are to achieve a quick release of our prisoners of war in Vietnam. I shall therefore vote against this amendment and urge my colleague to do likewise.

Mr. HOLLINGS. Mr. President, similar to the saying, "It takes two to tango," for the United States it takes two to make war and it takes two to end war. The power of declaring war is vested with the Congress and its execution is vested with the President. Any treaty to end the war made by the President must be ratified by the Senate and any legislation by the Congress ending the war must be executed by the President. It is a conjunctive duty and responsibility. The two must work together and I believe in the case of the McGovern-Hatfield amendment that there is constitutional authority for the Congress to act. But I do not believe as a practical matter that the Congress can legislate the end of the war. The McGovern-Hatfield amendment is completely unworkable and only adds to the chaos and confusion. Let us assume that this proposal were the law of the land. In subsection (a), moneys to prosecute the war in Indochina are cut off as of December 31, 1971, but in paragraph b, the Congress reconfirms the President's authority to protect South Vietnamese, Cambodians, and Laotians. The least we have learned after 10 years at war is that South Vietnamese, Cambodians, and Laotians can only be protected with force. So what we cut off in paragraph a is put back on in paragraph b.

We all know what the Congress wants. But what it wants is impractical to obtain through legislation. We all refuse to admit it and inwardly take some satisfaction in cleansing our consciences, that in our hearts we have demonstrated that we are against the war. Demonstrate, yes, but legislate, no. If I were President I would set a target date—publicly—for prisoner release and troop withdrawal. I would publicly come clean with the American people. I would tell once and for all the truth about the war in Vietnam. I would tell of the danger involved by prompt withdrawal and I would accept responsibility for that danger. I would tell what I knew of the Thieu-Ky government. The fact that after 10 years of the most costly sacrifice, President Thieu with his political cronies could come and pose the dilemma of him being the only candidate on the ballot is unthinkable. This is what is presently posed. I would tell the truth about Cambodia and what my commitment really was there. I would stop trying to run a secret war with executive privilege in Laos and would tell the truth there. I would not try to separate the war in northern Laos from the war in southern Laos. I would not describe as successful raids made to free prisoners in places where prisoners did not exist. I would stop bringing injunctions against the news media for printing the history of this war. No single thing could put us more assuredly back together as a peo-

ple than coming clean on the war in Vietnam.

And the Congress must come clean, too. No one wants to abandon the prisoners. But when you fix a firm date to end the war by cutting off all funds thereafter, then there is no reason for the enemy to negotiate prisoner release for an ending to the war. You cannot instruct the President to negotiate and at the same time destroy his ability to negotiate. The best brains have tried and failed and only have to look at the amendment. All the best brains of the Senate, all the Harvard lawyers, all the whiz kids on the Senate staffs, all the legal writers of the news media, all the legal scholars of law schools, aides to Supreme Court Justices, and all together, what have they come up with? Paragraph 1 of the amendment says "no more money" and paragraph 2 says:

> Well yes, money can be spent for troop withdrawals and for arranging protection for South Vietnamese, Laotians and Cambodians who might be endangered by our leaving.

Now, that is a result of all of the dedication and determination of those who genuinely feel that the war should end and that the Senate is a proper forum to bring about that end. I feel just this way. I voted for the Cooper-Church amendment to get us out of Cambodia. I voted for the Mansfield amendment to get us out of Europe. I voted for the Senate Policy Committee resolution earlier this year that in the 92d Congress we should work to end the involvement in Indochina and bring about the withdrawal of all U.S. forces and the release of all U.S. prisoners in a time certain. But under the present circumstances I believe the President should be given one more chance to expedite the return of the prisoners and troop withdrawal.

If we ever reach a point where we believe he should not be given another chance, then the Congress should come clean and say so and not take and give at the same time.

Mr. JORDAN of Idaho. Mr. President, the Vietnam war is taking a terrible toll of our young men, not only by death and disabling injuries but by drug addiction as well.

The American people are weary to the bone and fed up with this ill-conceived conflict. In addition to its cost in human resources this war has placed a strain on other resources—both financial and of the spirit. It has fractured the unity of spirit and national purpose which has made this Nation great.

I wish I could support the McGovern-Hatfield amendment, because I do believe that a date should be set for total withdrawal but I believe that the time for total withdrawal should be negotiated by the President in his role as Commander in Chief.

The President has said that he would set a time for withdrawal when it serves the best interests of the United States. He is deescalating the war steadily and with finality.

I urge the President to use every means at his disposal to negotiate a release of our prisoners and to announce a policy of complete and total disengagement to begin concurrent with the release of our prisoners.

As a Senator of the United States I pledge my support to such a policy for total disengagement and I hope it will begin soon.

Mr. BUCKLEY. Mr. President, the proposal now under consideration in the Senate to provide for the termination of U.S. support for military operations in or over Indochina by December 31, 1971, is not in the best interests of the United States or the interests of world peace. The proposal is not improved by additional provisions which allow for the President to provide for the safe withdrawal of American forces, and to arrange for asylum or other means of protection for South Vietnamese citizens who may be placed in danger by our withdrawal.

The amendment is defective because it threatens to throw away everything the United States has worked so hard for all these years, and is now on the verge of attaining. Moreover, at no cost to the North Vietnamese Communists, the United States would be making a unilateral gesture with no quid pro quo whatever.

For the United States to withdraw at the end of 1971 could well destroy the chance for the South Vietnamese to achieve the full capacity to provide for their own defense—a capacity which by the end of the year will be within grasp. U.S. forces are now down to 251,000—less than half of the number in the country in 1969. The South Vietnamese are now entirely self-sufficient in providing for their own naval requirements. Most of the ground combat is now handled by the South Vietnamese, as is the close air support. The United States is providing primarily logistics which the South Vietnamese are not fully capable of managing on their own. In addition, the United States is providing air interdiction of invading North Vietnamese forces which serves to enhance the prospects for early U.S. withdrawal by permitting more time for the training of South Vietnamese to take over the remaining noncombat requirements which form the overwhelming portion of the U.S. participation in South Vietnam.

The relationship of this proposal to the issue of the release of U.S. prisoners of war deserves special attention. The barbaric and inhumane treatment of prisoners of war by the North Vietnamese is well known. Not as well known, but equally important, is the fact that the North Vietnamese have never seriously bargained in good faith over any element of the Vietnamese conflict. There is simply no further unilateral gesture which would appease the North Vietnamese and induce them to cooperate with the United States and the South Vietnamese, because their fundamental objective evidently continues to be to achieve dominion over all of Indochina.

It must be remembered that the North Vietnamese promised to "negotiate" if only the United States would cease its regular bombing of the North. The United States ceased its bombing of the North, but no serious intention to negotiate was ever manifested. The North Vietnamese simply raised their demands to the level which required the United States to abandon its efforts in South Vietnam in exchange for yet another North Vietnamese promise to "negotiate" about the return of prisoners. Now it appears, according to a report in the Washington Post of June 9, 1971, that even if the United States were to set a date for total withdrawal, the North Vietnamese have advised us that the United States would have to cease all aid to South Vietnam before the U.S. prisoners could be returned.

It appears clear, on the basis of experience, that while enactment of the amendment would deal away a critically important card and restrict the President's flexibility in achieving the earliest feasible withdrawal of our men from combat in Southeast Asia and in securing the release of the prisoners of war, it will do nothing to increase Hanoi's inclination to negotiate in good faith or to relinquish her hold on the prisoners until she has secured the last possible advantage by her exploitation of their plight. To suggest otherwise would be a cruel hoax on the families of these unfortunate men and would do nothing to hasten the achievement of a stable peace.

I am convinced, on the record, that there is no man in the United States more anxious to see us safely out of the Vietnamese conflict than Richard Nixon, and no man who has worked more effectively to achieve this objective. I will not, under these circumstances, vote to impose gratuitous obstacles in his way; obstacles which can only impede his ability to complete the job in a responsible manner.

SENATOR RANDOLPH STATES HIS SUPPORT OF MORE RAPID CLOSEOUT OF AMERICAN INVOLVEMENT IN VIETNAM CONFLICT

Mr. RANDOLPH. Mr. President, on May 31, 1971, Prof. Edwin C. Barbe, of the engineering faculty of West Virginia University, wrote to me from Morgantown, W. Va., on behalf of an affirmative vote for the McGovern-Hatfield amendment. In my response of June 8, I wrote, in part, including this answer to an allegation he had made that my vote would be unresponsive to the wishes of West Virginians:

> I consider very carefully the viewpoints of the constituency I represent. Not only do I receive substantial numbers of communications from fellow West Virginians, I visit throughout the State frequently and engage in personal conversations with hundreds of people. I also must assess my responsibility as a legislator charged with a national obligation.
>
> We are presently involved in an unpopular war far from our borders. It is regrettable that our Nation is in the position where it continues to invest so much in human and monetary sacrifice for other nations which claim to be defending their freedom against communist aggression. It is tragic that we became so deeply involved in Southeast Asia. And I desire, as much as any person, to end our involvement.
>
> I have generally supported the President in his efforts to withdraw our troops from South Vietnam and to accelerate the training of the South Vietnamese to defend them-

selves. It is my belief that the President is on a course of disengagement. I am hopeful, however, that he will announce and implement a plan for more rapid return of American forces. Earlier this year, I supported the resolution approved by the Democratic Caucus that "The Senate Majority work to achieve the following purpose: To end the involvement in Indochina and to bring about the withdrawal of all U.S. Forces and the release of all prisoners in a time certain".

In my opinion, also, the President should renew efforts to negotiate a standstill ceasefire—an objective which has had my full support and which I believe could provide an opportunity for a permanent settlement of the conflict in Vietnam. Last year, I joined with a number of Senators in urging the President to pursue such a solution. Regrettably, our Nation has not vigorously pursued this course of action. . . .

Mr. President, I add this comment to the foregoing letter:

We should not be absolutely rigid in fixing all withdrawal conditions by law, thereby removing from the President vital flexibility and exercise of options in closing out our involvement in Vietnam, and in obtaining the liberation and return of American prisoners of war.

Mr. SCOTT. Mr. President, I ask unanimous consent that I may proceed for 1 minute before the call of the roll is proceeded with on the next amendment.

Mr. STENNIS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Mississippi will state it.

Mr. STENNIS. What is the time under the unanimous-consent agreement for the vote?

The PRESIDING OFFICER (Mr. WEICKER). In response to the inquiry of the Senator from Mississippi, the hour of 5 o'clock having arrived, the Senate will proceed immediately to vote on the amendment of the Senator from South Dakota (No. 143).

Mr. STENNIS. Mr. President, I have no objection to the 1-minute request of the Senator from Pennsylvania.

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

Does the Senator from Pennsylvania wish to proceed to use his 1 minute?

Mr. SCOTT. Mr. President, will the distinguished majority leader advise us of the program following this vote?

Mr. MANSFIELD. Mr. President, there will be no further votes after the vote on the pending Hatfield-McGovern amendment.

ORDER FOR ADJOURNMENT TO 9:45 A.M. TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:45 a.m. tomorrow morning.

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

ORDER OF BUSINESS TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that there be a period for the transaction of routine morning business not to exceed the hour of 10 a.m., and that at 10 a.m. the Buckley amendment be laid before the Senate, to be followed by the amendments of Senators KENNEDY, MILLER, HATFIELD, and SAXBE.

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

THE MILITARY SELECTIVE SERVICE ACT

The Senate continued with the consideration of the bill (H.R. 6531) to amend the Military Selective Service Act of 1967; to increase military pay; to authorize military active duty strengths for fiscal year 1972; and for other purposes.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 143, the so-called Hatfield-McGovern amendment.

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. SPONG (when his name was called). On this vote I have a pair with the distinguished Senator from Arkansas (Mr. FULBRIGHT). If he were present and voting, he would vote "yea"; if I were at liberty to vote, I would vote "nay." I withhold my vote.

Mr. BYRD of West Virginia. I announce that the Senator from Arkansas (Mr. FULBRIGHT) is absent on official business.

Mr. GRIFFIN. I announce that the Senator from South Dakota (Mr. MUNDT) is absent because of illness and, if present and voting, would vote "nay."

The result was announced—yeas 42, nays 55, as follows:

[No. 97 Leg.]

YEAS—42

Anderson	Hughes	Moss
Bayh	Humphrey	Muskie
Brooke	Inouye	Nelson
Burdick	Javits	Pastore
Case	Jordan, N.C.	Pell
Chiles	Kennedy	Percy
Church	Magnuson	Proxmire
Cranston	Mansfield	Ribicoff
Eagleton	Mathias	Schweiker
Gravel	McGovern	Stevenson
Harris	McIntyre	Symington
Hart	Metcalf	Tunney
Hartke	Mondale	Williams
Hatfield	Montoya	Young

NAYS—55

Aiken	Dole	Miller
Allen	Dominick	Packwood
Allott	Eastland	Pearson
Baker	Ellender	Prouty
Beall	Ervin	Randolph
Bellmon	Fannin	Roth
Bennett	Fong	Saxbe
Bentsen	Gambrell	Scott
Bible	Goldwater	Smith
Boggs	Griffin	Sparkman
Brock	Gurney	Stennis
Buckley	Hansen	Stevens
Byrd, Va.	Hollings	Taft
Byrd, W. Va.	Hruska	Talmadge
Cannon	Jackson	Thurmond
Cook	Jordan, Idaho	Tower
Cooper	Long	Weicker
Cotton	McClellan	
Curtis	McGee	

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Spong, against.

NOT VOTING—2

Fulbright Mundt

So the McGovern-Hatfield amendment (No. 143) was rejected.

Mr. STENNIS. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. GRIFFIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senate will please be in order. The Senate will not proceed until the galleries and the Senate are in order.

The Chair recognizes the Senator from New York.

AMENDMENT NO. 149

Mr. BUCKLEY. Mr. President, I call up amendment No. 149 and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The amendment was read, as follows:

On page 33, line 13, after the word "thereof" strike out "July 1, 1973" and insert in lieu thereof "March 1, 1973".

The PRESIDING OFFICER. Who yields time?

Mr. MANSFIELD. Mr. President, the time on the amendment will not begin to run until 10 o'clock tomorrow when the bill is made the pending business.

The time from now on will be extraneous and will not be allocated.

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

Mr. BUCKLEY. I yield to the Senator from Mississippi.

Mr. STENNIS. Mr. President, I assume the Senator from New York is going to proceed with his argument on the amendment.

Mr. BUCKLEY. I will proceed tomorrow, if I may, beginning at 10 o'clock, at the close of the morning hour.

Mr. STENNIS. I thank the Senator.

AMENDMENT OF THE UNIFORM TIME ACT—MOTION TO RECONSIDER WITHDRAWN

Mr. HARTKE. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. 904.

The PRESIDING OFFICER. The bill will be stated by title.

The legislative clerk read the bill by title as follows:

A bill (S. 904) to amend the Uniform Time Act to allow an option in the adoption of advanced time in certain cases.

The Senate proceeded to consider the bill.

Mr. COTTON. Mr. President, I ask unanimous consent that my motion to reconsider this measure which I had heretofore made be withdrawn.

The PRESIDING OFFICER. Is there objection? The Chair hears no objection, and the motion to reconsider is withdrawn.

DISCLOSURE BY SENATOR JAVITS OF DIRECT OR INDIRECT FINANCIAL INTERESTS

Mr. JAVITS. Mr. President, under the Senate code of ethics, I filed last month with the Secretary of the Senate a formal "Statement of Contributions and Honorariums," in which I disclosed all sub-

stantial contributions or honorariums received by me during the last calendar year. The form is a public document to which the press has access.

In addition, I filed under the Senate rules a "Confidential Statement of Financial Interests," which includes lists of companies in which I have a direct or indirect financial interest. As that statement is filed with the Comptroller General under the rules of the Senate and is not open to public examination, I hereby publish a list of companies subject to some form of regulation by the Federal Government—or which I feel may be doing some appreciable business with the Federal Government—in each of which I have an interest, direct or indirect—generally in a family trust of which I am trustee—as of this date, in an amount exceeding $5,000.

These are normal investments in publicly owned corporations and constitute no element of control alone or in combination with others, directly or indirectly.

Mr. President, I ask unanimous consent that the list of securities in which I have a direct or indirect interest exceeding $5,000 may be printed in the RECORD.

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

American & Foreign Securities Corp.
American Water Works
Bethlehem Steel
Cenco Scientific Inst.
Cities Service Corp.
Coastal States Gas
Criterion Insurance Co.
Dun & Bradstreet
Felmont Oil
First National City Bank of New York
Flying Tiger
General Instrument
Government Employees Corp.
Government Employees Financial Corp.
Government Employees Insurance Co.
Government Employees Life Insurance Co.
IBM Lin Broadcasting
Royal Dutch/Shell Petroleum
South Carolina Electric & Gas Co.
Southern Co.
Transamerica Corp. of Delaware
White Shield Oil & Gas

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest what I hope will be the final quorum call of the day.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. 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.

WAIVER OF GERMANENESS RULE TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, in view of the time agreements, the Pastore rule of germaneness be waived throughout the day tomorrow.

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

LIMITATION OF STATEMENTS DURING TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that statements made during the period for the transaction of routine morning business tomorrow be limited to 3 minutes.

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

Mr. BYRD of West Virginia. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order. Pages will please be seated.

Mr. BYRD of West Virginia. Mr. President, I thank the distinguished Presiding Officer, the junior Senator from Iowa (Mr. HUGHES) and I want to compliment him for his diligence and efficiency in securing and preserving order in the Senate during difficult times this afternoon.

PROGRAM

Mr. BYRD of West Virginia. Mr. President, the program for tomorrow is as follows:

The Senate will convene at 9:45 a.m.

Immediately following the recognition of the two leaders under the standing order, there will be a period for the transaction of routine morning business, with statements limited therein to 3 minutes, the period not to extend beyond 10 o'clock a.m.

At 10 o'clock the Chair will lay before the Senate amendment No. 149 by Mr. BUCKLEY, to extend the draft for 20 months. A time limitation of 1 hour has been agreed to on that amendment. The yeas and nays have been ordered, and there will be a rollcall vote thereon at approximately 11 o'clock a.m.

Following the disposition of amendment No. 149, the Senate will proceed to the consideration of amendment No. 120 by Mr. KENNEDY. This amendment provides that no regulation shall be effective before being published in the Federal Register 30 days prior to enactment. An agreement has been entered into limiting the time on amendment No. 120 to 1 hour.

Upon the disposition of the Kennedy amendment No. 120, the Senate will proceed to the consideration of amendment No. 156 by Mr. MILLER, in connection with which an agreement has been entered limiting time thereon to 30 minutes. The Miller amendment would extend State voter registration coverage provided by the Eagleton amendment to those not required to register for the draft because of sex.

Immediately upon the disposition of the Miller amendment, the Senate will proceed to the consideration of amendment No. 135 by Mr. HATFIELD, which provides for certain congressional directives relating to the improvement of the Armed Forces, relating to housing, education, and so forth. Time on amendment No. 135 is limited to 1 hour.

Upon the disposition of that amendment, the Senate will proceed to the consideration of amendment No. 136 by Mr. HATFIELD, establishing the number of cadets and midshipmen to be in financial assistance programs. A time limitation of 1 hour has been agreed to thereon.

Upon the disposition of amendment No. 136 by Mr. HATFIELD, the Senate will proceed to the consideration of amendment No. 164 by Mr. SAXBE. This amendment has reference to the continuation of selective service functions under a volunteer army. An agreement has been entered into limiting the time thereon to 20 minutes.

Upon the disposition of the Saxbe amendment No. 164, the Senate will proceed to the consideration of amendment No. 139 by Mr. KENNEDY, on which there is a time limitation of 2 hours. This amendment provides that each registrant is to have the right of counsel, and so forth, and it sets forth certain procedural rights.

Upon the disposition of amendment No. 139 by Mr. KENNEDY, the Senate will proceed to the consideration of amendment No. 137 by Mr. HATFIELD, on which an agreement has been entered limiting the time thereon to 1 hour. This amendment has reference to enlistments and reenlistments and limitations on discharges.

Mr. President, Senators will note from the program that the Senate has a full and a busy day tomorrow. Rollcall votes are expected on many, if not all, of the amendments enumerated, and there may be amendments called up tomorrow following action on those which have been stated. Under the agreement, time on amendments to amendments will be limited to 20 minutes each.

The Pastore rule of germaneness will be waived throughout the day on tomorrow.

When the Senate completes its business tomorrow, it will stand in adjournment, under the previous order—which, of course, is subject to change—until 10 a.m. on Friday. The distinguished majority leader has already indicated that rollcall votes are expected on Friday.

ADJOURNMENT UNTIL 9:45 A.M.

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 9:45 a.m. tomorrow.

The motion was agreed to; and (at 5 o'clock and 36 minutes p.m.) the Senate adjourned until tomorrow, Thursday, June 17, 1971, at 9:45 a.m.

NOMINATIONS

Executive nominations received by the Senate June 16, 1971:

CORPORATION FOR PUBLIC BROADCASTING

Zelma George, of Ohio, to be a member of the board of directors of the Corporation for Public Broadcasting for the remainder of the term expiring March 26, 1972, vice Carl E. Sanders, resigned.

IN THE NAVY

Vice Adm. Bernard M. Strean, U.S. Navy, and Vice Adm. Arnold F. Schade, U.S. Navy, for appointment to the grade of vice admiral, when retired, pursuant to the provisions of title 10, United States Code, section 5233.