The Senate met at 9 a.m., and was called to order by Hon. Ernest F. Hollings, a Senator from the State of South Carolina.

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

Our Father God, who knowest each of us better than we know ourselves, grant to all who labor here the unshaken confidence of those whose minds are stayed only on Thee, to bear the burdens we bear, the tasks we face, and the problems affecting so many which await solution. Thy grace and wisdom are sufficient for all our need.

Beneath the tedium and the tension help us to know that Thou art at work in the processes of history. Keep us so in tune with Thee, that even amidst the din of debate, the clash of personal interests, and the emotion of all our need, Thy grace and wisdom are sufficient to qualify under rule XXII. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the bill (H.R. 5257) to amend the Department of Agriculture for the purpose of providing free or reduced-price meals to needy children, with an amendment.

The message further announced that the House insists upon its amendment to the amendments of the Senate, requests a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. Perkins, Mr. Fuccillo, Mr. Byrd, Mr. Quayle, and Mr. Blyth were appointed managers of the conference on the part of the House.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. BYRD of West Virginia. Mr. President, I ask the Chair to lay before the Senate a message from the House on H.R. 7736, and I ask unanimous consent that it be considered as having been read twice, and that the Senate proceed to its immediate consideration.

The Acting President pro tempore. The bill will be considered as having been read twice by title and the Senate will now proceed to its immediate consideration.

Mr. BYRD of West Virginia. Mr. President, on behalf of the distinguished senior Senator from Massachusetts (Mr. KENNEDY), I submit an amendment and ask that it be stated.

The Acting President pro tempore. The amendment will be stated.

The legislative clerk read as follows:

"TRAINERSHIPS FOR PROFESSIONAL NURSES"

Section 821 (a) of the Public Health Service Act is amended by striking out "June 30, 1971" and inserting in lieu thereof "each for the fiscal year ending June 30, 1971 and the next fiscal year."

Mr. BYRD of West Virginia. Mr. President, it is my understanding, having discussed this with the very distinguished assistant Republican leader, that the bill has been cleared on his side of the aisle and that the amendment, likewise, has been cleared.

Mr. KENNEDY. Mr. President, the reason this bill is being brought up today is that existing legislation which makes scholarships and loans available to students of the health professions will expire on June 30. After that date there is no authority to appropriate funds for loans or scholarships to new students or to those not previously assisted under the loan program. Unless we take expeditious action to approve this legislation, there may be serious problems associated with providing federally supported loans and scholarships to approximately 5,000 medical students and 5,000 students enrolled in other health professions.

Mr. President, the Committee on Labor and Public Welfare has ordered reported S. 934, "A Program of Education Assistance Amendments of 1971," and S. 1747, "The Nurse Training
Amendments of 1971." These bills meet one of the most severe aspects of the health crisis America—the severe shortages in health manpower. Chronic shortages of doctors, nurses, and other health personnel are especially aggravated by a severe maldistribution of existing health manpower. We need 50,000 more doctors and 150,000 more nurses than we have. Hundreds of counties and thousands of communities throughout America have no doctor. Countless more have too few to meet the need that exists. Yet each year thousands of qualified applicants are denied admission to medical schools because the schools are too overcrowded to expand. However, these two comprehensive bills will not be considered by the Senate for another week or so. And, since a conference with the other body will be required, it will not be possible to extend these manpower programs before June 30. Therefore, as a stopgap measure, it is essential that we pass H.R. 7736, in order to extend for 1 year the annual extension of H.R. 7736 as amended, in order to extend for 1 year the health manpower provision, including nursing, student loan and scholarship programs under the Public Health Service Act. Any significant delay in their extension would have serious detrimental effects on the enrollment of urgently needed medical, dental, nursing, and other health manpower students.

The Committee on Labor and Public Welfare, of which I am ranking minority member, has recently ordered to be reported a nearly complete rewrite of H.R. 7736, and a nursing bill, S. 1747, which would continue with modifications the current program of student loans and scholarships, and include an additional program of guaranteed loans and scholarships as proposed in the bill which I introduced for the administration, S. 1183.

There would be no conflict between the enactment of this bill, H.R. 7736, and the continuation of the Administration's bill, H.R. 7708. If the student loans and scholarship programs were curtailed, it would become a barrier to academically qualified but financially disadvantaged applicants. Schools might not be able to plan for their 1971 entering class in September. Therefore, I urge my colleagues promptly to extend the existing law in order that the student loan and scholarship programs can be continued.

The ACTING PRESIDENT pro tempore. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on engrossment of the amendment and third reading of the bill. The amendment was ordered to be engrossed and the bill to be read a third time. The bill (H.R. 7736) was read the third time and passed. The ACTING PRESIDENT pro tempore. The question is on agreeing to the amendment. The amendment was agreed to. The ACTING PRESIDENT pro tempore. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on engrossment and third reading of the bill. The bill (S. 504) was ordered to be engrossed for a third reading, was read the third time, and passed.
MISS LINDA ORTEGA

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Order No. 166, H. R. 2036.

The ACTING PRESIDENT pro tempore. The bill is open to amendment.

The legislative clerk read as follows:

PURPOSE

The purpose of the proposed legislation is to pay Linda Ortega, of Lake Arrowhead, Calif., the sum of $578.40 in full settlement of a lawsuit against the United States arising out of the actions of the U. S. Air Force in failing to provide her with the medical care in connection with her pregnancy of which she was entitled as a discharge member of the military service.

STATEMENT

In its favorable report the Committee on the Judiciary of the House of Representatives said:

The Department of the Air Force in its report to the Senate stated that under the circumstances of this case, it would impose no objection to the bill's enactment.

As is outlined in the Air Force report, Miss Ortega had been a private in the Marine Corps. She was honorably discharged from the Marine Corps March 25, 1969. She was pregnant at that time. Military service regulations provide that women discharged for pregnancy are entitled to prenatal care, hospitalization, and postnatal care in connection with that pregnancy; however, this entitlement cannot be effective only with respect to care at a military service medical facility. The regulations specifically excepted the availability of funding for maternity care from civilian sources in such cases. Wives of military members, on the other hand, are also entitled to payment for maternity care rendered by civilian sources.

After Miss Ortega's discharge, she resided at Lake Arrowhead, Calif. She visited the Air Force dispensary at Norton Air Force Base, San Bernardino, Calif., seeking maternity care and was advised by the "desk help" that maternity patients were referred to civilian doctors. Miss Ortega took this to mean that the Government would pay. In Miss Ortega's words, "they didn't give me any other information so I went to my civilian doctor." The baby was born in October 1969, in a civilian hospital. The Norton Dispensary, having no obstetrical capability, would necessarily refer patients requiring such care (usually the wives of military members, civilian sources or to a larger military medical facility.

While the Air Force stated that it was neither able to disprove or verify the facts, it did admit that the routine of the dispensary was such that it would corroborate Miss Ortega's statement. The Air Force has stated that it may be surmised that she reported the observation to the office of the General Therapy Clinic of the Norton Air Force Base, the clerk responsible for the duty assumed that she was a military wife and, therefore, followed the usual practices concerning maternity cases. This would have been to advise Miss Ortega that maternity cases were referred to civilian doctors. This would be a most natural thing to do, since the Norton Dispensary had no obstetrical capability. The Committee notes that after having received this advice, if Miss Ortega had persisted in seeking to pursue the matter further, she probably would have been given the correct information.

The committee concludes that an individual familiar with the problems of Miss Ortega did not normally persist in seeking additional advice at this point.

It is relevant to note, as did the Air Force, that Miss Ortega's only alternative to care from civilian sources would have been to travel a considerable distance to secure prenatal and obstetrical care at a regional hospital. The Air Force points out that both the March Air Force Base Regional Hospital and the George Air Force Base Hospital were more than an hour's driving time one way from her home. The Air Force report makes clear the situation that when it is considered that Miss Ortega was led to believe that the Government would pay her civilian physician, hospital and hospitalization bills, it is not unreasonable for someone to see any reason to consider traveling to March or George Air Force Base for the maternity care to which she was entitled.

In indicating that it would have no objection to enactment of the bill, the Air Force suggested that substantiation be furnished concerning the cost of the care as reflected in the bill. The committee has been furnished with copies of doctors and hospital bills totaling $578.40 which is the amount stated in the bill. Accordingly, it is recommended that the bill, amended to include the customary language concerning limitations on attorneys fees, be considered favorably.

The committee believes the bill is meritorious and recommends it favorably.

The ACTING PRESIDENT pro tempore. The bill is open to amendment.

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

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

The legislative clerk proceeded to call the roll.

Mr. BYRD of West 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.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

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

APPROVAL OF LOANS BY THE RURAL ELECTRIFICATION ADMINISTRATION

A letter from the Administrator of Rural Electrification submitting, pursuant to law, information regarding the approval of a loan to the commission known as the cooperative of Andazko, Ohio, (with accompanying...
papers); to the Committee on Appropriations.

A letter from the Administrator of Rural Electrification submitting, pursuant to law, information regarding the approval of a loan to Big Rivers Rural Electric Cooperative Corporation (with accompanying papers); to the Committee on Appropriations.

REPORTS ON FINAL DETERMINATION OF CLAIMS OF CERTAIN INDIANS

A letter from the Chairman of the Indian Claims Commission transmitting, pursuant to law, its report of its final determination with respect to the claims of the Seneca Nation of Indians (with accompanying report); to the Committee on Appropriations.

A letter from the Chairman of the Indian Claims Commission transmitting, pursuant to law, its report of its final determination with respect to the claim of the Cabazon Band of Mission Indians of California (with accompanying report); to the Committee on Appropriations.

PROPOSED AMENDMENT OF THE ATOMIC ENERGY ACT OF 1954

A letter from the Chairman of the Atomic Energy Commission submitting proposed legislation to amend the Atomic Energy Act of 1954 to add a requirement that applicants for licenses to construct and operate production reactor facilities obtain a site authorization from the Commission (with accompanying papers); to the Joint Committee on Atomic Energy.

ANNUAL CONGRESS OF THE INTERNATIONAL UNION OF INTELLECTUAL PROPERTY

A letter from the Assistant Secretary of State submitting proposed legislation providing for the payment by the United States of its annual contribution to the International Bureau of Intellectual Property (with accompanying papers); to the Committee on Foreign Affairs.

REPORT OF THE COMPTROLLER GENERAL

A letter from the Comptroller General of the United States submitting proposed legislation providing for the payment by the United States of its annual contribution to the International Bureau of Intellectual Property (with accompanying papers); to the Committee on Government Operations.

REPORT OF THE DEPARTMENT OF THE INTERIOR

A letter from the Attorney General transmitting, pursuant to law, a report concerning the extension and renewal of the Interna­ tional Boundary between the United States and Mexico (with accompanying report); to the Committee on Interior and Insular Affairs.

REPORTS OF THE JUDICIAL CONFERENCE

A letter from the Director of the Administrative Office of the U.S. Courts transmitting, pursuant to law, his annual report (with accompanying report); to the Committee on the Judiciary.

AMENDMENT OF THE NARCOTIC ADDICT REHABILITATION ACT OF 1966

A letter from the Attorney General submitting proposed legislation to amend the Narcotic Addict Rehabilitation Act of 1966 to the effect that a person who has previously been convicted of an offense related to narcotics may be treated in a hospital under a federal program.

PROPOSED DRUG ABUSE PROCEDURES ACT OF 1971

A letter from the Attorney General submitting proposed legislation entitled "Drug Abuse Procedures Act of 1971" (with accompanying papers); to the Committee on the Judiciary.

PETITIONS

Petitions were laid before the Senate by the Acting President pro tempore (Mr. Hollings) and referred as indicated.

A resolution of the House of Representa­ tives of the State of Florida, to the Committee on Armed Services:

"RESOLUTION No. 2576

"A House Resolution urging the transfer of the Foreign Technical Division of the United States Air Force to Patrick Air Force Base, Florida"

"Whereas, General George S. Brown, Com­ mander of the United States Air Force Sys­ tems Command, forwarded the transmis­ sion of the Senate's Information regarding the Foreign Technical Division of the United States Air Force to Patrick Air Force Base, Florida; and

"Whereas, the mission of the Foreign Technical Division is to provide the Division's optical tracking operations, and

"Whereas, the central Florida community at large is space-oriented affording easy sim­ ilarization of the area's community activi­ ties and schools for the Division's personnel and families, and

"Whereas, the influx of the personnel and their families will to some extent lessen the economic impact to the State of Florida created by the establishment of the Division of the Nation's space programs, NOW, THEREFORE,

"Be it Resolved by the House of Representa­tives of the State of Florida:

"That the House of Representatives of the State of Florida welcomes the Foreign Tech­ nological Division of the United States Air Force and urges its early transfer to Patrick Air Force Base, Florida."

If so it be resolved that appropriate copies of this resolution be transmitted to President Richard M. Nixon, Vice-President Spi­ no, Senator行李, Secretary of Defense, the Honorable Melvin Laird, Secretary of the Air Force, the Honorable Robert Seamans, and all Members of the Florida Congressional Delegation.

A joint resolution of the Legislature of the State of Missouri, to the Committee on the Judiciary:

"RESOLUTION

"Senate committee substitute for Senate Joint Resolution No. 18

"Be it resolved by the Senate of the State of Missouri, That the House of Representa­tives of the State of Missouri, to the Committee on the Judiciary:

"Whereas, at the first session of the Nineteen­second Congress of the United States of America, it was resolved by the Senate and the House of Representatives of the United States in Congress assembled, two-thirds of each house concurring therein that the follow­ ing articles be proposed as an amendment to the Constitution of the United States, which, if ratified by the legislatures of three­ fourths of the several states within four years from the date of its submission by the Congress, shall be valid to all intents and purposes as part of the Constitution, viz:

"ARTICLE I

"Sec. 1. The right of citizens of the United States, who are eighteen years of age or older, to vote shall not be denied or abridged by the United States or by any state on account of age.

"Sec. 2. The congress shall have power to enforce this article by appropriate legisla­ tion.

"Therefore, be it resolved, by the General Assembly of the State of Missouri, that the foregoing amendment to the Constitution of the United States of America be and the same is hereby ratified to all intents and purposes as a part of the Constitution of the United States of America;

"Be it further resolved, that the Governor of the State of Missouri is hereby required to forward a certified copy of this resolution to its Secretary of State, Washington, District of Columbia, to the Secretary of State and to the President of the Senate and Speaker of the House of Representa­tives of the Congress of the United States, an authentic and certified copy of this resolution. The Secretary of State shall instruct the Chief Clerk of the House of Representatives are hereby instructed to send to the Governor a certified copy of the action of the Senate and House on the joint resolution.

"A concurrent resolution of the Legislature of the State of Michigan; to the Committee on Government Operations and Affairs:

"House Concurrent Resolution No. 94

"A concurrent resolution memorializing the President of the United States that the United States Post Office issue a commemorative stamp honoring the United States Spanish war veterans.

"Whereas, The Spanish-American War was the dawn of this Nation's leadership among the nations of the world, and it marked the last great conflict between the people of a free, self-governing republic and that of an absolute monarchy; and

"Whereas, It was this country's first war for humanity, and the valor displayed throughout the world has ever been known. Twenty thousand volunteers were called and two million answered those calls. Forty thousand died and one hundred and one million five hundred and seventeen thousand were not needed. The men came from all parts of our country, from the North, the South, the East, and the West. These soldiers wiped out sectionalism, and healed the wounds of civil strife, marking the rebirth of a Nation; and

"Whereas, The Spanish War Veteran received no bonus, no war risk insurance, no ad­ justed compensation, no vocational training and no hospitalization until 1922, twenty years after the Spanish War was over; and

"Whereas, The veterans of all our wars have been brave and worthy sons of America. Millions went to war and the Spanish war veteran served, and one million five hundred and seventeen thousand were not needed. The men came from all parts of our country, from the North, the South, the East, and the West. These soldiers wiped out sectionalism, and healed the wounds of civil strife, marking the rebirth of a Nation; and

"Whereas, The Spanish War Veteran received no bonus, no war risk insurance, no ad­ justed compensation, no vocational training and no hospitalization until 1922, twenty years after the Spanish War was over; and

"Whereas, The veterans of our wars have been brave and worthy sons of America. Millions went to war and the Spanish war veteran served, and one million five hundred and seventeen thousand were not needed. The men came from all parts of our country, from the North, the South, the East, and the West. These soldiers wiped out sectionalism, and healed the wounds of civil strife, marking the rebirth of a Nation; and

"Whereas, The issuance of a commemora­tive postage stamp would be a fitting ac­knowledgment that we have not forgotten these men; now therefore be it

"Resolved by the House of Representa­tives of the United States, That the United States Post Office issue a commemorative stamp honoring the United States Spanish war veterans.

"Whereas, The Spanish-American War was the dawn of this Nation's leadership among the nations of the world, and it marked the last great conflict between the people of a free, self-governing republic and that of an absolute monarchy; and

"Whereas, It was this country's first war for humanity, and the valor displayed throughout the world has ever been known. Twenty thousand volunteers were called and two million answered those calls. Forty thousand died and one hundred and one million five hundred and seventeen thousand were not needed. The men came from all parts of our country, from the North, the South, the East, and the West. These soldiers wiped out sectionalism, and healed the wounds of civil strife, marking the rebirth of a Nation; and

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"Whereas, The issuance of a commemora­tive postage stamp would be a fitting ac­knowledgment that we have not forgotten these men; now therefore be it

"Resolved by the House of Representa­tives of the United States, That the United States Post Office issue a commemorative stamp honoring the United States Spanish war veterans.
commemorating the unique history written by the deeds of the Spanish-American War Soldier, and honoring the United Spanish War Veterans; and be it further


A resolution of the City of New York protesting against the treatment of Jews in the Soviet Union; to the Committee on Foreign Relations.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. JACKSON, from the Committee on Government Operations, without amendment:

S. 2148. An act to amend the Act of November 26, 1969, to provide for an extension of the date on which the Commission on Government Procurement shall submit its final report (Rept. No. 92-231).

By Mr. JORDAN of Idaho, from the Committee on Interior and Insular Affairs, with amendments:

S. 432. A bill to authorize the Secretary of the Interior to construct, operate, and maintain the wall and facilities described in the Military Reservation Act of 1969 by Senator Hart, and for other purposes (Rept. No. 92-230).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

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. STEVENS (for himself, Mr. MATHIAS, Mr. HARTKE, Mr. SCHWEIKER, Mr. FIELD, Mr. MCKEE, Mr. BENTSEN, Mr. BURTON, Mr. TOWER, and Mr. WEICKER):

S. 2110. A bill to amend section 3 of the Natural Gas Act of 1938, to prohibit importation of petroleum from any country which expatriates any of its citizens, or seizures American-owned petroleum property without adequate compensation, after January 1, 1971. Referred to the Committee on Commerce.

By Mr. JAVITS (for himself, Mr. HAYFIELD, Mr. HUMPHREY, Mr. KENNEDY, Mr. MINTZER, Mr. MCGOVERN, Mr. MOSS, Mr. PEARSON, Mr. PROKUNIEK, Mr. RANDOLPH, Mr. TAYLOR, Mr. TOWERS, Mr. SCHWERK, and Mr. Wickers):

S. 2111. A bill to amend the Public Works and Economic Development Act of 1965 to require the use of recycled materials. Referred to the Committee on Public Works.

S. 2112. A bill to amend the Airport and Airway Development Act of 1970 to require the use of recycled materials in projects authorized under this Act; and S. 2113. A bill to amend the Federal Aviation Act of 1958 to require the use of recycled materials in projects authorized under that Act. Referred to the Committee on Commerce.

S. 2114. A bill to require the use of recycled materials in the administration of laws relating to reclamation.

S. 2115. A bill to require the use of recycled materials in the administration of the National Park Service; and S. 2116. A bill to amend the Land and Water Conservation Fund Act of 1965 to require the use of recycled materials in projects authorized under this Act. Referred to the Committee on Interior and Insular Affairs.

S. 2117. A bill to amend title 39, United States Code, to require the use of recycled materials in projects. Referred to the Committee on Post Office and Civil Service.

S. 2118. A bill to amend title 39, United States Code, to require the use of recycled materials in projects and programs subject to certain provisions of that title. Referred to the Committee on the Judiciary.

S. 2119. A bill to amend title 23, United States Code, to require the use of recycled materials in projects subject to the provisions of that title. Referred to the Committee on Public Works.

S. 2120. A bill to amend the Department of Agriculture Organic Act of 1944 to require the use of recycled materials in projects authorized under that Act. Referred to the Committee on Agriculture and Forestry.

S. 2121. A bill to amend the Public Buildings Act of 1956 to require the use of recycled materials in projects subject to that Act.

S. 2122. A bill to amend the Appalachian Regional Development Act of 1965 to require the use of recycled materials in projects authorized under that Act; and S. 2123. A bill to require the use of recycled materials in projects for the construction, repair, and preservation of public works on rivers and harbors. Referred to the Committee on Public Works.

By Mr. BENTSEN (for himself, Mr. THURMOND, and Mr. STEVENS):

S. 2124. A bill to amend title 38, United States Code, to authorize a treatment and program of rehabilitation in the Veterans Administration for veterans, and ex-service men suffering from drug abuse or drug dependency. Referred to the Committee on Veterans' Affairs.

By Mr. HABITKE (for himself, Mr. THURMOND, and Mr. STEVENS):

S. 2125. A bill to amend title 38 of the United States Code, to extend coverage under Servicemen's Group Life Insurance to cadets and midshipmen at the service academies of the Armed Forces. Referred to the Committee on Veterans' Affairs.

By Mr. HABITKE (for himself, Mr. THURMOND, and Mr. STEVENS):

S. 2126. A bill to amend title 38 of the United States Code, to authorize the issue of National Service Life Insurance to persons of war, and for other purposes. Referred to the Committee on Veterans' Affairs.

S. 2127. A bill authorizing the improvement of certain roads in the vicinity of Perry Reservoir. Referred to the Committee on Public Works.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. STEVENS (for himself, Mr. BELLMON, and Mr. HANSEN):

S. 2110. A bill to amend section 3 of the Natural Gas Act of 1938, to prohibit importation of petroleum from any country which expatriates any of its citizens, or seizures American-owned petroleum property without adequate compensation, after January 1, 1971. Referred to the Committee on Commerce.

PROPOSED VENEZUELAN ACTION COULD ALTER UNITED STATES-VENEZUELAN RELATIONSHIPS

Mr. STEVENS. I have been warned of the problems which would result from action proposed by the Venezuelan Government to assume control of American oil companies on pretext. I am aware of the larger reserves of oil and gas which these companies have been the causes in the delay of the ability of American companies to supply an increasing proportion of the American market with American oil. Yet, it is apparent to me that the Venezuelan Government is attempting to take advantage of the increasing demand in this country by seizing the assets of these companies in Venezuela with the thought of changing the economic balance that now exists between supply and demand between our two countries. The attitude that the Americans "do what we need them" is one that will lead to severe difficulty in relationships between our two countries if it is followed by government action which expropriates the investments of American companies by taking control of the assets without compensation.

The one sure result from this action will be an increase in the cost of Venezuelan oil to the United States and an ultimate increase in cost to the consumer. We cannot afford to let that occur.

Mr. President, the United States is indeed faced with energy supply problems over the years ahead and, all things being equal, will probably increase significantly its imports of oil and gas. At the same time, the United States should rapidly develop its own petroleum resources, including those in my State of Alaska, those under the seabed of our continental margin offshore, as well as those on land. In determining its longer range import policy for oil and gas—and increases in those imports will probably occur—it is essential that potential supply countries be those upon which we can rely for both security and continuity of supply and which will accord fair treatment to U.S. investors who have provided the capital and other resources required to develop petroleum resources.
sions. These concessions do not expire until 1983 at the earliest. Yet, the proposed legislation, which is clearly viola-
tive of existing concessions and raises serious questions under the Venezuelan Constitution, would appear to give the Venezuela government the power to expropriate without payment those concession areas so far exploited. The law might also require U.S. oil companies to contribute a percentage of their profits to a fund for cooperation, maintenance, and development of oil and gas properties after the concessions have expired. Furthermore, the proposed legislation appears to give power to the Government to direct the U.S. oil companies as to where, when, how, and to what extent they can develop and use their own concessions. The reversion-of-assets proposals are nothing short of seizure of assets and of management control from these U.S. companies—seizures for which no effective compensation is to be paid and which are not international.

The second set of proposals before the Venezuelan Congress calls for nationalizing U.S. natural gas properties. These proposals are continued in a series of bills pending before Congress, whose victim would be expropriate flared gas to bills which expropriate all gas. Again, either no compen-
sation or clearly inadequate compensation would be paid for these valuable properties.

It is reported by knowledgeable sources in the press and in our Government that both proposals might soon be enacted, in one form or another. Exac-
tly the same sort of gas nationalization bill might still be a number of weeks or months away; the reversion-of-assets legislation could be enacted within a few weeks or even within a few days.

What prompts the Venezuelans to con-
template such vast and clearly illegal seizures of U.S. owned property? The answer, I believe, is found in the prev-

dered provision. That is, the fact that the United States is helpless and will not object. The Venezuelan Government, which through taxes and other mechanisms extracts 80 percent of the return from its U.S. built, funded and operated oil industry, apparently seeks to obtain the remaining returns with little apprehension that its illegal action will be other than rewarded by continued access to the American market.

Venezuelans have been misled by re-
ports of crisis in the United States. They now believe that America is no longer able or willing to protect itself and its best interests. For the immediate future, we still are able. We have the resources available to provide for our energy needs, and we have the will and the resources to develop the vast reserves of oil and gas that exist off Alaska and under the coastal seabed and elsewhere, we can provide for our domestic needs. Moreover, if we are willing to stand up for our rights now against those supplier countries who think that we are weak and who would ill-advisedly demand payments, we can further assure a supply of fuel to meet our long term needs at reasonable prices and on reason-conditions.

We should not, in the long run or even in the short run, come to rely upon countries for our essential fuels who prove their unreliability by seizing American properties without compensation in violation of their own undertakings and in violation of our laws. We should not allow any country to deceive itself into thinking that the United States will ignore the rights of its citizenowners of property. We should not allow any country to deceive itself into thinking that the United States will ignore the rights of its citizen owners of property. We should not allow any country to deceive itself into thinking that the United States will ignore the rights of its citizen owners of property. We should not allow any country to deceive itself into thinking that the United States will ignore the rights of its citizen owners of property.

I introduce a bill which prohibits the importation of natural gas, or any other petroleum including crude oil, from any nation which has expropriated U.S. owned petroleum property after January 1, 1971, until that nation provides adequate and effective compensation. Section 3 of the Natural Gas Act is as follows:

Exportation or importation of natural gas. After six months from June 21, 1938, no person shall export any natural gas from the United States to a foreign country or import any other petroleum product without having secured an order of the Commission authorizing it to do so. The Commission may issue such an order upon application, unless, after opportunity for hearing, it finds that the proposed exportation or importation is not in the public interest. The Commission may by its order grant such application, in whole or in part, with such modifications and upon such terms and conditions as the Commiss-
ion may find necessary or appropriate, and may impose such conditions, after opportunity for hearing, and for the time being, make such supplemental order in the premises as it may find necessary or appropriate.

The proposed bill, which adds a pro-
viso to section 3 of the Natural Gas Act would prohibit the Federal Power Com-
mision from approving an importation from any country which has expropriated American owned property in the petro-

ally important to our country. Once such an expropriation or seizure takes place, no importation from the expropriating country could be approved by the Com-
mision until all of the owners of the expropriated property have received adequate and effective compensation. The bill also would prohibit, once such an expropriation without compensation has occurred, the importation under any other law or regulation of any other petroleum, including crude oil or other petroleum products, from the expropriating country.

The bill makes it clear that there is to be no alteration of roles among agen-
cies in the administration of the importa-
tion of petroleum. As before, the Oil Im-
port Act would be the executive or-
der pursuant to the national security provisions of the Trade Expansion Act would retain its responsibility for the conduct of our oil import program.

The bill has been designed to be a reliable source of supply in time of war and peace, and a close friend of the United States. We hope to continue this tradition of other Administrations. We ask only that the Venezuelans not take for granted their substantial access to the U.S. petroleum market and that Vene-

The idea of the concessions' rever-
sion to sequestration, as proposed by me in 1968 and 1964 is far from new; it was embodied in the Venezuelan Hydrocarbons Law of 1943. The provisions of the bill, however, are intended to go beyond simple reversion to Government ownership. They could be construed, according to the Venezuelan Constitution, to prevent any future vesting of international oil properties to the Government control of the companies' opera-

[From the New York Times, June 19, 1971]

Oil Men Assay Venezuelan Bill

(By William D. Smith)

The interest of U.S. oil companies still recov-
ering from the buffeting it took from the producing countries in the negotiations in Teheran and Tripoli earlier this year, is in the midst of another crisis.

The locale of the industry's present dile-
mma is Venezuela. The "domino" theory still has credibility in the international oil busi-
ness, so events in Caracas could well have ramifications elsewhere in the world.

The eye of the storm is a bill, called the Hydrocarbons Reversion Law, now before the Venezuelan Congress. The measure sets out in some detail for reversion of all oil concessions and properties to the Government during 1983-84. The Congress approved the first reading of the draft of the bill yesterday, and final approval appears imminent before July 5, Venezuelan Independence Day.

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sion to sequestration, as proposed by me in 1968 and 1964 is far from new; it was embodied in the Venezuelan Hydrocarbons Law of 1943. The provisions of the bill, however, are intended to go beyond simple reversion to Government ownership. They could be construed, according to the Venezuelan Constitution, to prevent any future vesting of international oil properties to the Government control of the companies' opera-

[From the New York Times, June 19, 1971]
CONGRESSIONAL RECORD — SENATE

INTANGIBLES, TOO

The bill in its present form calls for all equipment, installations and even intangibles (such as technical data used to exploit concessions) to revert to the state without compensation.

More important, the bill stipulates that the Government will take control of the properties after the concessions expire and will control the properties to assure that they revert in good working order. Beyond this, representatives are seeking to give the Government control while questions of where and when to drill for additional oil might be taken out of the companies' hands.

In addition, the bill calls for the foreign oil concerns—which include the Creole Petroleum Corporation subsidiary of the Standard Oil Company (New Jersey), the Royal Dutch Shell Group, the Gulf Oil Corporation, Texaco, Inc., and the Mobil Oil Corporation—to post a claim of about $2 billion to assure that the properties will be maintained in perfect condition until the day they revert.

Oil properties in Venezuela represent the largest United States investment in South America.

EXTENT OF LAW

The open question at the moment is how strong the final version of the bill will be and how strictly it will be enforced.

In a recent interview with this reporter, Solé, said in an appearance before the Venezuelan Congress that, although his oil company did not object to the basic object of the measure, "the present bill goes far beyond the" aim.

In New York last week Venezuela's Ambassador to the United States, Julio Sosa Rodríguez, said the bill was an attempt to set guidelines for an orderly transition of control over the properties as the time for reversion to Government control nears. "Such assets cannot just change hands without preparation," he commented.

MATTER OF ASSETS

Central to the problem is the desire of the oil companies to put as little investment as possible into a concession area that they will soon be leaving. By putting in as much assets as they can, The Government, of course, has a natural desire to inherit the maximum of assets and potential. In recent years the companies have been repatriating the great bulk of their earnings, with the major exception of desulfurization additions.

No matter what happens, it seems highly unlikely that Venezuela will stop being the largest supplier of oil to the United States. The vast energy appetite of the United States virtually assures at least the same level of production, if not more in the foreseeable future.

In fact, the growing talk of a gap between energy supplies and demand in the United States may have given some impetus to the Venezuelan government to ensure that the larger swing from their hands to those of the producing nations, may also be facing a change in the basic structure of their overseas operations.

Nonetheless, some Wall Street analysts fail to find this a feasible possibility. Roger Folk of Equity Research commented, "The oil companies have proven themselves flexible, and I have no doubt they can adjust to changing circumstances."

The stock market, however, showed some doubts yesterday. Jersey Standard fell 1 1/4 to 76 1/4, Mobil dropped 2 3/8 to 83 3/4, and Royal Dutch slipped 1 3/4 to 43 1/2.

For the oil companies, this is a period of sit and wait. "Even if a severe bill is passed, sensible enforcement could make it liveable," an oil man remarked. But he added, "If someone tried to put in charge we are all in for trouble."

Ambassador Sosa commented that, no matter what changes are made to the bill, the Venezuelan Government would guarantee rights and justice for all parties involved.

[From the New York Times, June 18, 1971]

VENEZUELA NEARING TOKEAVES OF OIL

(By H. J. Maldenkon)

CARACAS, VENEZUELA, June 17.—The Venezu­elan Co:ngress, in an unusual display of utility, is rushing legislation that would place all foreign petroleum companies under effective Government control. And when the present concessions expire, starting in 1983, they would revert to the state without compensation to the companies.

The Hydrocarbons Reversion Law, as the measure is termed, is expected to be approved by Congress and signed by President Rafael Caldera in a few days. The bill is not contested by any important political group in Venezuela.

Under the terms of the proposed legis­lation, the operations of foreign oil companies would be placed under the control of the Government until the concessions expire. For example, the state would have the right to sell the companies oil and when to drill to replenish existing reserves.

The foreign oil concerns would be re­quired to place money in a fund created by the Venezuelan central bank to guarantee that the properties would be maintained in perfect condition up to the day they revert to the state. It is estimated that this could cost the companies $500-million to $1-billion, at today's prices, between now and 1983. The monies placed in the special fund would not be deductible from Venezuelan income taxes.

Another important clause in the legis­lation would consider all properties related to oil production, such as office buildings and even employee bowling alleys to be part of the concessions—not just the actual oil fields. This could affect the flow of dividends and other funds normally repatriated by foreign concerns abroad.

Intensive efforts by the petroleum industry to soften the law are being mounted in large part by Washington's apparent disinterest in the fate of the foreign oil companies in Latin America, according to frustrated foreign oil men interviewed here today.

While no value can be placed on Vene­zuelan petroleum below ground, the replace­ment value of the wells, pipelines, refineries and other properties is estimated between $4.5 billion to $6 billion. One oil executive estimated that the value of the 3.7 million barrels pumped each 24 hours is shipped to the northeastern United States. Venezuela is also a major supplier of Venezuela's foreign-exchange earnings each year, and it has given this country of 10 million people the highest standard of living in Latin America.

After tax increases earlier this year, the Venezuelan Government receives roughly 80 per cent of the oil industry income.

Almost all major United States and Eu­ropean oil producers have operations here. The largest producer is the Creole Petroleum Corporation, a subsidiary of the Standard Oil Company (New Jersey). Creole accounts for about 25 per cent of total Venezuelan production.

Passage of the Hydrocarbons Reversion Law, moreover, is expected to pave the way for other pending legislation to block foreign investments here. These range from cornflakes factories to automobile plants and petroleum.

Most foreign oil concerns had long expected to lose their properties after the 40-year-con­cessions start to expire. And that is what we agreed to and that is what we expected," one oil executive said today. "What we did not expect was to be placed in a position of becoming janitors of our own companies until the concessions expire."

"A LOYAL SUPPLIER"

"We understand the Venezuelan position. They have been a loyal supplier and have been in war and peace and have traditionally been a good host to foreign investors, particularly those in the United States, and Europe at large.

"What the Venezuelans, in their present anger at Washington, don't seem to understand is that the United States is a tremendous market for our oil. Considering the shortage of energy in North America, they need us more than we need them."

RUNAWAY CONGRESS

Venezuela's President, who is head of the moderate Christian Democratic party, faces a runaway Congress that he does not control.

In any event, the legislation was introduced on March 29 by leftist congressmen out­wardly to define the process by which the concessions were to revert to the state in 1983. At the time it was not considered unusual because almost all important politicians had said that the concessions would not be re­newed.

Subsequently, President Caldera an­nounced he would support the measure. So did almost all other important political fig­ures. But political leaders thought it would also serve to remind Washington of Ve­nezuela's discontent over United States oil import quotas.

Once the political support was obtained, however, a flood of clauses and amendments were added to the bill by its promoters. The clauses are what is presently considered to be a short step toward outright Government take-over of the for­eign oil companies by the industry.
 Few oil men here doubt that the measures will pass; the precise day will depend on legal technicalities. This was confirmed by the secretary general of the Democratic party, Arístides Beaújon, the other day when he said: "What we are after is to make the law invulnerable. We will not fight it out late March or late July. On the surface it was meant to define the process by which the bulk of the 40-year oil concessions would be retained by the state, starting in 1983, without compensation. As such it was no surprise to the foreign oil companies. They have long been told that the concessions would not be renewed. All political parties here to the right of the Communist also did not think the bill unusual."

**TIMING IS FACTOR**

Some political observers maintain that the bill's sponsors and President Caldera, head of the Christian Democratic party, that it would help his weak position if he could announce the bill on either June 24 or July 5.

This Thursday marks the sesquicentennial of the Battle of Carabobo in Western Venezuela as the liberator of much of South America, Simon Bolivar, led his rebel forces in the decisive battle following victory just preceding the declaration of independence here on July 5 of that year 1811.

In any event, the bill introduced three months ago is expected until two weeks ago, when it was reported out of committees in both houses of Congress. To the surprise of the President and most other political leaders, not mention the foreign oil concerns, the measure had acquired many amendments that would, among other things:

- Place the foreign oil companies under state "direction" until the concessions expire. The state would have to grant permission even for moving one piece of equipment from one oilfield site to another. Moreover, the state would have the right to say where and when costly new wells were to be drilled to develop new petroleum reserves.
- The foreign oil companies would have to place between $600-million and $1-billion in a special central bank fund to guarantee that the wells, pipelines, refineries and "any property and equipment" be kept in perfect condition up to the day they revert to the state.
- Dividends of other profits normally re­patrified by foreign oil companies to their parent concerns would be subject to central bank approval.

**MAIL MAIN COMMENTS**

"The proposed law means de facto national­ization and could lend itself to unworkable absurdities in its interpretation," R. N. Delph, president of the Creole Petroleum Company, told a lower house Committee hearing last Thursday.

Creole, which is 66 per cent owned by the Standard Oil Company (New Jersey), accounts for roughly 45 per cent of petroleum output in Venezuela and also has important refineries and other installations in this country.

Texaco and Gulf, among the many other United States oil companies here, are second with 6 per cent each of the total output. Over-all, United States companies accounts for 71 per cent of the 8.7 million barrels produced each 24 hours. The domestic United States output, by way of comparison, is estimated at almost 11 million barrels each 24 hours.

The largest of the few European producers is the Royal Dutch Shell Group of the Neth­erlands and Britain. They produce 27 per cent of Venezuela's total output.

Mr. HANSSEN. Mr. President, I am happy to join my colleague from Alaska in an effort to stop the indiscriminate confiscation of U.S. business enterprises around the world.

All the distinguished Senator from Alaska is introducing would certainly offer some assurance of reciprocity in such cases as a takeover of oil and gas-producing properties owned proudly by U.S. interests without adequate and effective compensation for such properties.

Hopefully, this legislation would stop or slow down the trend, especially by oil and gas-producing countries, toward outright confiscation of valuable prop­erties once they are developed and profitable.

The latest threat comes from Ven­ezuela, a country with whom the United States has enjoyed good relations and one that has prospered principally from its abundant oil resources that have been developed over the years by U.S.-owned oil companies through subsidiaries oper­ating in Venezuela.

Only yesterday, a representative of the Venezuelan government before the Senate Finance Committee in asking for a larger quota under the Sugar Act which is now being amended and extended.

In the Venezuelan statement submitted to the committee, it was noted that an American syndicate headed by Chase Manhattan Bank had in March made a $100-million loan to the Republic of Venezuela for financing public works projects in that country.

Last August Chase and 17 other banks combined to make a 5-year, $85-million loan to Venezuela.

The statement also emphasized an ex­pansion and modernization of the Ven­ezuelan sugar industry which will increase its mill capacity by 61 percent in 1975. Although U.S. T.S.O. loans that have been approved to buy more Venezuelan sugar as well as their oil. They also propose to sell large amounts of liquefied natural gas to U.S. companies now being produced from U.S. companies.

Venezuela this year raised the "take" on foreign oil companies to about 80 per­cent of the profits some $1.7 billion this year from oil.

So, Mr. President, if Venezuela is de­termined to kill the goose to lay the golden eggs—most of this oil is imported into the United States and Canada—then I believe it is time that we exercised some options of our own.

Peru has already taken over all U.S. oil interests and Bolivia did the same last year and then invited the Russians in help develop her oil resources.

Chile is now in the process of taking over vast U.S. mining interests that have contributed substantially to her econ­omy for many years.

Algeria not only took over the U.S. companies but also kicked the French out. A large part of France's oil came from Algeria, and France is now protest­ing an Algerian proposal to sell back to U.S. companies the liquefied natural gas that will be processed from gas produced
June 22, 1971

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Mr. President, it is time we served notice on the world that we will no longer take these actions lying down.

I believe we have been rather generous in the way we have left the world after World War II and in our foreign assistance programs, the Alliance for Progress for Latin America and our other Government and private assistance programs to developing nations over the world.

We have, in fact, practically spent ourselves into bankruptcy if the complaints we hear from our European trading partners is an indication.

We opened our markets to foreign imports under liberalized trade policies while others attached a different interpretation to the word “reciprocal.”

Even our good friends to the north—at least their Prime Minister—has recently complained in Moscow that doing business with his was like walking with an elephant. He did not mention the fact that Canada is now enjoying a healthy trade surplus with the United States on account of certain trade agreements and restrictions on products that have benefited Canada considerably more than the United States.

Many are still demanding more Venezuelan and Canadian imports of both oil and gas as “secure Western Hemisphere sources.”

Mr. President, they may be secure, although I will also question that, but I have serious doubts about the cheapness of either oil or gas when these producing properties are under complete foreign control.

Canada now imports more than half of her own oil requirements and a large part of that comes from Venezuela. When Venezuela tightens up the price screws again, the increases will apply to Canada as well as the United States. And that is what is with an elephant. He did not mention the fact that Canada is now enjoying a healthy trade surplus with the United States on account of certain trade agreements and restrictions on products that have benefited Canada considerably more than the United States.

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By Mr. JAVITS (for himself, Mr. HATFIELD, Mr. HUMPHREY, Mr. KENNEDY, Mr. MATTHIAS, Mr. MCCONNELL, Mr. MOORE, Mr. PEARSON, Mr. PROXMIRE, Mr. RANDOLPH, Mr. TAFT, Mr. TOWER, Mr. SCHWEIKER, and Mr. WECKER):

S. 2111. A bill to amend the Public Works and Economic Development Act of 1965 to require the use of recycled materials. Referred to the Committee on Public Works.

S. 2112. A bill to amend the Airport and Airway Development Act of 1970 to require the use of recycled materials in projects authorized under this act; and S. 2113. A bill to amend the Federal Aviation Act of 1958 to require the use of recycled materials in projects authorized under that act. Referred to the Committee on Commerce.

S. 2114. A bill to require the use of recycled materials in the administration of laws relating to reclamation:

S. 2115. A bill to require the use of recycled materials in the administration of the National Marine and Fishing Areas Act of 1953 to require the use of recycled materials in projects authorized under that act. Referred to the Committee on Interior and Insular Affairs.

S. 2116. A bill to amend the Land and Water Conservation Fund Act of 1965 to require the use of recycled materials in projects authorized under that act. Referred to the Committee on Interior and Insular Affairs.

S. 2117. A bill to amend title 39, United States Code, to require the use of recycled materials in projects. Referred to the Committee on Post Office and Civil Service.

S. 2118. A bill to amend title 38, United States Code, to require the use of recycled materials in veterans’ hospital construction programs subject to certain provisions of that title. Referred to the Committee on Veterans’ Affairs.

S. 2120. A bill to amend the Department of Agriculture Organic Act of 1944 to require the use of recycled materials in projects authorized under that act. Referred to the Committee on Agriculture and Forestry.

S. 2121. A bill to amend the Public Buildings Act of 1959 to require the use of recycled materials in projects subject to that act.

S. 2122. A bill to amend the Appalachian Regional Development Act of 1965 to require the use of recycled materials in projects authorized under that act.

S. 2123. A bill to require the use of recycled materials in projects for the construction, repair, and preservation of roads in the District of Columbia and for navigation and flood control. Referred to the Committee on Public Works.

BILLS AND AMENDMENTS TO REQUIRE USE OF RECYCLED MATERIAL IN FEDERAL PROCUREMENT AND CONSTRUCTION

Mr. JAVITS. Mr. President, together with 13 co-sponsors, I introduce, for appropriate reference, a series of measures requiring that a reasonable economical percentage of recycled scrap materials be used in Federal construction and procurement programs, which would total some $31.3 billion in fiscal 1972. Co-sponsors agree that measures which we are introducing—Mr. HATFIELD, Mr. HUMPHREY, Mr. KENNEDY, Mr. MATTHIAS, Mr. MCCONNELL, Mr. MOORE, Mr. PEARSON, Mr. PROXMIRE, Mr. RANDOLPH, Mr. TAFT, Mr. TOWER, Mr. SCHWEIKER, and Mr. WECKER—require the use of recycled materials and are based upon my experience with a bill I introduced last year concerning junked automobiles. It is both an ecological measure and a conservation measure, and it will result in a very large requirement by the Federal Government respecting recycling in the different fields.

As there are many fields and many bills which are affected, I am introducing a group of measures which affect the various fields. This proposal represents an extraordinary research job done by my administrative staff, after showing how the different areas in which there is procurement are affected. There are 19 such measures, and the aggregate expected budget outlay affects billions for 1972, as I have stated, is $31.3-363,582,000.

Mr. President, we are a nation of consumers, and, too often, of wasters. We use more raw material than anyone else, and we tend to litter our land and pollute our environment with the leftovers.
What we need indisputably—is to become a nation committed to the reuse and recycling of waste materials. The Federal Government can lead the way as the Nation’s largest consumer and purchaser of materials and goods. And so, I am introducing multiple bills and amendments designed to extend the President’s idea to a wider range of procurement and construction contracts. By using recycled steel, copper, glass, rubber, and so forth, as well as paper, the Federal Government will have taken a long step toward conserving the limited natural resources of our planet, and will be encouraging similar action in the private sector by setting an example demonstrating the feasibility of recycling, and helping develop the necessary entrepreneurship.

I am introducing multiple bills and amendments, rather than a single bill or amendment, to allow the Secretary of Commerce and Congress as a whole to consider this important issue, and second, to increase the chance of action and attention on at least some of the bills. Each of these bills and amendments includes provisions which would:

First, direct the agency administering the procurement or construction program to require that all materials purchased pursuant to the authorizing law shall be composed of recycled materials in such percentage as the Administrator of EPA determines to be reasonable and economical—and all contracts, invitations for bids, or purchase orders for procurement or construction of such materials must so provide.

Second, define “recycled material” so as to include consumer scrap—originating from objects previously sold to the consuming public—and “production scrap” originating from the production of goods sold to the consuming public, but to exclude “home scrap” or residue generated from the production of that basic material itself, which is normally recycled by the producer in any event.

Mr. President, I ask unanimous consent that there be inserted in the Record, at the close of my remarks a table showing the estimated budget outlays for each of the bills and amendments which I am introducing.

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

(See exhibit 1.)

Mr. JAVITS. Mr. President, while text of each of these bills and amendments varies slightly according to the law or bill being amended, the operative language of each is identical.

Accordingly, I ask unanimous consent that there be inserted in the Record the form of the amendment, which is identical, in substance, in each of the bills and amendments which I have just introduced.

There being no objection, the form was ordered to be printed in the Record, as follows:

UNIFORM RECYCLING AMENDMENT

Sec. . (a) Recycling Requirement. The Secretary (or designation for head of administering program) shall require that all materials or other products (i) purchased by the Government in carrying out the provisions of this Act, or (ii) purchased in whole or in part, by the Government or otherwise, with funds appropriated as authorized by this Act, or (iii) purchased by any person contracting with the government for the performance of any function authorized by this Act, shall be a product composed of, recycled materials in such percentage as is required by order of, and under regulations prescribed by, the Administrator of the Environmental Protection Agency.

(b) Determination by Order of the Administrator of Environmental Protection of Patronage for Construction, or Procurement. Before expending or contracting for the procurement or production of such materials or products shall provide for such percentage of recycled materials as are required by the appropriate determination of the Administrator pursuant to paragraphs (b) and (c) of this section.

(c) Determination by Order of the Administrator of the Environmental Protection Agency. The Administrator of the Environmental Protection Agency may, in lieu of the proceeding described in paragraph (b) of this Section, provide for a particular percentage of recycled material to be included in the procurement or production of a particular product.

(d) Definition of “Recycled Material.” For purposes of this Section, the term “recycled material” shall mean material including but not limited to paper, rubber, steel or any other metal or glass, which has previously been used in the production of any product for commerce, and including both “consumer scrap” originating from objects previously sold to the consuming public, and “production scrap” originating from the production of goods sold or to be sold to the consuming public; Provided, however, that “recycled material” shall not include “home scrap” or residue generated in the production of the basic material (such as leftover steel in a steel mill).

EXHIBIT 1

<table>
<thead>
<tr>
<th>Bill No.</th>
<th>Amendments</th>
</tr>
</thead>
<tbody>
<tr>
<td>S. 2112</td>
<td>Appalachian Regional Development Act of 1965: $3,725,000,000</td>
</tr>
<tr>
<td>S. 2123</td>
<td>Public works projects on rivers and harbors for navigation and flood control: $945,000,000</td>
</tr>
</tbody>
</table>

Amendments to estimated budget outlay for fiscal year 1972

- S. 2112: $3,725,000,000
- S. 2123: $945,000,000

By Mr. BENTSEN:

S. 2124. A bill to amend title 38, United States Code, to authorize a treatment and rehabilitation program in the Veterans' Administration, for servicemen, veterans, and ex-servicemen suffering from drug abuse or drug dependency. Referred to the Committee on Veterans’ Affairs.

S. 2125. A bill to amend title 38, United States Code, to authorize a treatment and rehabilitation program in the Veterans' Administration, for servicemen, veterans, and ex-servicemen suffering from drug abuse or drug dependency. Referred to the Committee on Veterans’ Affairs.

Mr. BENTSEN. Mr. President, I introduce for appropriate reference the Servicemen's, Veterans', and Ex-Servicemen's Drug Treatment and Rehabilitation Act of 1971. A similar measure, H.R. 2965, has been introduced in the House by my colleague from Texas, Mr. TEAGUE.

Recent stories out of Saigon offer compelling evidence that a drug epidemic is sweeping through our armed service personnel. In Vietnam or recently returned from Southeast Asia have become heroin addicts—a tragic and frightening statistic.

I would like to quote: Mr. President, it is easily accessible in Vietnam: it is sold in the cities, particularly in the so-called “Scag Alley” area of Saigon: it is also peddled inexpensively in the outlying villages and hamlets by peasants of varying ages.

To the American servicemen, bored and frustrated by a war that is winding down, it offers an inexpensive release from his tensions. The plight of these men reminds us that the danger of a war is not completely vitiated by withdrawal symptoms, so to speak, of our withdrawal from Southeast Asia. To the American servicemen, bored and frustrated by a war that is winding down, it offers an inexpensive release from his tensions. The plight of these men reminds us that the danger of a war is not completely vitiated by withdrawal symptoms, so to speak, of our withdrawal from Southeast Asia.
examination and rehabilitation. That is all to the good. Yet I believe we, in the Congress, have a responsibility to broaden the goals of the President's program to include comprehensive treatment for all who have or who have served in our Armed Forces, or who have been profoundly addicted to the use of narcotics after returning to civilian life. I believe we direct our efforts, not only to those who have recently come under the authority of the Veterans' Administration to give care, treatment, and rehabilitation to all personnel who are now, or who have been affiliated with the military. This, I believe, constitutes the most humane and effective approach to the problem.

Please note, Mr. President, that my bill is broad enough to establish the procedures for coordination between the Armed Forces and the Veterans' Administration. As you know, the Hughes amendment has been added in an effort to direct more specifically at the servicemen. Thus, this legislation becomes even more important in its coordinating function, and in providing for the care necessary for ex-servicemen.

Note also that it is not the intent of this legislation to provide any "rights" for addicted servicemen. There should be no additional "rights" for one who has violated the laws of his country. We must make an attack on the problem. This attack is a public service approach, and takes the necessary action to meet the needs of not just the addicted veteran, but principally the needs of the community at large. Specifically, Mr. President, my bill provides for a full range of treatment—including educational, social, psychological, medical, and rehabilitative services—necessary for ex-servicemen, including educational, training, and other rehabilitative services—to any member of the armed services determined by the Secretary of the Army, Navy, or Air Force to be a drug abuse or drug dependence problem. These men may be transferred to any suitable drug addiction treatment and rehabilitation facility or program administered by the Veterans' Administration.

In addition, any ex-serviceman or veteran addicted to the use of narcotics may be ordered by a district court to be placed in the custody of the Administrator of the Veterans' Administration, who, after determining the individual addiction, may assign him to a veteran's rehabilitative facility for the same treatment as that received by the active duty servicemen.

Through these procedures, Mr. President, we direct our efforts, not only to those who are in the custody of the Administrator of the Veterans' Administration, who, after determining the individual addiction, may assign him to a veteran's rehabilitation facility, but also to those who, for a variety of reasons, find a release in narcotics after returning to civilian life. Many of these people have been profoundly affected by their military experience and are casualties of war, regardless of their civilian status.

This, in short, provides another possible treatment program for all who have been affiliated with the military at one time in their lives. It opens another door to treatment and to rehabilitation, and it establishes a pattern of responsibility which allows the Veterans' Administration to be responsible for the welfare of our armed services, to provide the care necessary for the rehabilitation of military men and women.

Mr. President, because of the urgency of the drug problem, I hope this bill will be enacted at the earliest possible date.

By Mr. HARTKE (for himself, Mr. THURMOND, and Mr. STEVENS) : S. 2128. A bill to amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to appropriate for the care, treatment, and rehabilitation of national service life insurance prisoners of war and prisoners of war on parole for the care necessary for the rehabilitation of military men and women.

Mr. HARTKE. Mr. President, I am today introducing comprehensive legislation on which will be directed to the needs of all servicemen, veterans, and ex-servicemen. This legislation becomes even more important in its coordinating function, and in providing for the care necessary for ex-servicemen. Thus, this legislation becomes even more important in its coordinating function, and in providing for the care necessary for ex-servicemen.

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The reservoir has taken 39,000 acres out of cultivation and off the tax rolls, yet it has brought to the county enormous new problems of law enforcement, solid waste disposal, and sewer and water supplies. The burden may, after some years, Mr. President, be lifted by the improvement of property in the county and the increase of income and tax base. But this bright future does nothing to alleviate the conditions of the present, particularly when the Federal authority to help the county maintain safe roads is expected to provide the relief needed. I seek by legislation to provide the authority necessary for the Corps of Engineers to undertake the following improvements:

- Improve alignment, grade and pave with a plant-mix bituminous surface approximately three miles on F.A.S. Route 1280 from United States Route 50 to intersect F.A.S. Route 326 one mile east of a community.
- Pave with a plant-mix bituminous surface approximately six miles on F.A.S. Route 47 from the road improvement end on the north side of Delaware State Park to the Northeast Corner of Section 34, Township 10 South, Range 17 East, and running North and West to Kansas State Route 92 at the Northeast Corner of Section 54, Township 9 South, Range 17 East.

With these specific directions, Mr. President, so that they will stand up under present traffic conditions, this legislation would not be required. If there were any other way to improve these roads, Mr. President, so that they will become safe roads, Mr. President, so that they will be safe roads for the motorists who will use them, I do not believe that we would stand here today and ask for any Federal action, these roads will deter to a point where they will become a serious safety hazard and a blight on the natural environment.

1. The Federal Government, acting through the Corps, has exhausted its legislative authority to improve roads leading from main highways. This is documented by a letter from Col. R. L. Anderson, District Engineer, to the Governor of Kansas, dated September 17, 1969. A copy of that letter is submitted for the Record. Without the prospect of Federal relief, an impossible burden of road maintenance falls on local government. Jefferson County is a relatively poor county and one which does not have an industrial tax base from which tax resources can be raised. The county in fiscal year 1971 secured from all sources $565,381 for road works, a sum far from sufficient for keeping 903 miles of county highway, as well as bridges, in a safe and usable condition.

2. In order to get additional funds from the State of Kansas for secondary roads, the county must match whatever funds the State provides. Because public toll collection and tax lid legislation preclude raising property taxes to provide more funds, the county is faced very simply with a situation it cannot handle.

With this fiscal situation, Mr. President, we find that the heavy volume of traffic bringing families from the States of Missouri, Nebraska, and Kansas to the Perry Lake area for long summer weekends is putting a burden on the surfaces and approach roads into blinding dust clouds and a hazard to safe driving, not to mention an inconvenience for residents who live along these roads. Drivers must often use their car lights in broad daylight in order to see where they are going. Because traffic is slowed by this dust, congestion is created on main highways leading to the county. These paved access roads exceed 300 to 300 cars per day, although they are really "country roads" designed to handle only 6 to 10 cars per day. Simply keeping them repaired and keeping the dust down during the summer reduce the farm houses near the lake is more than the resources of the county can handle.

By Mr. PEARSON:

S. 2137. A bill authorizing the improvement of three roads leading to the Perry Reservoir, Kans. Referred to the Committee on Public Works.

Mr. PEARSON. Mr. President, the bill I am introducing today is intended to provide for the safety of the community and the Federal reservoir, opened to the public on August 18, 1970, is located within easy driving distance of greater Kansas City, Topeka, Lawrence, Atchison, and Leavenworth, Kans., and St. Joseph, Mo. It ranks first in the number of visitors among all the lakes in the Kansas City area and second in the nation. As many visitors as the second ranking reservoir.

This past Memorial Day weekend brought 132,000 visitors to Perry Lake, bringing the total number of visitors for the first 5 months of 1971 to over 1 million. Because of the scenic shoreline created by high rock formations, the proximity to population centers, all the well-known recreation opportunities, and communities in the immediate area, this is one of the most attractive recreation areas in our State. Over 3 million visitors are expected at the lake in 1971, and the following table sets forth visitation counts for this year through the month of May:

<table>
<thead>
<tr>
<th>Month</th>
<th>Visitors</th>
</tr>
</thead>
<tbody>
<tr>
<td>January</td>
<td>25,000</td>
</tr>
<tr>
<td>February</td>
<td>50,000</td>
</tr>
<tr>
<td>March</td>
<td>136,000</td>
</tr>
<tr>
<td>April</td>
<td>220,000</td>
</tr>
<tr>
<td>May</td>
<td>567,000</td>
</tr>
</tbody>
</table>

Total 1,000,000

The Federal Government, acting through the Corps, has exhausted its legislative authority to improve roads leading from main highways. This is documented by a letter from Col. R. L. Anderson, District Engineer, to the Governor of Kansas, dated September 17, 1969. A copy of that letter is submitted for the Record.
Mr. PASTORE (for himself, Mr. Mansfield and Mr. Young), submitted an amendment intended to be proposed by them, jointly, to the bill (H.R. 6531) to amend the Military Selective Service Act of 1960, that the Senate may authorize military active duty strengths for fiscal year 1972; and for other purposes.

AMENDMENT NO. 224
(Ordered to be printed and to lie on the table.)

THE RIGHTS OF CONSCIENCY OBJECTORS

Mr. CRANSTON, Mr. President, on behalf of the Senator from Pennsylvania (Mr. Schweiker) and myself, I am pleased to submit an amendment to H.R. 6531 concerning the rights of conscientious objectors.

As many as 6,000 men, including 1,500 to 2,000 Californians, may be facing imprisonment, because of a recent Supreme Court decision, in the United States—which held that conscientious objectors may be denied consideration of their claims to exemption from military service unless they file their claims before they are ordered to report for induction into the Armed Forces.

Yet each month about 10,000 men apply for a CO status. Several hundred of these men file their claim after they are ordered to report for induction. They do so often, because they misunderstand the regulations applicable to a CO status. Many of them think, for example, that they cannot claim a CO status until they report for induction.

To ask these men to report for induction and then have their case heard by military boards, is, I believe unfair and unjust. We should afford them the same rights that are provided to those who claim a conscientious objector status prior to induction. We must not penalize them, and prejudice and prejudice their claims, simply because they apply for CO status after receiving an induction order.

It is important to look to congressional precedent on this issue.

In 1967, the House Armed Services Committee proposed an amendment to the CO provision of the draft bill which would have required induction of all conscientious objectors into the Armed Forces and their subsequent furlough into civilian work if they were opposed to noncombatant training and service. This proposal was rejected on the floor of the House when it was pointed out that Quakers, Mennonites, Brethren, and others sincerely opposed to noncombatant service. It is the basic intent of that amendment, as the Senate proposed, to allow conscientious objectors to the draft to report for induction if they were opposed to noncombatant military service. It is the basic intent of that language that I seek to have reaffirmed by the Senate.

Congress has long respected the right of conscientious objection to military service.

This is a crucial concept which my amendment, as the Senate proposed, would reinforce; and in the interest of justice, the Senate should agree to this amendment.
RECYCLING AMENDMENT TO THE FEDERAL WATER POLLUTION CONTROL ACT—AMENDMENT

AMENDMENT NO. 221

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

Mr. JAVITS (for himself, Mr. HATFIELD, Mr. HUMPHREY, Mr. KENNEDY, Mr. MATHIAS, Mr. McGOVERN, Mr. MOSS, Mr. PEARSON, Mr. PROXMIRE, Mr. RANDOLPH, Mr. TAFT, Mr. TOWER, Mr. SCHWEIKER, and Mr. WEICKER) submitted an amendment intended to be proposed by them, jointly, to the bill (S. 1013) to amend the Federal Water Pollution Control Act, as amended, and for other purposes.

MILITARY CONSTRUCTION AUTHORIZATIONS, 1972—AMENDMENT

AMENDMENT NO. 222

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

Mr. JAVITS (for himself, Mr. HATFIELD, Mr. HUMPHREY, Mr. KENNEDY, Mr. MATHIAS, Mr. McGOVERN, Mr. MOSS, Mr. PEARSON, Mr. PROXMIRE, Mr. RANDOLPH, Mr. TAFT, Mr. TOWER, Mr. SCHWEIKER, and Mr. WEICKER) submitted an amendment intended to be proposed by them, jointly, to the bill (S. 1531) to authorize certain construction at military installations, and for other purposes.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION AUTHORIZATIONS, 1972—AMENDMENT

AMENDMENT NO. 223

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

Mr. JAVITS (for himself, Mr. HATFIELD, Mr. HUMPHREY, Mr. KENNEDY, Mr. MATHIAS, Mr. McGOVERN, Mr. MOSS, Mr. PEARSON, Mr. PROXMIRE, Mr. RANDOLPH, Mr. TAFT, Mr. TOWER, Mr. SCHWEIKER, and Mr. WEICKER) submitted an amendment intended to be proposed by them, jointly, to the bill (H.R. 7109) authorizing the amendment to the National Aeronautics and Space Administration for research and development, construction of facilities, and research and program management, and for other purposes.

EDUCATION AMENDMENTS OF 1971—AMENDMENT

AMENDMENT NO. 296

(Ordered to be printed and referred to the Committee on Labor and Public Welfare.)

Mr. SCHWEIKER, Mr. President, until very recently our educational establishment in the United States tended to treat vocational education as a "second-class citizen." Our high schools, for example, have tended to steer students into college preparatory or general courses when many of them would have benefited immensely from a job-related course of study. The fact is that only three out of every 10 students in high school today will attend college. One-third of those who enroll will not graduate. This means eight out of 10 high school students today should be getting some type of occupational training—yet only two out of those eight are getting it.

In 1968, while I was serving in the House, I joined as one of the original cosponsors of the landmark Vocational Education Act of 1968. That act authorized a major Federal effort to strengthen vocational education. Vocational education, then, finally was on the education "map" where it had long belonged but had not been set.

Since coming to the Senate, I have been privileged to serve on the Subcommittee on Education of the Committee on Labor and Public Welfare. From this vantage point I have seen vocational education, or "career education" as it is currently called, continue its uphill battle for recognition. There is still a great deal to be done in the yearly education appropriations process, and within the structure of the Office of Education, to afford due recognition to this important educational area, career education.

The amendment I offer today is another step in that direction. In the education amendments of 1971, S. 659, now pending before the Subcommittee on Education and Humanities of the Senate, a National Institute of Education designed to improve American education through research and development. I feel it is essential that this Institute devote itself to the needs of career education along with other types of education. My amendment to the Institute provisions of S. 659 insures that this National Institute of Education will not overlook the special problems of career education, as many general education programs have done in the past.

Specifically, wherever the bill speaks of "education" or "educational research" in this Institute, my amendment would add the words, "including career education" or "including career educational research."

Mr. President, I look forward to having my amendment included in the National Institute of Education legislation contained in S. 659. I feel it will make perfectly clear that Congress wants career education given its proper equal footing in the corporate plan of Federal efforts to upgrade the education of every American child.

I ask unanimous consent that the text of 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:

On page 287, line 18, insert the following after the word "vocational": a comma and the words "including career education."

On page 288, line 4, insert after the word "research" a comma and the words "including career educational research."

On page 289, line 12, insert after the word "research" a comma and the words "including career educational research."

On page 290, line 22, insert after the word "opportunities" a comma and the words "including those in career education."

On page 291, line 8, insert after the word "educational" a comma and the words "including career educational." A comma and the words "including career educational policies."

On page 291, line 4, insert after the word "educational" a comma and the words "including career educational policies."

On page 291, line 5, insert after the word "educational" a comma and the words "including career educational research."

On page 291, line 9, insert after the word "policies," the words "including career educational policies."

On page 291, line 11, insert after the word "education" a comma and the words "including career education."

On page 291, line 23, insert after the word "research" a comma and the words "including career educational research."

On page 291, line 24, insert after the word "research" a comma and the words "including career educational research."

On page 291, line 25, insert after the word "research" a comma and the words "including career educational research."

On page 292, line 11, insert after the word "education" a comma and the words "including career education."

ADDITIONAL COSPONSORS OF AMENDMENTS

AMENDMENT NO. 154

At the request of Mr. KENNEDY, the Senator from California (Mr. CRANSTON) was added as a cosponsor of amendment No. 154, intended to be proposed to S. 319, the Economic Opportunity Amendments of 1971.

AMENDMENT NO. 198

At the request of Mr. KENNEDY, the Senator from Maine (Mr. MUSKIE) and the Senator from New Jersey (Mr. CASE) were added as cosponsors of amendment No. 198 intended to be proposed to H.R. 8886, the Sugar Act Amendments of 1971.

AMENDMENT NO. 209

At the request of Mr. CRANSTON, the Senator from New Mexico (Mr. MONTOYA) and the Senator from Minnesota (Mr. HUMPHREY) were added as cosponsors of amendment No. 209 intended to be proposed to H.R. 6531, the Military Selective Service Act.

NOTICE CONCERNING NOMINATION BEFORE THE COMMITTEE ON THE JUDICIARY

Mr. EASTLAND. Mr. President, the following nomination has been referred to and is now pending before the Committee on the Judiciary:

P. Ellis Almond, of North Carolina, to be U.S. marshal for the middle district of North Carolina for the term of 4 years, vice Fred C. Simpson resigned.

On behalf of the Committee on the Judiciary, notice is hereby given to all persons interested in this nomination to file with the committee, in writing, on or before Tuesday, June 28, 1971, any representations or objections they may wish to present concerning the above nomination, with a further statement whether it is their intention to appear at any hearing which may be scheduled.

NOTICE OF RESCHEDULING OF HEARINGS ON LAND-USE, PLANNING, AND MANAGEMENT PROGRAMS

Mr. SPARKMAN. Mr. President, on June 14 I announced that the Subcommittee on Housing and Urban Affairs would hold 3 days of hearings—June 28, 29, and 30, on land-use, planning, and management programs. It has now become necessary to reschedule these hearings.

Therefore, I should like to announce
NOTICE OF HEARING ON NOMINATIONS

Mr. EASTLAND. Mr. President, on behalf of the Committee on the Judiciary, I desire to give notice that a public hearing to be held in the hearing room scheduled for Tuesday, June 29, 1971, at 10:30 a.m., in room 2226, New Senate Office Building, on the following nominations:

Alton J. Anderson, of Utah, to be U.S. district judge, district of Utah.

Robert E. DeMasco, of Michigan, to be U.S. district judge, Eastern District of Michigan.


At the indicated time and place persons interested in the hearing may make such representations as may be pertinent.

The subcommittee consists of the Senator from Arkansas (Mr. McCLELLAN), the Senator from Nebraska (Mr. Hruska), and myself as chairman.

ADDITIONAL STATEMENTS

MILTON R. YOUNG GENERATING STATION DEDICATED BY MNNKO POWER COOPERATIVE

Mr. AIKEN. Mr. President, it is with genuine pleasure that I bring to the attention of the Senate that a dedicatory ceremony was held on June 6 in honor of MILT YOUNG.

The next day they dedicated the MILTON R. YOUNG Generating Station. It was a great day not only for MILT YOUNG, but for rural electric cooperatives in all parts of the Nation.

It was largely through the efforts of Senator Young that this 34,500-kilowatt generating plant was built, and it is now producing power at less than 3 mills at the bus bar.

Mr. President, I ask unanimous consent to print the remarks of Mr. Andrew L. Freeman, manager of the Minnoka Cooperative, at the banquet in Bismarck on June 6, be printed in the Record.
leagues and the Presidents under which he has

President Nixon has on numerous occa-
sions publicly stated his high regard for Senator Young and expressed his deep appreciation for the many contributions to rural development that Senator Young has made over the years. During his period in office, he has appropriated money for the expansion of rural electric cooperatives in North Dakota, including our own Center unit.

Senator Young has effectively worked in behalf of the Rural Electrification Administration and the President's efforts in this field, and has been successful in getting REA appropriations substantially increased. He has done this same thing every way he possibly could have done it, as well as obviously over the years when funds were short.

Senator Young has worked in cooperation with other Senators to free funds when the Bureau of Reclamation had to do these things. He was singularly instrumental in getting restrictive language removed from a Senate amendment which would have prevented rural electric cooperatives from using federal funds. This came at a very critical time and it proved to be a key factor that led to the approval of our plan.

Senator Young has worked for the construction of key Bureau of Reclamation transmission lines, as well as elimination of some of them where it was shown they would have a detrimental effect on the rural electric coops.

The Board of Directors in considering this resolution, will take into consideration the fact that rural electric cooperatives everywhere and Minnkota in particular, are indebted to a great many men for the help which they have given.

This would have to include others like Senator Mondale from Minnesota, Senator Burdick, Rollie Redlin, Odin Langen, Congressman Blatnik, and Congressman Mark Amundson who have been great help. Then there were the many directors, managers, the key personnel and employees of the Rural Electrification Administration and countless others which gave us help and support when it was badly needed.

However, it could only be said that as great a man as Senator Young may have been, none could match the many and great contributions of Senator Young.

After full consideration the Board decided that if they were ever to recognize and honor a man for his work in behalf of Minnkota, his great assistance to the national rural electric program, they could think of no one more appropriate, no one more deserving than Senator Young and no one more appropriate than now to do it.

So on January 7, 1969 the Board of Directors unanimously voted to designate our new power plant to be the Milten R. Young station of Minnkota Power Cooperative.

Tonight we are gathered here to honor you, Senator Young, and express to you for help that you have given us and the many other rural electric cooperatives of our nation. We do this and we hope that you do, for we have truly labored and worked for all of us.

This event this evening is intended to be a happy occasion for all of us. However, it is also a solemn one in that it marks the dedication of the new Milten R. Young station which has now become the heart and core of Minnkota.

It would therefore seem appropriate and proper that we pause briefly to reflect on a few of the many good things that have happened in Minnkota that we have had and that we have been in business. Truly we have had more than our share of successes, for many of the best have come to us in the years when we made Minnkota a most successful operation.

Among these good things would have to be our good fortune to have had Mr. Edman, a remarkable man, to lead and guide us. He has been our president these past thirty-one years, only to be succeeded by another man of excellent reputation and a record of dedicated service, Mr. Lee.

As I look back in review I cannot help but recall the many hours which have been devoted to the Minnkota Board, the cooperation that we have had from the member cooperatives, my fellow managers, the friends we have made in the utility business, and the many fine and talented young men and women that make up our organization. I know that we have indeed been both fortunate and blessed.

In looking back I also see the fine transmission system that we have built, our communication system, our dispatching center and office building, the wonderful interconnections that we have made, the 175 million dollar loan, the $8.5 million dollars, the wonderful operating record that we are compiling with our new cyclone type boiler. Then the $30.5 million dollar loan, our friendship with Tom Toomey of Sanderson & Porter, who did so much to help us. Our Canadian connection, the procurement of key staff people, and many others that come to mind.

In doing so it is easy to think that these great benefits have come to us because of planning, our superior skills and know-how, or because we are just plain lucky.

Over the years the Minnkota folks have worked real hard at the job of rural electrification and job real seriously. They have dedicated themselves to the production of low cost power and good service. However, there are some of us who recognize that our success involves something more than our work or our enthusiasm or the luck that has come our way. For those of you who have been with Minnkota recently, in the last few years, that it is, it might be well for you to recall the marks of a great American speaking many years ago:

"We are the people now, older than we thought, younger than we were. We have occupied the earth, worked in the soil, said the words of old men and women. And to the young and others who have not been and who have not seen the things that we have seen, we have said--" We are the people now, older than we thought, younger than we were. We have occupied the earth, worked in the soil, said the words of old men and women. And to the young and others who have not been and who have not seen the things that we have seen, we have said--"

On another occasion he said, "It is the duty of nations, as well as men, to own their dependence upon the overruling power of God--" God, after all, is the source of all things. He has written a most informative and valuable account of the role of a chaplain at a Veterans Administration hospital.

"We find ourselves the recipients of this finest of the nations, and to Minnkota in particular."

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OUTSTANDING SERVICE OF RABBI DAVID BERENT AS VOLUNTEER, UNPAID CHAPLAIN AT VETERANS HOSPITAL, TOGUS, MAINE

Mrs. SMITH. Mr. President, one of Maine's most outstanding citizens, Rabbi David Berent, has rendered an outstanding service to his country as the volunteer, unpaid chaplain to the patients of the Veterans Administration Hospital in Togus, Maine, for an extended period of time of 30 years.

This is but one of the many exemplary contributions that Rabbi Berent has made in his long years of service to the State, veterans, and his fellow citizens of Maine.

I wish to commend him most highly. He has written a most informative and valuable account of the role of a chaplain at a Veterans Administration hospital. I recommend it for reading by all Senators, and I ask that it be printed in the Recess.
CONGRESSIONAL RECORD—SENATE
21213

There being no objection, the account was ordered to be printed in the Record, as follows:

CHAPLAIN DAVID BERENT

During WWII, four chaplains—Catholic, Protestant and Jewish—on a sinking transport ship in the South Pacific, sacrificed their lives so that others might survive.

While the chaplain in a VA hospital is not nearly so elevated as the chaplain of the Sea, many acts of service and helpfulness in the interests of the patients—irrespective of race, religion or creed—are performed by a minimum of his mental and physical resources.

The Veterans Hospital at Togus, Maine, which I am privileged to serve, is troubled with a chaplain to patients of the Jewish faith, can accommodate 679 male patients, divided up into 518 psychiatric, 300 medical and surgical, and 60 Nursing Home Care Units.

Every chaplain in this hospital regards his religious duties as paramount to any other service he may be called upon to render, yet there is close a relationship between the religious and the secular activities that it becomes his task to understand which one begins and the other ends.

It is not easy to convey in cold print the services performed by the chaplain in a VA hospital when he succeeds in some measure in bringing sucession to the troubled mind of a patient. This is not a simple problem, for joined with the knowledge and skill of the doctor, the nurse, the chaplain, and one who plays the most potent role of all, God. No matter how capable are the human elements that have participated in bringing balm and comfort to a patient, there would be fruitless and vain if the spirit of God were not recognized as the fountainhead of the efforts involved.

It is the Jewish chaplain who is, perhaps, the one closest to the care of the patient in VA hospitals can be of great value. However, he must first try to understand the very nature of illness itself, both physical and mental in order to be capable of the greatest possible service.

It has been pointed out by Chaplain Russell L. Dicks of Wesley Memorial Hospital, Chicago, that medical science by itself (does not have all the answers to the question of why we become sick. Religious philosophy, in the other hand, sheds some rays of light on this subject by its observation that we are members of a world of spirit, as well as physical and mental, because of our inability to understand ourselves, how to face life with its manifold complications and how to overcome our fears, guilt and loneliness.

A distinguished psychologist, Doctor Morton T. Hunt, in the conference of Jewish chaplains, sponsored by the National Jewish Welfare Board, declared that the veteran who finds himself in a VA hospital is no different from the patient in a general hospital for civilians in this respect: His first concern is the fear of what will happen to him while he is in the hospital. Often he has no way of knowing the true diagnosis of his illness nor the physician's pronouncement that life itself will be withheld from him by the doctors. The patient also doubts the sincerity of the usual optimism that is expressed by his family, all of which contribute to his bewilderment.

His reasoning may take this form: "Of course, the doctor is his friend, I will take it well and have no cause for worry. The members of my family, with all good intentions for my well-being will certainly not disclose the diagnosis to me, fear it may be. The doctor certainly gave them a complete report of my condition, but how much will they tell me? I will keep me in good spirits by withholding the knowledge of the real state of my illness." This is the patient's reasoning as reasons. The only person, then, towards whom he most often turns in his dilemma is his chaplain, whom he believes can give him encouragement. Here, then, is a field where the chaplain's ministry can be most helpful. He can help him understand the patient's message, be it through conversations, as a spiritual guide, as well as spiritual guide. Indeed, there are many occasions when the chaplain understands better than the patient, many problems which trouble the hospitalized veteran who is in many cases far removed from the church. What is most appreciated here is a willing, attentive, and sympathetic ear. Often a word of counsel will not be necessary, but it seems to be an insurmountable problem to a logical solution. Of course, such situations may require many visits with the patient. He must be able to be near him, to listen to his fears by giving him his full confidence. The reward of these repeated visits and patience is the profound satisfaction that comes with the knowledge of having brought a measure of comfort and ease to a troubled mind.

The patient in a VA hospital is forced to adjust himself to his surroundings more rapidly than the civilian. It is always a more aggressive in asserting his rights, thereby making more demands than does the civilian patient. He may even feel that his illness is less acceptable in the medical mind if therefore he does not evaluate what is best for him and what the physicians are trying to do for his. Sometimes, thereby, there is a need a great deal of the patient's legal rights he can have meaning for him and that the future holds promise. The chaplain can also help arouse a security feeling in the patient by bringing him close to reality as possible. It goes without saying that the chaplain is ever mindful of the限制 prescribed by the physical in his ministering to the patient. In no case does he invade the domain of the psychiatrist or the physician. It is rather a matter of each complementing the other for the benefit of the patient.

One of the great emotional disturbances that a patient experiences is when he is told that he is incurable. Such a word has been described as a matter of mechanics; the surgeon thinks of himself as a mechanic; the endocrinologist as one who controls atomic power; the orthopedic surgeon as a carpenter; the urologist as a plumber, et cetera. This may all be a mechanical process for the surgeon but to the patient an operation is a profound spiritual experience for he must exercise a challenging faith. First, faith in God and in his healing power, who works through the healing forces of nature to bring about the restoration of his health, the skill of the surgeon. Here the chaplain's opportunities are limitless. A religious talk with the patient may bring about the release of his faith in a complete faith in the Great Healer is restored.

Prayers are offered by the chaplain from the JWB Prayer-Book and extemporaneously invoking Divine aid. The patient, too, is encouraged to pray. The mystic quality of prayers in Hebrew such as the R'v'gen, the admission of the patient's name and his faithfulness which cause doctors here to express deep satisfaction as it helps produce the desired results of the operation. We should not underestimate the value of such religious experiences. In conversations with the patient, in periods of years, the writer found complete agreement among the medical men that a deep religious faith held by the patient was often the deciding factor in his recovery even when the prognosis was negative. Conversely, physicians have found that often a preliminary prayer request for the patient's salvation, and finding them in good condition, a successful operation was performed, yet the patient did not recover. It was later found that he was lacking here was the will to live, that the patient no longer had any interest in life and thus the patient was lacking here was the will to live, that the patient no longer had any interest in life and thus the patient no longer had any interest in life and thus the patient no longer had any interest in life and thus the patient no longer had any interest in life and thus the patient no longer had any interest in life and thus the patient no longer had any interest in life.

SERVICES RENDERED BY THE NATIONAL JEWISH WELFARE BOARD

At the point it is proper to discuss the world’s of the National Jewish Welfare Board as an agency which has maintained exceedingly high standards of helpful service to patients in our hospital at Togus, as well as in the other VA hospitals throughout the country.

The JBW is the sponsoring agency for Jewish chaplains for Armed Services and for all VA hospitals. The JBW, a division of the National Jewish Welfor Board, has a committee of rabbis representing the Orthodox, Reform and Conservative divisions of Judaism which grants the government required Ecclesiastical Endorsement to the chaplain who satisfactorily certifies to his personal fitness and experience. The fact that he may be of the Orthodox, Reform or Conservative division of Judaism is far as the CJC of the JBW is concerned.

The efforts expended by the JBW on behalf of the Jewish patients are limitless. With the success of the chaplain, who is the personal representative of the JBW, countless types of services are at the disposal of the patient. The JBW has a hospital social worker who can promote the comfort and well-being of the patients.

Praying to Maintain Patient’s Religious Practices

Whether the patient is of Orthodox, Reform or the Conservative division of Judaism, every effort is made to minister to his religious needs. Some patients, for instance, request T’filin, (Phylacteries) teilem, (prayer-embroidered) Jewish books or Kosher food. Every effort is made to obtain these materials and distribute them to the patients. The JBW is assisting the chaplain in his efforts to establish Jewish chaplainry in the VA hospitals of this country.

One of the most interesting activities which is proving to be most helpful to the patient, both in and out of hospital, is Jewish music supplied by the JBW. The JBW has a special program. Whether the patient is of Orthodox, Reform or Conservative division of Judaism, every effort is made to minister to his religious needs. Some patients, for instance, request T’filin, (Phylacteries) teilem, (prayer-embroidered) Jewish books or Kosher food. Every effort is made to obtain these materials and distribute them to the patients. The JBW is assisting the chaplain in his efforts to establish Jewish chaplainry in the VA hospitals of this country.

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The chaplain finds his task of communicating with the patients difficult. This particular patient had limited mental faculties and was too confused to cooperate with the patient. Reaction seemed quite hopeful. Regular receipts of mail by patient during the past month seemed to be encouraging his mental condition. He no longer has a behavior problem.

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they would provide him with a home and the opportunity to rehabilitate himself, it gives the chaplain an opportunity to tell them of the excellent work done in the hospital and how the patient improves because of the satisfactory care and attention he receives. The family, I believe, that the patient knows that they give him a minimum of concern are conditioned psychologically for their role in helping the patient adjust to his place in the community as a normal, self-reliant person.

A VA chaplain often wonders whether he is identifying the many duties which devolve on him. His is a sacred responsibility toward a group of men, some of whom are helping to heroic failures. He knows that the sights of God each human soul has a particular destiny, and everything possible must be done to restore him to that former status of usefulness. The role of medical treatment in facilitating the recovery of a patient cannot be stressed enough. However, there are times when medical treatment alone is not sufficient, and unless something is done to buoy up the patient’s morale, he is likely to sink deeper and deeper into discouragement and melancholy. At this point it is the blessed privilege of the chaplain to be of some help in an effort to rejuvenate the patient’s spirit. The chaplain has no standard technique, nor can he draw upon scientific procedure to help the patient. His is purely a labor of love—the love a chaplain has for his God and his fellow man. The medicine he administers is tender, keenly understanding and sympathy. Progress is painfully slow. But imperceptibly, gradually the patient shows a glimmer of hope, then faith in the chaplain’s words of comfort and solace. The day comes when the patient begins to show signs of real improvement, and through faith in the chaplain’s words and mediation, he has helped a human soul to break through the fog of mental or physical illness towards recovery.

PRISON REFORM IS THE KEY TO CRIME CONTROL

Mr. EAGLETON. Mr. President, nowhere are the failures of the criminal justice system in America more apparent than in the area of corrections. From local jails to state prisons to the Federal Bureau of Prisons, the problems facing America’s correctional institutions are typically overcrowded, ill-designed, without adequate facilities for training and re-education, and staffed by untrained and poorly paid personnel.

An extraordinarily comprehensive and perceptive analysis of our correctional problems is contained in an editorial written by Robert P. Smagich and published in the Kansas City Star of June 13, 1971. I ask unanimous consent that the text of this editorial be printed in the Record at the conclusion of my remarks.

The Star editorial properly points out that in the whole catalog of failures in corrections—

Local jails are at the bottom of the pit.

Fortunately, Kansas City and the surrounding areas are undertaking a major effort to correct this situation. The construction of a new municipal jail for Kansas City has been proposed along with a regional detention unit to serve areas in western Missouri. The KC News notes that the construction of new county jail facilities is not economically feasible.

Mr. President, in 1968, while I was Lieutenant Governor of Missouri, I was privileged to serve as chairman of the Governor’s Citizens Committee on Delinquency and Crime. As a part of the committee’s work, a study was made of local jails. A report of this study is before you. Through this report, the committee strongly urged the establishment of a system of regional jails through the State for the detention of accused individuals and the correctional institutions in the state. Further, the report recommended that the counties provide construction funds for a new downtown jail, with all individual cells, to be built on the site of the parking lot behind the Missouri State Capitol. This project would also include subsurface parking, processing facilities on the ground floor and housing on the upper levels with “adequate day space.” The structure would be connected to floors with courtrooms nearby.

Additionally, a regional detention unit would be built near the new Kansas City Municipal Correctional Institution. It would have medium to maximum security cells and would show kitchen, laundry and other facilities at the city institution. The project would have space for diagnosis and classification of inmates as part of a rehabilitation program. Federal funding should be pursued to finance these buildings.

Results of rehabilitations in federal and state prisons are hardly visible, even though they are allocated much more money than jails. About 98 per cent of the $8 billion spent a year on federal facilities goes for custodial care. Yet 85 per cent of the inmates do not have a marketable skill. Fewer than 5 per cent of federal inmates have general education. The unemployment rate for former federal prisoners in 1964 was 17 per cent, triple the national average that year.

Burdened by substantive skills, former convicts often find bars to employment because of public attitudes. Laws and licensing requirements prevent them from certain jobs, including those offered by the federal government. Veile, appearing before a congressional subcommittee last month, related that a man with a misdemeanor conviction was denied a taxi license. The refusal of a city to hire a former inmate as a tree-trimmer was upheld by a federal court.

FAILURE OF THE STATES

State programs vary, but few states have adopted policies similar to those tried out by Congress. In Missouri, a former federal prisons official, Fred T. Wilkinson, is credited with improving corrections within financial limitations.

An arbacotic penitentiary has restricted the effort.

Important legislation in the corrections field in Missouri has been passed in the current session of the General Assembly, however. At the request of Wilkinson a halfway house program was established that will aid inmates in the transition from controlled confinement to freedom.

Another key measure is in the Legislature. It would let the corrections department grant certain prisoners leave to attend funerals, seek employment and visit home unescorted by a guard.

Both houses have passed a bill that would allow convicts who would otherwise be kept isolated at the prison to live in community centers in suburban areas. The Missouri bill would permit a program after conviction, but no significant measures passed. Nevertheless, violence at the Lansing facility, which has isolated self-mutilation of prisoners, has subsided.

Correctional institutions share with the other parts of the criminal justice system—the police and the courts—a need for massive reform. Since criminals spend the bulk of their time after conviction in jails across the country. The LEAA study also showed that 83 per cent of the 190,000 jail inmates had not been convicted.
penal improvement could well have the greatest impact.

Money, important as it is, is not the whole issue. The concept of what makes a crime is shifting. Being brought into question are such offenses as drunkenness, sexual relations, trespass, assault, battery, theft, fraud, and drug abuse. These changing attitudes could well affect the correctional field in both counseling services and planning of physical facilities. The lack of adequate rehabilitation programs, as recidivism illustrates, contributes to the prevailing crime rates. The cycle will be broken only by a concerted emphasis on training and education, not custody. These programs are necessary to meet the mingling of juveniles and first offenders with convicted felons. Prison industries seldom failed to meet all the conditions. convicted felons. Prison industries seldom could well be broken only by a concerted emphasis on

..."with leaky roofs and dirt floors."

"Our newspapers, guidebooks and travel films told us so. "Picturesque Supai, the only U.S. Post Office regularly served by pack mule." Our Arizona Highways magazine confirmed the image in Kodachrome. "Lovely Bridal Veil Falls, so named for its lace-like cascades." Our government codified the charade into official policy. "What a pity it would be to allow the 20th century to intrude."

Oh, once a blue moon some precocious Boy Scout pursuing his public health merit badge might detect an astronomical bacteria cluster in a eukaryote the scientists call "the heart of the heart." A heart-raced widow would inveigle the Air Force into dropping a ragbag of discards onto the sleeping village, and an idyllic and social civil servant would win a transfer to Kozebue by decrying Havasupai nutrition. But these squares were denied the optimism of progress. Our preachers in all of us other happy valley fantasists."

"I can't say that James Hilton or Ronald Coleman ever hiked the eight miles down into the bowels of the earth from Hilltop to Supai."

"We white, medit., medic, photographer, ranger, anthropologist, auditor, reporter, bureaucrat, missionary, politician—were in ethnocentric agreement. The Supai, Indian horse packer striving to keep his wife and eight kids on a $90 a month at the Board."

"Fingerprints of the Havasupai Indians."

"Nothing seemed extraordinary about Goodfriend. He told Goodfriend. "The BIA spokesman was gone, women bore babies in the snow, as they struggled up the trail toward the nearest hospital, 125 miles away."

"The richest Havasupai breadwinner had an income of $1,500 a year. So scarce were jobs, that men were counted among the 200 Indians totaled just $833 per month."

"Quarantock Creek was Supai's bath, laundry, sewage, and garbage disposal. Supai had no road, no clinic, no electricity. Out of government indifference, the telephone was dead more often than not."

"When a government doctor made his monthly trek to Supai, one-fourth of the population had died."

"Our government codified the charade into official policy. "What a pity it would be to allow the 20th century to intrude."

"Oh, once a blue moon some precocious Boy Scout pursuing his public health merit badge might detect an astronomical bacteria cluster in a eukaryote the scientists call "the heart of the heart." A heart-raced widow would inveigle the Air Force into dropping a ragbag of discards onto the sleeping village, and an idyllic and social civil servant would win a transfer to Kozebue by decrying Havasupai nutrition. But these squares were denied the optimism of progress. Our preachers"
Before Goodfriend, the Indians were content to let the Flagstaff register and vote. Supai citizens now have their own precinct. In their first election, 1968, the village turned out 100 percent of its registered voters. Not surprisingly, last November Supai delivered a resounding majority for Senator Fannin.

A BIA social worker visits Supai frequently. Surplus food reaches families on state welfare.

The tribe has hired an adult educator. Volunteers, some from a Mormon church mission, assist the tribe in bookkeeping, farming and home economics.

New construction has provided Supai men with work at decent wages. The tourist industry hums, and teams of packers are making as much as $3,500 a year.

Electricity is on the way. Lower-level BIA men, who are basically biologists, are teaching Supai how to sell for two prices. The people might afford meat.

"I showed the man the door," Goodfriend snapped in his casual sports outfits, and he wore a watch and bracelets, which his casual sports outfits, and he wore a watch and bracelets, which

Meanwhile, back in Santa Monica, Goodfriend campaigned in the private sector. After two years, he had $4,200 in the bank, and 105 patients waiting, half the tribe. Goodfriend said, "Conditions in Supai are utterly intolerable from a public health standpoint . . . a disgrace to your department."

\"This is the first time any white man ever did anything for us,\" a tribal leader told Goodfriend.

Some of Goodfriend's manipulation of the system was unorthodox, but effective. Case in point: How could fresh meats, vegetables and baked goods be delivered on a regular basis? Goodfriend's answer: parcel post.

Goodfriend lobbied in Washington for three-weekly mail service. The postmaster at Peach Springs, on U.S. 66, was so pleased with his windfall of stamp sales, he allowed the installation of a food freezer by the tribe. For several years, Supai's perishables have come by mail. mule.

Goodfriend's business savvy qualified him for a spotted cow. When Supai was asked to improve the store, Goodfriend discovered that suppliers had been gouging the Havaasupai people. For example, the Indians had paid a Kingman fuel dealer $1,323 for their butane, which another dealer had sold them for $571. Goodfriend had the tribe sign a letter that said all the way to Phoenix to sign up competitive food suppliers, and contracted for weekly delivery of produce from St. George, Utah.

These days, when Martin Goodfriend struts Supai's laneway, he looks upon improvements which, in the final analysis, were his.

Supai has a safe water system, with pipes to all 50 families, and every home with at least a sink.

No old home is without an adequate new outhouse.
tearing young children away from their parents. The family structure suffers.

"Summer recreation remains little or nothing. But it's better than in 1906, when the government spent $6,000 on a steel fence to keep the children from running away."

"Ultimately, the question is what is the future of the Havasupai even if most of their needs are met. That seems to be the direction to make. I've tried to encourage the Havasupai people to be themselves in terms of culture and religion."

"I don't believe the government. Give the credit to my friends and neighbors in Santa Monica. Keith Monroe, the writer, put my thoughts into crispness so well."

"Credit the people in the agencies. I put the heat on them for 15 years, and I don't think if I have one enemy. I found that most of these good people welcome citizen support.

"We can ignore our government, then complain when it fails.

"With all that has been accomplished, I believe the Havasupai people are beginning to manage their own affairs. Maybe they'll start fighting their own battles."

I asked Goodfriend if he was thinking of retirement.

He flushed that old grim, "not altogether," he said, "but I think I can relax a little."

The speech was still dry, for Martin Goodfriend. Given enough stimulation, the system could be made to work, even for Stanley Manakaja, an Indian horse packer with eight kids at the bottom of the Grand Canyon.

HUMAN RIGHTS IS A TRADITIONAL AMERICAN CONCERN

Mr. PROKMIERE, Mr. President, a quest for human rights led to the founding of this Nation. Political and religious persecution of individuals were offered as the boundary to cross the Atlantic and to establish new societies.

These societies joined together to protect the rights of their citizens. Our Revolution resulted from Great Britain's encroachment upon our human rights.

Since then America has reaffirmed again and again its support of human rights. As the great proud forefathers did, Mr. Richard Maass, chairman of the Foreign Affairs Committee of the American Jewish Congress, testified on this subject before the Senate Appropriations Subcommittees on Human Rights.

The Senate should review America's traditional concern with human rights throughout the world. And it should reaffirm our tradition by ratifying the human rights conventions.

Mr. President, I ask unanimous consent that an excerpt from Mr. Mass's testimony be printed in the Record.

There were objections to the except that was ordered to be printed in the Record, as follows:

HUMAN RIGHTS

Throughout our history, the United States has entertained universal human rights in other countries to be a matter of our deepest interest and consonant with the profound commitment to the cause of freedom which has nourished us. Examples abound of our Government's humanitarian intervention in behalf of religious and ethnic minorities in other lands.

The United States has also intervened on behalf of human rights in other countries—by the expulsion of the Ottoman Empire in 1840; in Morocco in 1868; in Rumania in 1872; and in Poland in 1919—just as we did at the beginning of World War I, and in 1944 with the Universal Declaration of Human Rights.

Illustrative of this commitment was the action taken by President William Taft in 1911 in abrogating a trade treaty with czarist Russia because of the latter's discrimination against Jewish and Distinguished Senators and Representatives, together with prominent civic and religious leaders, expressed the growing conscience of the American public and provided the President's initiative with vigorous support. The Senate, at that time, an American Jewish leader, Jacob H. Schiff, commented that the day would come when the equality of all religions in treaties of the United States would become an international truism.

America's historic commitment to the protection of human rights resulted in further expression in the efforts of President Taft in 1913 to obtain guarantees for minority rights in treaties of the United States with the Balkan states. President Woodrow Wilson urged a similar course in the peace treaties of 1919 involving Central and East European countries.

No doubt it was this distinctive humanitarian character of American tradition in foreign affairs that enabled American statementsmen to be the first to recognize during World War II that the ultimate consequence of international aggression was extermination. The aggression and, therefore, that peace and human rights are necessarily and inextricably linked together.

RELATIONSHIP OF HUMAN RIGHTS TO TREATY-MAKING POWERS

If the relevance of human rights to American foreign relations is clear, so is its relationship to the bargaining power. It is frequently forgotten that the United States was a party in the 19th century to numerous treaties regulating the slave trade. During the Hoover administration, the United States ratified the important League of Nations Convention on Slavery. And the Roosevelt administration took the lead on the equality of women. Further, the United States ratified the United Nations Charter, which had as one of its central concerns the protection of human rights and fundamental freedoms, as stated in articles 55 and 56 of the Charter.

Some critics of human rights treaties, disregarding the above precedents, argue that their subject matter is outside the traditional scope of American foreign policy and therefore, improper. It is difficult to tell whether, with this argument, these critics are offering a new policy objection. In either case, in advancing such an objection, they lean heavily on the authority of the late Justice John M. Harlan and cite his well-known April 1953 statement before a subcommittee of the Senate Judiciary Committee in which he was piloting Bricker amendment. This statement is so fundamental an authority for the critics that one particular sentence from it—generally overlooked—demands quotation. Secretary Dulles said:

"By 'traditional,' I do not mean to imply that the boundary between international and domestic concerns is rigid and fixed for all time."

Thus, even while Mr. Dulles was deferring to the views of those who at that time opposed the ratification of any human rights convention, he recognized it to be an issue of importance. "We are not one of those people who believe in the social consequences of democracy," Mr. Dulles said, "and I believe that the future belongs to the United States."

It is with this realist view of the world, which views the United States as a democratic nation, that the President of the United States, Mr. Richard Nixon, has courageously and decisively declared "the goal of the United States is a world in which all people are free to choose their own way of life, whether inside or outside of a free society.""
June 22, 1971

CONGRESSIONAL RECORD—SENATE 21219

POPULATION FALLACIES

Mr. PACKWOOD. Mr. President, from time to time we hear comments from sometimes responsible quarters which seem to indicate that population growth is no longer a problem for the United States. Maybe for the rest of the world, but not for us. The statement is made, for example, that our birth rate is now declining, that the death rate is at an all-time low, or that because of more effective and widely used contraception, we are not having the “baby boom.” These are serious myths concerning this country’s population problem. There is the belief that the introduction of abortion is responsible for decreased population growth. It is asserted that the co-sponsors of legislation putting Congress on record as favoring the introduction of abortion are the ones who are lowering the birth rate. It is suggested that American public is to face this problem in the next century, and are voluntarily choosing to have fewer, or else adopt contraception.

In the face of such a serious problem as our continuing, unreeling upward spiral of population in this country, this sort of statement is always disturbing to those of us who are aware of the fact that the American public is to face this problem squarely and honestly, it must be provided with facts. Distortions and misrepresentations accomplish nothing, and only by a full understanding of the nature of our population problem, our alternative courses of action, and the tradeoffs involved in continued growth versus stabilization.

The New York Times in an editorial published June 17, addressed itself to the problem of population growth and made a number of efforts to clarify some of the mistaken notions and myths which seem to surround the entire population issue. So that Senators may have the benefit of this editorial, I ask unanimous consent that it be printed in the Record, as follows:

CAN AMERICA GROW UP?

In 1900, there were 151 million Americans. Today, Thursday, February 26, 2000—only 29 years from now—that number is expected to swell to roughly 300 million. In other words, the number of people who can survive, if all basic needs are met, the population of the United States will double in the last half of the twentieth century.

Citing those statistics, Senator Cranston of California and 26 other Senators have introduced a joint resolution putting Congress on record in favor of zero population growth. The fact that the co-sponsors come from both parties and across the political spectrum from Barry Goldwater to George McGovern is positive proof that the population issue has moved to the forefront of public concern.

This biomathematics concerning this country’s population problem. There is the belief that the introduction of the birth control pill and the widespread availability of abortion is quickly reducing the birth rate. It is true that the birth rate which stood at 28.5 live births per thousand in 1937 declined during the subsequent decade. But that decline leveled off in the last two years. Last year, it was approximately eighteen per thousand for the first time in thirty years. As we noted yesterday, multiple births are rising because of increased use of hormones to combat sterility; but there is no evidence that there is lessening than a scientific revolution going on at the present time in the field of human reproduction.

Women in their twenties produce the most children. This country is beginning to have a rising number of women in that age bracket. These young women and their husbands are the babies born during the population boom of the nineteen-forties and early nineteen-fifties. Another myth is that excessive childbearing is the fault of least-educated, low-income elements in society. It is true that this group has proportionately more children. But seven out of every ten children born to married couples come from upper-income families. In other words, even if the poor began to have children at the same rate as the society as a whole, this country would still have a rapidly rising population.

Yet a third mistaken belief is that if every American family began immediately to have just two children, the problem would be solved. The United States population boom, even the two-child family would mean continued population growth until the year 2007, when America’s population would level off at 277 million, more than one-third greater than it is now.

The joint resolution introduced in the Senate proposes no drastic remedies. It urges stabilizing the population by voluntary means consistent with human rights and individual responsibility. In providing for an adequate resolution of natural policy as well as a positive action in which the necessary attitudes, policies, and decisions are made. If zero population growth is to be achieved, many popular attitudes and expectations will have to change. Americans dwelling in a nearly empty, richly endowed continent developed a cult of growth. Small farms are being abandoned without bringing growth or that new industry would expand land values. The “booster” became an American stereotype and unending growth a national obsession. But now Americans have the responsibility to develop the self-discipline to prevent overcrowded, poverty-stricken society. The United States will grow but whether Americans can grow up.

CONDITIONS IN EAST PAKISTAN

Mr. SAXBE. Mr. President, in light of recent revelations made public in today’s New York Times that military equipment is being sold to the Government of Pakistan by the United States, in spite of an announced embargo on such sales, I would like to relate to the Senate the conversation that I had with a medical doctor—whom I will remain nameless to protect his family—from the eastern wing—who escaped from the eastern wing on June 15. Enjoying the relative safety of an internship in a hospital in the United States, he returned to his homeland, crossing the border from India in early April. He relates the following account:

Everywhere is the same picture. The troops seek out the small villages, capable of fighting, and raping the girls. They are being maimed. Girls are raped, their children are maimed. Girls raped, their children are maimed. The Hindus have already evacuated the towns and villages. Those that have not fled have been killed. In the same borderland, the Pakistan troops are now ransacking the villages. They have already evacuated the towns and villages that cannot be reached by roads are reached by boats. Unfortunately, again our government is not taking steps to prevent the availability of food. In the past, the United States have purchased foodstuffs from India, Bangladesh, and Pakistan. That practice has been stopped until distribution of food and other relief measures, supervised by international agencies, is provided.

Until distribution of food and other relief measures, supervised by international agencies, is provided, the United States shall not prohibit expenditures of previously appropriated funds pursuant to binding agreements for food assistance. The Congress of the United States is determined that the people of East Pakistan should be assisted. The United States shall be ready to assist the government of Pakistan and the Agency for International Development in force on or prior to June 8, 1971.

[From the Washington Post, June 20, 1971]
Pakistan as "East Bengal" but otherwise apt. It is unthinkable that donors would want to undertake military government's cruel war against its own citizens, thousands of whom it has murdered, millions of whom it has forced into flight. Moreover, the question of whether Pakistan in its disrupted condition can spend funds efficiently, it hardly can qualify.

A Senate department says that "normalcy can be restored in East Pakistan only within the context of a peaceful political accom­­modation," which would impel the United States to resume aid before this process gets under way.

In all, the suffering of Bengal and Hindus in East Pakistan made the Pakistani civil war an intense emotional issue in India, and not just because of it. The strain on India, the estranging forces in the nation, went beyond the strain on Pakistan because of the war against its own citizens, thousands of whom it has murdered, millions of whom it has forced into flight. Moreover, the question of whether Pakistan in its disrupted condition can spend funds efficiently, it hardly can qualify.

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sibly the most explosive and decisive struggle ever to occur in American medicine. All across the United States, in experiments proliferating so rapidly that month-old figures are outdated, doctors are training nurses to practice what was borders on medicine.

The United States is short 50,000 doctors, more by far than existing medical schools can comfortably produce. That is more time on its mind. New medical schools and their graduates. New ideas about health care are required. New arrangements for delivering health care in fifty years," says Dr. Day. "The medical industry just doesn't have anybody between the president and the typewriter.

When Dr. Day began his practice in suburban Wheat Ridge, Colorado (near Denver), colleagues warned him that the population was unskillful and wouldn't pay for a specialist. Within three years he had more business than he could handle and a memory he would never shake.

Late one day, near exhaustion, he caught himself in a harrowing clinical error. "Right thing," he thought that I ought to practice medicine when my skill was affected. It took me six months to recover. I'm capable of doing the load. How? Increase prices? People just think you're a better doctor. They keep right on coming. And it is that far that people you don't take care of them. So I put a notice in the phone book: 'By Referral Only.'

But refusing patients bothered him. He tried working with another doctor, but he is a "loner," by his own admission, and the arrangement didn't work.

In January, 1966, after ten years of refusing patients, Dr. Day attended a meeting of the board of directors of the hospital which Dr. Henry K. Silver, then president of the academy, suggested that nurses could be taught to deliver to children who were not at that time receiving any. "I thought about it for six months," Dr. Day recalls. "Then I wrote Dr. Silver asking why it couldn't be applied to private practice. Pediatricians are trained to run on a race track. They're using a three-hundred-fifty-horsepower engine, lots of fat old fifty-horsepower engine could do. Isn't it more efficient to have two engines?"

Almost immediately Miss Egli proved to Dr. Day that much of what he'd been doing for so many years could be done just as well by a "sub-doctor." Yet his psychological adjustment was nothing compared to hers.

"I wept, and he listened," she reflected several weeks ago. "My interpretation was that I wasn't needed, wanted, or contributing anything. It was a ripened patty that the patients refused to talk to. Some left for other doctors. And some of the other doctors and of reducing the quality of medicine. "I didn't like it," Miss Egli said. "Everybody was watching me." She smiled. "We're doing fine.

It was time for her to see a patient, eleven-week-old Stephanie Johnson. With the arm around her arm, she giggled. When a胶囊 was dropped on her she said, "Whoa! whoa!"

"Does she move a lot? She can't communicate with words, but she's communicating with her body. She's got a cold, you might try the gesticulation. She's a good little tummy! Try to put her on her tummy. It will help her cold. Try not to take her out anywhere.

Then Miss Egli administered an oral polo vaccine to Stephanie and realized a baby should be delivered to her.
Advocates of the new program argue that many of today's distinctions between what a doctor does and what a nurse can do are indiscernible: the decision for a 36-year-old is much the same today as it was in 1928. Between 1988 and 1986, spending for health increased from $23 billion to $54 billion. There are more services available, there are more people seeking help. There is a deeper awareness that they must be shared with those who cannot pay. Should the government pay for the care of the indigent? One reason: "The midwife, midway in a career of practice and exercise of skill, is thereby freed to lavish attention on the very areas the physician is likely to leave untouched—that is, the socalled 'nuisances'—and patients appreciate this."

At the University of Kansas, an attempt to delegate care to nurses that had previously been given by doctors produced numerous complaints at the outset. By year's end, the patients, a group of older women, had accepted the nurse as the primary source of care. They stopped complaining, kept their appointments, and called less and less on the clinic physician. They actually shifted their preference from the doctor to the nurse for services previously performed by the doctor.

If student-doctor opinion is any indication, this tendency will only be reinforced. "When we took our first patient, we did not necessarily assume that the M.D. will be the leader," a spokesman for the Student American Medical Association declares. "The M.D. is trained to be a health technician. His knowledge in other areas—sex, psychology, human relations, economics—is almost nonexistent."

"The job of the physician, is to join his specialty into the office, as well as a doctor and nurse. "We think that the leader will come out of that group naturally," the spokesman adds. "There may be the M.D., or the pharmacist, or the psychologist—or the nurse." Some medical visionaries see the day when doctors and nurses will be educated together in those courses where their functions join. Internships, they believe, should be training periods for medical teams—including nurses—not just for doctors alone. They will not put the argument that nurses will be dispensable because they will

Another two-man pediatric team reported an 8.8 percent increase in the number of children in the state's Medicaid program by a pediatric-nurse-practitioner and an increase in gross charges of $18,000.

Because the University of Colorado Medical Center program begun by Dr. Silver was the pioneer, it is also the most widely studied. Perhaps the most important study is one comparing the independent judgments of nurse-practitioners with those of doctors.

Nurses' judgments were corroborated by physicians 90 percent of the time, according to one report. There was some disagreement on 17 percent of the judgments, but the disagreement was usually insignificant. In every instance the nurse properly assessed the severity of the illness. In only two cases—less than one percent of the total—was the difference statistically significant.

After forty-eight pediatric nurse-practitioners had completed their course, Dr. Silver reported his findings to the American Academy of Pediatrics: "Pediatric nurse-practitioners can care for approximately three-fourths of children coming to a health station. They can give almost total care to well children, and can evaluate and manage a majority of the sick and injured children seen in an office setting." His recommendation: "The training of twenty nurses a year at each of one hundred pediatric centers would provide the quantity of new professional-level health care that becomes available to children each year from the total number of general practitioners and pediatricians who go into practice."

But perhaps the most impressive endorsement of all was gathered informally in the office of a medical sociologist who had done a doctor-nurse thesis on the program. At a party in Boulder one evening, Robert Hunter, an associate professor at Colorado, said to one woman who was talking to another about the benefits and satisfactions of breast-feeding her new baby. She had just returned from a one-half-hour visit at the hospital with her doctor's pediatric nurse-practitioner. "I never dared ask the doctor," the woman said. "But then he introduced himself, explained his interest—and learned, to his astonishment, that the baby was her fourth."

Stories on the cross-referencing between the supernurses and patients too awed by the doctor to confide in him are as numerous as the programs themselves. A report on a nurse-practitioner program in the University of Utah College of Nursing describes how the skepticism that greeted the project weakened the first six months of the center's operation. One reason: "The midwife, midway in a career of practice and exercise of skill, is thereby freed to lavish attention on the very areas the physician is likely to leave untouched—that is, the so-called 'nuisances'—and patients appreciate this."

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June 29, 1971

CONGRESSIONAL RECORD—SENATE
21223

Union. Arrey Neier, at 1:30 p.m. we will reconvene to hear the distinguished Senator from Texas (Mr. Bentsen); the commissioner of the city of New York, Graham S. Finney, and representatives of the American Legion, the Paralyzed Veterans of America, and the American Veterans Committee.

At last week's hearing there was general agreement among the advocates that the Federal Administration drug treatment program requires very substantial expansion; that the VA needs authority to treat all addicted veterans, regardless of the nature of their addiction; that comprehensive services should be provided with particular emphasis on vocational and educational training; and that major reliance should be placed on relationships with local treatment facilities, especially community-based programs, rather than the VA attempting to do the enormous job itself. The Administration will introduce today would accomplish many of these purposes as well as a number of other valuable aims. The principal focus of the measure is to provide the most comprehensive treatment and rehabilitation for all addicted veterans regardless of the nature of their discharges or findings of service-connection for their addiction. Right now, under present VA law and regulation, a veteran who has received an honorable discharge but was "hooked" during service, without actual or official notice being taken, would have no access to treatment care. But a veteran who made a mistake and was discovered received, until very recently with the inception of limited amnesties programs, a less than honorable discharge and usually has been, thereby, made ineligible for treatment. This sort of disparity makes no sense whatsoever.

As a Senator, at this point in my remarks, I ask unanimous consent that a section-by-section analysis of S. 2108 be printed in the Record.

For the record, the analysis was ordered to be printed in the Record as follows:

SECTION- BY-SECTION ANALYSIS OF S. 2108—
VETERANS DRUG AND ALCOHOL TREATMENT AND REHABILITATION ACT OF 1971

Section 1. Declares the title of the bill as the "Veterans Drug and Alcohol Treatment and Rehabilitation Act of 1971."

Section 2. Subsection (a). Amends the definition of "disability" under chapter 17 of title 38, United States Code, for purposes of VA drug and alcohol treatment and rehabilitation care to include "alcoholism and drug dependence" and also to include "impairment of function (including by alcohol and drug abuse)". The definition, as amended, would read: "The term 'disability' means a disease (including alcoholism and drug abuse), defect or impairment of function (including by alcohol or drug abuse)". Subsection (b). Adds a basic definition of "veteran" for purposes of eligibility for chapter 17 hospital, domiciliary and medical care to include "veterans with undesirable or bad conduct discharges or general discharges, eligible for VA care under chapter 17 and also would make eligible for this care a veteran with a dishonorable discharge, or with an undesirable or bad conduct discharge which falls within one of the bars to benefit categories set forth in section 3101(b) of title 38—those discharged by court-martial, those discharging themselves, those who fail to obey a lawful order; for desertion; or on resignation from officer status—which discharges are not the product of any disability incurred during service.

Subsections (e), (d) and (c). Present amendments to clauses (6), (7), and (8) by subsection (a) of the bill to include the following: "rehabilitative services";

...(b) The term 'rehabilitative services' includes such services as professional counseling, educational and vocational guidance, education, training and job referral and placement and such other intensive, skilled services applied, on an in-patient or out-patient basis, over a protracted period as may be necessary to assist the individual disabled veteran to achieve maximum utiliza­tion of his potential and to return, as soon as (and as completely rehabilitated as practicable) to his or her family and community as a productive and self-sustaining member of society.

Section 3. Subsection (e). Amends section 3103(a) of title 38, as follows: "The term 'rehabilitative services' includes such services as professional counseling, educational and vocational guidance, education, training and job referral and placement and such other intensive, skilled services applied, on an in-patient or out-patient basis, over a protracted period as may be necessary to assist the individual disabled veteran to achieve maximum utilization of his potential and to return, as soon as (and as completely rehabilitated as practicable) to his or her family and community as a productive and self-sustaining member of society.

Section 4. Subsection (a). Inserts a new section 612A in chapter 17 of title 38 for treatment and rehabilitation under the new section and, for enrollment for additional services of title 31, the Veterans Affairs, for treatment and rehabilitation under the new section. It also authorizes the Administrator to do so without regard to the classification laws and regulations of the Civil Service, which often impede obtaining the services of former addicts who may have criminal records, less than honorable discharges, or generally not inclined toward success on written Civil Service tests.

Subsection (c) of the new section. Establishes an entitlement to the full benefits of the vocational rehabilitation program under chapters 31 and 36, title 38, for treatment and rehabilitation under the new section but only for so long as the veteran remains eligible for treatment and rehabilitation and for up to one year after he is discharged from the rehabilitation program as recovered.

Under the vocational rehabilitation program in chapter 31, the Veterans Administration provides comprehensive educational and vocational guidance, medical services, and (as completely rehabilitated as practicable) to his or her family and community as a productive and self-sustaining member of society.

Through the vocational rehabilitation program the addict veteran receiving treatment and rehabilitation under the new section 612A would also receive for a maximum of 36 months all necessary counseling, training and vocational guidance as required during the period of treatment and rehabilitation and for up to one year after he is discharged from the rehabilitation program as recovered. Participation in the program under the new section would not affect other rights and interests of the veteran under title 38.

Subsection (d) of the new section. Directs that a veteran with less than an honorable discharge who has received treatment and rehabilitation under the new section and, who the Administrator finds, has been successful recovered for at least one year after his discharge from the rehabilitation program will be deemed as a matter of law to have been 'discharged' from the Armed Forces under honorable conditions for purposes of establishing eligibility for all title 38 Veterans Administration benefits.

Subsection (e) of the new section. Requires the Administrator to offer alternative modalities of treatment under the new section to veterans who are dependent on their individual needs.

Subsection (f) of the new section. Requires that funds for the VA treatment and rehabilitation program be appropriated for drug dependence, alcoholism, and other addictive disabilities.

Subsection (g) of the new section. Provides for subject to reimbursement to the VA for the cost of treatment for alcoholism, drug addiction, or dependence, or drug abuse disabilites be set forth in a item line in the VA budget earmarked for those purposes.
the Administrator and the Service Secretaries.

Subsection (h) of the new section requires the Administrator to make periodic progress reports to the appropriate Secretary when the veteran refuses to cooperate or treatment would otherwise be of no further benefit.

Subsection (b). Amends the table of sections in chapter 17 to add the catch line of the new section 612A.

Section 2. Amends section 1502(a) in chapter 31 of title 38, "Vocational Rehabilitation," to cross reference the eligibility of veterans with treatment and rehabilitation under the new section 612A in chapter 17 of title 38.

COVERAGE OF TREATMENT FOR ALCOHOLISM AND ALCOHOL ABUSE

Mr. CRANSTON. Mr. President, under Sec. 2108, I have included treatment and rehabilitation for alcoholism and alcohol abuse, as well as treatment and rehabilitation for drug addiction and abuse, for all veterans.

First, according to data I have gathered from visits to individual VA hospitals, alcohol abuse, although far less publicized than drug abuse, is a significant problem for returning servicemen.

Second, alcoholism continues to be the most prevalent, largely untreated disease in this country. According to Senator Hughes' estimates, alcohol affects some 9 to 12 million Americans, touches the lives of about four times that number through family relationships, and is responsible for more than 25,000 highway deaths a year. Yet, despite Senator Hughes's yeoman efforts in securing enactment last Congress of the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act—Public Law 81-616—authorizing appropriation of $300 million over the next 3 years, the administration requested no funds to implement this act in the current fiscal year 1971, or in the coming fiscal year 1972. Thus, we are doing what must be done to wage the war against alcoholism in our land. I believe that the Veterans' Administration can be instrumental in leading the way to the kind of massive effort that is needed.

Third, alcoholism has always been a special responsibility of the Veterans' Administration. The VA estimates that some 5 to 10 percent of all patients suffer from alcohol-related disabilities, and alcohol-related disorders treated in VA hospitals doubled between 1965 and 1969. The VA has been a pioneer in alcohol treatment and rehabilitation, albeit on too modest a scale. As Senator Hughes' hearings have demonstrated, alcoholism traditionally has been especially prevalent in the military and the VA is in a unique position to influence the American toward alcoholism have been medieval.

Only recently have the services reluctantly acknowledged that alcoholism is induce a disease and alcoholic veterans are entitled to treatment.

With proper funding the VA is probably the best equipped single medical entity in our Nation to make a massive assault on the pervasive disease of alcoholism. Under this bill, treatment and rehabilitation for veterans suffering from that disease would be required in VA facilities or through contracts with other public facilities or private programs.

INCLUSION OF COMPREHENSIVE VOCATIONAL REHABILITATION

Another major feature of the bill is that a comprehensive vocational rehabilitation program, under chapter 31 of title 38 of the United States Code, is required to provide the addict's treatment and rehabilitation. All competent authorities agree that successful rehabilitation must include a full program of vocational and educational counseling, training and education, job or education placement, and some provision for the addict's subsistence while undergoing treatment and rehabilitation. All this would be carried out as part of the vocational rehabilitation program for addicts, as described in detail in the section-by-section analysis I have already inserted into the Record. If the veteran refuses treatment or returned to drugs after discharge from the program, he would lose his eligibility for chapter 31 benefits.

As a corollary of this provision, the bill also provides, so long as the veteran is charged with less than an honorable discharge who is discharged from a rehabilitation program as recovered and who continues to be "clean" of drugs or alcohol abuse for a year thereafter will be deemed, as a matter of law, to have been honorably discharged from the service for the purpose of eligibility for all VA benefits.

COMMUNITY-BASED TREATMENT PROGRAMS

In terms of the type of treatment, Sec. 2108 emphasizes a comprehensive program offering multiple treatment modalities. It also stresses the VA contracting with community-based programs, like the aquarian effort—using former addict counselors. The administration, for example, is authorized to hire former addict veterans as counselors without regard to the civil service classification laws or regulations.

ALTERNATIVE TREATMENT CHOICE FOR THE VETERAN

The bill requires that the Administrator offer each individual veteran alternative treatment modalities depending on his particular needs. This would preclude automatically placing every veteran in, for example, methadone maintenance programs. I think it is terribly important to remember in this connection that the Federal Government's policy still considers methadone maintenance to be experimental and that since most addicts vice versa. It would be a tragedy to perpetuate drug addiction by failing to offer these veteran addicts through a maintenance program without an individual medical judgment that a full recovery is not possible for a particular veteran.

The bill also requires that the President's annual budget include a separate line item for the treatment and rehabilitation program for alcoholism, drug dependency, and alcohol or drug abuse disabilities to be carried out under the new program in the bill. It has been my observation that without such itemization in the budget a particular program will run out of serious risk of being drained of funds in order to meet emergency patient care needs—which should, of course, be fully funded, but too often have not been, in the first place. An excellent example of this tendency within the VA is the health personnel education and training program—for which I will propose a similar budget itemization in another bill to be introduced this week.

I also wish to urge the Administrators of Veterans' Affairs to fill one of the three vacant positions of Assistant Chief Medical Director—ACMD—in the VA Department of Medicine and Surgery as an ACMD for drug and alcohol treatment and rehabilitation programs.

Mr. President, there are several provisions in the bill that do not relate solely to drug addiction or alcoholism that I wish to discuss.

NEW ELIGIBILITY FOR VA MEDICAL CARE

The bill adds a new basic veterans eligibility provision for VA hospital, domiciliary and medical care. Under the new standard, generally every veteran except one with a dishonorable discharge—imposed only by court-martial—would be eligible for full VA medical care services—including outpatient care. Even as to dishonorable discharges, the bill proposes to permit medical care eligibility if the administration determines that the dishonorable discharge—or certain undesirable or bad conduct discharges—was the product of a disability incurred in service: for example, soldiers who violated psychiatric condition leading to kleptomania.

Present law in title 38 of the United States Code—through the language "discharged or released—under conditions other than dishonorable" (Sec. 101 (2))—limits veterans benefits to those who received either honorable or general discharges. As to veterans with undesirable or bad conduct discharges, the Veterans' Administration, Labor Department, or other agency administering the benefit is presently empowered to make an adjudication that the conditions surrounding the discharge were not "dishonorable" and thereby grant eligibility for VA benefits—VA manual, chapter 14.

However, in the case of discharges involving alcoholism or drug abuse, or reenlistment in the W.O.D.'s, the funds are held in determination of illegibility. In any event, even if a favorable determination results, it comes many, many months after the need for care arises.

The VA is a significant portion of such delays in adjudication are due to incredible slowness on the part of the agencies in producing military medical records needed for VA adjudication process. But, regardless of whose fault these delays are, my point is that the delays themselves often render the adjudication process oppressive.
Under the standard proposed in the bill, the only cases that would still require adjudication would be certain dishonorable discharges where a "product" relationship were alleged—would be undesirable or bad conduct discharge cases where there was a suggestion of application of the law or to those who had absolute due to benefits set forth in section 3103(a) of title 38, United States Code, which S. 2108 does not propose to change—necessarily borne discharged as conscientious objectors; for refusing to obey a lawful order; for desertion; or on resignation from officer status.

I am proposing this departure from precedent because I have long believed present structures are unenlightened, inhumane, and counterproductive for society, particularly in denying wounded veterans care for their service-incurred disabilities because of some deficiency in their discharge. Second, as I have already noted, the adjudication process is often excessively protected and burdensome for both the veteran and the VA. Third, given the modifications almost everyone—the President in his June 17 omnibus drug control message, Chairman Taussig of the House Veterans Affairs Committee in H. Rpt. No. 239, and in H. Rpt. No. 391, introduced on June 18, and leaders of veterans organizations—seem to feel are necessary in eligibility requirements in order to provide VA drug addiction treatment for veterans regardless of the nature of their discharge, I am unable to find any moral or logical basis for distinguishing between the case of a veteran with a minor dishonorable discharge and an amputated leg needing VA treatment, on the one hand, and another veteran with the same type of discharge and drug addiction, on the other.

Both classes of veterans need help—medical care for their disabilities and assistance in readjusting to civilian life. The Nation, as well as they, will benefit greatly by offering them medical services which will become, in the future, a productive, tax-paying, self-respecting citizen.

DEFINITION OF REHABILITATIVE SERVICES

In another provision, a basic definition of "rehabilitative services" is included in chapter 17. This definition would apply to all veterans receiving chapter 17 care, as well as those under the new section 612A. It is almost incredible that there is no definition, let alone any mention, of rehabilitative services, in all of chapter 17 at present.

TREATMENT FOR NEUROSIS AND PERSONALITY DISORDERS

Finally, the bill would amend the presumptive period for service connection for certain psychiatric disabilities now applying only to active psychosis arising within 3 years of service discharge because he engaged in criminal activity to support his habit during service. And it is equally unacceptable to have to twist and stretch the statutory eligibility requirements in order to bootleg out-patient care when that is appropriate or to hospitalize men not needing hospital care.

The Congress must marshal the necessary resources and energy to confront this problem head-on with compassion, firmness, conviction and the sense of urgency that its enormous dimensions demand.

In his June 17, 1971, omnibus drug control message, the President partially met the need for drug addiction funding I outlined on June 15. Of the $185 million he requested for VA treatment, he called for "$14 million to permit immediate initial initiation of this program to make the facilities of the Veterans' Administration available to all former servicemen in need of drug rehabilitation, regardless of
the nature of their discharges from serv-

ice. This money would be used to assist in the immediate development and re-
placement of VA rehabilitation centers

which will permit both inpatient and

outpatient care of addicts in a commu-

nity setting.

If this $14 million is spent to staff

clinics at desirable levels, only about half

of the 60 clinics I believe we need opera-
tional in fiscal year 1972 would be opened.

We also add to the $14 million needed

drug dependence treatment centers

with a bed capacity for alcoholism of about

3,000 beds treating 24,000 patients—about
double the present VA capacity.

I plan to testify in detail on the need

for expansion of VA treatment services.

Mr. President, I plan to expedite con-
siderations of this funding from the

Appropriations Committee's Health and Hospitals

Subcommittee and to question the adminis-

tration witnesses as to its general

provisions at our joint hearings on June

12.

Mr. President, I ask unanimous consent

that, for the convenience of Senators, the
text of S. 2103 be printed in the Racoos.

There being no objection, the bill was

ordered to be printed in the Raccoos, as

follows:

S. 2103

Be it enacted by the Senate and House

of Representatives of the United States of

America in Congress assembled, That this

Act may be cited as the "Veterans Drug and Alco-

hol Treatment and Rehabilitation Act of 1971".

Sec. 2. (a) Section 601 (1) of title 38, United States Code, is amended by inserting (including alcoholism and drug depen-
dence) immediately after "disease", and by

inserting a comma and "or impairment caused by

alcohol or drug abuse" immediately after

defective.

(b) Section 601 (1) of such title is further

amended by redesignating paragraphs (2)

through (7) as paragraphs (3) through (8),

respectively, and by inserting after para-

graph (1) of such section a new paragraph

(2) as follows:

"(2) The term 'veteran' means (except as

otherwise provided in section 612A of this

title) a person who served in the active mil-
tary, naval, or air service, and who was dis-
charged or released therefrom with an other

than honorable discharge or with any dis-

charge (notwithstanding the provisions of

section 3101 (a) of which title) which the ad-

ministrator, after notice and opportunity for

a hearing, determines in accordance with

such standards prescribed by the Secretary

of Defense, is the product of a disability incurred in such

service.".

Sec. 601 (6) of such title (as redesign-

ated by subsection (b) of this section) is

amended by inserting "and rehabilitative

services" immediately after "medical services".

Sec. 601 (7) of such title (as redesign-

ated by subsection (b) of this section) is

amended by striking out "and treatment" and

inserting in lieu thereof a comma and the

following: "treatment, and rehabilitative

services".

Sec. 601 (11) of such title (as redesign-

ated by subsection (b) of this section) is

amended by inserting (including alcoholism and

drug dependence) immediately after "disease", and by

inserting a comma and "or impairment caused by

alcohol or drug abuse" immediately after

defective.

Sec. 602 of title 38, United States Code, is amended by-

(1) striking out "captive phychosis" and

inserting in lieu thereof "psychosis, neu-

ronosis, or personality or character disorder", and

(2) striking out "two years" both times it

appears in the title.

(b) The catch line of section 602 of such title is amended to read as follows:

"602. Presumption relating to certain disa-

bilities."

(c) The table of sections at the beginning of chapter 17 of such title is amended by striking out

"602. Presumption relating to psychosis.", and inserting in lieu thereof

"602. Presumption relating to certain disa-

bilities."

Sec. 604 (a) Chapter 17 of title 38, United States Code, is amended by adding immedi-

ately after section 612 the following new section:

"612A. Special medical treatment and re-

habilitative services for alcoholism,

drug dependence, and alcohol

and drug abuse disabilities

(a) Notwithstanding any other provision

of this title, and regardless of the nature of a

veteran's discharge or release from active

military, naval, or air service, the Adminis-

trator shall furnish such special medical

treatment and rehabilitative services to

such hospital and domiciliary care (herein-

after in this section collectively referred to as "treatment") as he finds to be reasonably necessary for an alco-

holism, drug dependence, or alcohol or drug

abuse disability of any veteran. Such treat-

ment and rehabilitative services shall (1) include medical examination, diagnosis, and
classification of disability, all appropriate
short-term services for the acute effects of the

disability, alcohol and drug withdrawal

treatment, group therapy, individual coun-

celling (including appropriate referrals for

legal assistance), vocational and educational

guidance, and crises intervention, and (2) be

provided in hospital, domiciliary, outpatient,

and inpatient services (as applicable) at all

front facilities located in areas where large

numbers of veterans eligible for care and

services, and residing in such areas, to which

the Administrator has direct and exclusive

jurisdiction and in other Government or pub-

lic or private facilities to which the Admin-

istrator contracts. In contracting for treat-

ment and rehabilitative services in non-Vet-

erans' Administration facilities, the Adminis-

trator shall, wherever feasible, give pre-

eminence to community-based multiple modality

treatment and rehabilitation programs uti-

lizing former addict counselors and stream-

ing out reach efforts to identify and counsel vet-

erans eligible for treatment and rehabilita-

tive services.

(b) The Administrator shall utilize all

available resources of the Veterans' Admin-

istrator and seek out the VA facilities to

ward treatment and rehabilitation all va-

erans eligible for treatment and rehabilita-

tive services under this section. The Adminis-

trator shall, in the exercise of the discretion

expressed in the preceding sentence and to provide coun-

selors for the treatment and rehabilitation programs, the Administrator is authorized to contract with the state or

local government to provide treatment and rehabilitative services to any veteran without regard to those pro-

visions of chapter 51 and section 1712 of title 38 of the Code, which is otherwise applicable, or the pay-

ing of the fee in such amount as the Adminis-

trator may determine to be reasonable and competitive service, to pay such persons without

regard to the provisions of chapter 51 and sec-

tion 1712 of title 38 of the Code, which is

otherwise applicable, or the paying of the

fee in such amount as the Administrator

may determine to be reasonable. The Adminis-

trator shall, prior to making such contracts

or authorizations, report to the Congress,

including the Committees on Appropriations and

Veterans' Affairs, on the nature and extent

of such contracts or authorizations, and the

cost to the Government of the services so

contracted for or provided.

(c) Any veteran accepting treatment and

rehabilitative services under this section shall, for as long as he continues to receive

such services, and for up to one year after his discharge from the treat-

ment and rehabilitation program as recovered, be entitled, without regard to any other

rights or interests under this title, to all the

care, treatment, and industrial rehabilitation benefits provided in the Veterans' Administra-

tion Act, as amended by Public Law 92-118.

(d) If the Administrator finds that any

veteran who was discharged under conditions

other than honorable has received treatment

and rehabilitative services under this section,

has successfully completed the treatment

and rehabilitation program prescribed by the Administrator, and subject to the provi-

sions of chapter 51 and section 1712 of title 38 of the Code, which is otherwise applicable, such veteran shall be deemed to have been discharged under honorable conditions for the purpose of eligibility for any benefits under

this title.

(e) In providing treatment and rehabili-

tative services under this section to any

veteran accepting treatment and rehabilita-

tive services under this section, the

Secretary of the military department con-

cerned to have an alcoholism, drug depend-

ence, or alcohol or drug abuse condition, may, pursuant to such terms as may be mutually agreeable to the Secretary concerned and the Administrator, and subject to the provisions of the Act of March 4, 1915, as amended (31 U.S.C. 696), be transferred to any Veterans' Administration facility and provided treat-

ment and rehabilitative services under this

section.

(f) For the fiscal year ending June 30,

1972, and for each fiscal year thereafter, there shall be included in the budget required to be trans-

mitted to Congress under chapter 51 of the

Budget and Accounting Act, 1921 (31 U.S.C. 11), a separate line item showing the estimated treatment and rehabilitative costs under this section.

(g) Any member of the active military,

naval, or air service who is determined by

the Secretary of the military department con-

cerned to have an alcoholism, drug depend-

ence, or alcohol or drug abuse condition, may,

pursuant to such terms as may be mutually agreeable to the Secretary concerned and the

Administrator, and subject to the provisions

of the Act of March 4, 1915, as amended (31

U.S.C. 696), be transferred to any Veterans' Administration facility and provided treat-

ment and rehabilitative services under this

section.

(h) The Administrator shall from time
to time make a report to the Congress con-

cerned as to the progress of the treatment of any member transferred to him pursuant to this section. The Administrator shall release such member to the Secretary concerned when his alcohol or drug abuse condition is such that the member will not be provided with any further benefit to the member.

(i) The table of sections at the begin-

ning of chapter 17 of title 38, United States Code, is amended by adding

"8021. Drug and alcohol treatment and rehabilitative services for alcoholism, drug dependence, and alcohol and drug abuse disabilities."
"612A. Special medical treatment and rehabilitative services for alcoholism, drug dependence, or drug abuse disabilities"

immediately after "612. Eligibility for medical treatment."

Sec. 6. Section 1609(a) of title 20, United States Code, is amended by adding at the end thereof a subsection as follows:

(e) Every veteran who is in need of vocational rehabilitation and who is reasonably expected to be gainfully employed if provided with the services and facilities necessary to secure employment, shall be entitled to such services and facilities as will provide the degree of vocational rehabilitation for which he is receiving treatment under section 1611 of this title.

S. 2093, which places in the cities by farmers' sons and recent high school and college graduates become strong candidates for city jobs. Many employers say that "kids from the sticks" are too old to drive or they cannot afford a car, there is not even a way for them to get to the nearest city.

Population does not necessarily mean decreasing prosperity. Nebraska farm families who have given up farm life have steadied in real per capita income in 91 of its 93 counties even though 67 of them were losing people. It is the old people who remain after all, who can afford to stay on the farm. In 15 years the size of the average Nebraska farm has jumped from 474 to 659 acres.

While people in urban areas search for a more bucolic life farther and farther from the cities, turning what used to be crop and grazing lands into new suburbs, they are replaced in the cities by farmers' sons and daughters and sometimes even by the farmer himself who quits farming. The migration out of the country, which was started by the 1920 census, seemed in 1930 to be continuing in the 1940 census. Now, With Mr. McGOVERN. Mr. President, Life magazine and others I applaud Life magazine and others who have focused attention on the problems of rural America and our farmers. I believe that now is the time for action.

Last week, I introduced a bill, S. 2093, which would protect producers' incomes when the market prices for farm stocks of feed grains. This bill does not do all I would like, since it is handicapped by the administration's disastrous low-price, high-volume policy. However, I think the time is right for this kind of legislation which will improve what is, at best, a bad farm program.

I also invite the attention of this body to the article in the June 25 Life magazine and others who have focused attention on the problems of rural America and our farmers: I believe that now is the time for action.

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Harry Kannegister, who manages two branches of the Citizens State Bank, has cut his taxes from $140 last year to $100 this year. Everything else that once made Vienna's population official down to 119 from 191 in 1950. But after six funerals this spring alone, the actual number has dropped to 50, who are left, the average age is over 65.
farming himself. Buying his own land was out of the question—prices had already hit $700 an acre. But with a few good years as a tenant he hoped to be able to buy a quarter section. In the meantime he would live in a bomb shelter and turn over one third of each harvest to his landlord.

The dream of owning his own farm was a long time coming for Elwood Jorgensen. For 21 years he plowed and planted and harvested. Two sons and a daughter were his only offspring. As the years went by, to be good money-making harvests were wiped out by ten-minute hallstorm late in the growing season. So, he turned to work his land with new and better machines—tractors, plows, combines—furnished by the federal government. With the help of the loans offered by the bank, nearly $15,000, with land at a premium, there was no answer.

Then, one day, doctors discovered that Jorgensen's wife Evelyn had cancer. Five years later, after five expensive operations, she died. A farm is no place for a man alone. Jorgensen had few friends, his wife had school together, and her husband had died in an auto accident a year before Evelyn. Therefore, he built a new home and suddenly Jorgensen found himself able to look beyond the farm and Vienna. In his last year of school, he had earned a net income of less than $2,000. In 21 years he had never had to pay income tax because he was a farmer. The next year, however, the landlord complained, after the 1970 harvest, that his share of the crops was too small. Jorgensen made the hard decision of his life—to quit. He would stay through the winter, but then he would post his auction notices, sell out what he had to the highest bidders (next page) and set out to try something new, with whatever was left after paying off the bank.

Then, all their possessions reduced to what they could carry in a half dozen trips from their front porch to the pickup truck, Elwood Jorgensen and his daughter, named Buffy squeezed into the cab of the pickup and left the last Jorgensen place.

A DUST STORM BLEW UP JUST IN TIME TO COST THEM $1,000.

Auction day dawned bright and dry, a bad sign in farm territory where there had been no rain all spring. The bidding started first on the Jorgensen's furniture. In all, they hoped to get $18,000—enough to pay off a $14,860 farm loan and have money left to put down on a nearby cafe and filling station where they could also live. The hired auctioneers Ole Hall coaxed the bids up by using his elbows. But the lack of rain had local farmers worried about a dry year and the bids stayed low.

As the auction moved into a pasture where Jorgensen had stored his equipment, a hard wind from the north brought a dust storm. He insisted this cost him at least $3,000 in profit on this part alone. By the time the auction reached the stock pens, Jorgensen had given up hopes for the cafe and filling station. As he swept the bank and turned the money, but after paying the auctioneers, the Jorgensens had only $500 left to start a new life.

TIME TO FORGET THINGS THAT WERE LOVED

While Elwood and Buffy take a last walk round the north quarter, Carolyn, beside the crib she slept in as a baby, stares at reflections in a coffin that soon goes goodbye to her home.

THE CRISIS IN RURAL HEALTH CARE IN AMERICA

Mr. BAYH. Mr. President, there is a massive health care crisis in this country. Nowhere is this crisis more acute than in rural America. More than half of the doctors available to rural Americans is often no better than that available to citizens of the least developed nations of the world. And for too many rural Americans—even those with serious—and already health care simply does not exist at all.

The lack of decent health care for rural Americans is a shameful fact of life in this affluent Nation of ours. And the already deficient state of our rural health care system is deteriorating at a dangerous rate.

The problem stems primarily from this country's intense misdistribution of medical resources. Simply put, this means that the average rural citizen has less access to health care, doctors, dentists, nurses, hospital beds, and other vital health resources as compared with the average citizen living anywhere else. This lack of access to health care personnel and facilities means that large numbers of rural Americans do not get the kind of primary care which is essential for the maintenance of good health and the prevention of illness. It means that rural health resources cannot deal fully with serious illnesses when they do occur. And it means that emergency health services—literally a matter of life and death—are largely unavailable in rural areas.

Not only is there a serious shortage of medical care available for rural people, but rural physicians serve far wider areas than their urban counterparts. This means that for many rural people, going to the doctor means a substantial amount of travelling, taking up valuable time and involving extra expenses. For the aged, and the poor, and travelers and travellers is a problem without convenient public transportation, this can be a real barrier to regular medical attention.

This problem of distance is even more important when serious illnesses are involved. Patients who are critically ill must often be transported many miles to larger towns and cities to receive proper care, because rural general practitioners and small, rural hospitals simply cannot deal with many serious health problems.

The shortage of medical resources, and the distance people must travel to obtain medical care have their most serious effect on situations requiring emergency treatment. Mr. President, farming is not an accident-free occupation. Rural areas suffer the highest rate of work-related injuries in the Nation. More than three-quarters of a million farm people are disabled every year; the accident rate for farming is higher than for any other occupation save mining and heavy construction.

And the fact is that many of these deaths could have been avoided, if there were adequate emergency health services available to them. The availability of health services vary widely from state to state, and often they are not readily available in rural areas. Rural Americans suffer as well from this crisis. They suffer from a lack of decent health care for rural America. Our rural health care system is deteriorating at a dangerous rate.

Rural areas suffer as well from this country's intense misdistribution of medical resources. Simply put, this means that the average rural citizen has less access to health care, doctors, dentists, nurses, hospital beds, and other vital health resources as compared with the average citizen living anywhere else. This lack of access to health care personnel and facilities means that large numbers of rural Americans do not get the kind of primary care which is essential for the maintenance of good health and the prevention of illness. It means that rural health resources cannot deal fully with serious illnesses when they do occur. And it means that emergency health services—literally a matter of life and death—are largely unavailable in rural areas.

For the rural poor, the situation can only be described as desperate. For too many poor people, in rural areas, medical care, because it is too costly, and because it is often not readily available, is viewed as luxury. In rural areas, our rural health care system, Mr. President, is becoming, unfortunately, less and less able to provide for the needs of the aging rural citizen, deny­ning them the health care they deserve, to live out their lives without constant fear of illness for which treatment is not available.

THE PHYSICIAN SHORTAGE

The key to the rural health care crisis is the physician shortage. The number of physicians in rural America is falling steadily in relation to the rural population. Small towns all across the Nation are having an extremely difficult time recruiting new physicians, and the rural general practitioner, long the backbone of rural health care, is a vanishing breed. A high proportion of these dedicated physicians are over 50 years old, and they are not being replaced in any­where near adequate numbers; less than 5 percent of medical school graduates in recent years enter general practice, and most of these establish their practices in urban areas.

The fact that for generations primary responsibility for the health care of rural America rested upon the shoulders of the country doctor has had serious effects on the quality of care now available for people who live in small towns and on the farm.

Mr. President, there can never be a substitute for the kind of care provided by thousands of country doctors. Those of us who grew up in the farm country know well the dedication and de­termination of those doctors and nurses and at all hours—from birth to final illness—they treated generations of
Americans in a personal manner too rarely found among today's practitioners. They were a family's friend as well as a family's physician. And not a few of these wonderful men took home a few chickens, or half a hog, or a few bushels of corn from families who just did not have any other means to pay the fee.

Replacing the best of the nonprofit physician shortage, and the special scarcity of physicians in rural areas, the country doctor is overworked, overextended, and because of the great demands of his practice, he too frequently faces with the unprecedented advances constantly being made in the medical sciences.

Additionally, the rural general practitioner, because he is often the only primary care being offered is not high enough. The sad conclusion must be, Mr. President, that rural America's great need for quality health care is simply not being met.

HEALTH SECURITY

Mr. President, this is the year in which literally dozens of bills dealing with the Nation's health care problems have been introduced in Congress. There is a heightened awareness of the massive health care problems facing this Nation. And there is a greater sense of resolve to do something about them.

To my mind there can be no more important step toward providing quality medical care to all Americans than the passage of the National Health Security Act of 1971, S. 3, which I am proud to cosponsor. This act is one of the most important pieces of legislation ever to be introduced into the Congress, and great credit must be given Senator Edward Kennedy, who introduced the bill in the Senate, Representative Edward Giffiths, who sponsored the bill in the House of Representatives. Their leadership has been invaluable in the fight to provide comprehensive national health insurance for all Americans. This act will provide for the first time a national, organized approach to the delivery of health care for all Americans. Enactment of health security will provide complete coverage of all health care expenses for all the people of this country, rich and poor alike, whether they live in the cities, in small towns, or on the farm.

This is an especially crucial piece of legislation for those who live in rural areas. While we know that the cost of living is lower outside of urban areas, and that farm families are significantly less expensive in rural areas—medical costs, the fastest rising item on the Consumer Price Index, are rising as fast as they are anywhere, if not faster.

The employer-provided health insurance that covers millions of working Americans does not cover most agricultural workers, and self-employed farmers and craftspeople. Those who work in factories and industrial plants—often young people trying to support a family—the coverage is often inadequate.

In today's depressed economy, where layoffs are frequent and of long duration, these rural industrial workers are often left with no coverage whatever.

Health security would insure that no matter what the employment picture, and no matter what a person's resources are, his full health care needs would be covered. For people living in rural areas where incomes are generally lower, this act of wide application.

Mr. President, the Health Security Act will insure that all Americans will be afforded quality health care—as is their right—without regard to their financial ability. It is now up to the Congress to move rapidly toward this worthy goal by passing this historic legislation.

PROPOSALS FOR IMPROVING RURAL HEALTH CARE

What we need now is comprehensive planning for the effective delivery of quality health care to rural Americans. And we need complete implementation of the best methods suggested to achieve that goal.

The problem of rural health care must be dealt with on two fronts. The first is the manpower shortage. The second is the present inadequacy of methods of delivering health care to the rural population.

With regard to manpower, we must dramatically increase the numbers of doctors, nurses, technicians, therapists, and other allied health care personnel. We must increase our support of medical and nursing schools and other institutions training health care personnel. We need to encourage greater utilization of paramedical personnel, and encourage the more than 30,000 military personnel who are discharged each year to put their valuable training to use in careers in civilian health care. And we must provide genuine incentives and encouragement for health personnel at all levels to settle and practice in rural areas.

Of course, the special health manpower needs of rural America can only be met as part of a solution to the health manpower needs of the Nation as a whole. This country faces a dangerous shortage of health personnel. It is imperative that we find ways to increase the output of medical schools, nursing schools, and other institutions which train health professionals. It is a matter of serious concern that, in the midst of this manpower crisis, medical schools all over the country are actually facing bankruptcy, nursing schools are cutting back on the number of students they can accept, and students in the health professions find it difficult to secure financial aid to pursue their studies.

The sad fact is that the Nixon administration, while expressing concern over the health care crisis, continues to cut back on funds for medical research and for assistance to medical and nursing schools. If the health manpower shortage is to be alleviated—and it must be alleviated—the administration must do more than just talk about it.

We need to encourage greater utilization of paramedical personnel, and encourage the more than 30,000 military personnel who are discharged each year to put their valuable training to use in careers in civilian health care. And we must provide genuine incentives and encouragement for health personnel at all levels to settle and practice in rural areas.

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Medical transportation capabilities must be developed which can serve the special needs of the rural situation.

Some rural health care delivery experiments provide mini-bus services, and some are experimenting with developed ambulances and highly trained crews. Some of the more ambitious models envision the use of helicopter evacuation for emergency cases, utilizing the sophisticated techniques learned by the Medical Corps in Vietnam. In rural areas, where great distances must be traveled to reach medical care, swift and comprehensive transportation facilities must be available or the value of the medical service will be substantially diminished.

**OUR GOALS AS A NATION**

Mr. President, I have tried briefly to outline here the serious health care needs of rural Americans. And I have tried to indicate what I feel we can and should do toward meeting those needs. I believe that we must be guided by two firm principles when we deal with the health care problem. Missions learned by the American people and Congress have been to provide the health care they need, regardless of where they live, regardless of their age, regardless of their color, and regardless of their ability to pay. Second, the quality of health care which we provide must be the highest possible. And the quality should not diminish for those who live outside of our cities, or in the South, or who are poor.

I realize that these goals will be difficult to achieve. I realize that we will not achieve them overnight. But we have the means, and we have the energy, and we have the capacity as a nation to begin to provide the kind of health care for all our citizens that we would hope for ourselves. I do not believe there is any higher priority for this Nation—nor for our kids—and for the sake of our children—in this decade than providing for rural Americans—for all Americans—the kind of health care that we know the American health professionals can deliver.

**U.S. POLICY TOWARD PAKISTAN**

Mr. KENNEDY. Mr. President, the American people and Congress have been misled again—this time on the question of U.S. policy toward Pakistan.

Since very early in April, I have been assured repeatedly—in private conversations and official correspondence—that our Government was not supplying arms to Pakistan. I know that other Senators have had similar assurances. In a letter to Senator McGurn, for example, the State Department said:

> Since we placed an overall embargo on military assistance to Pakistan in 1965, we have supplied no lethal end-items of military equipment. Last October, we announced a one-time exception to sell to Pakistan a limited quantity of lethal arms. Nothing has been delivered following this decision nor is anything in the pipeline under this decision. Technical talks on this subject have not been held during the past 6 weeks. The matter is being kept under review.

In addition, we have a modest program of cash grants to Pakistan. Pakistan has purchased lethal military end-items as well as some spare parts and ammunition. We have been informed by the Department of Defense that none of these items have been provided to the Pakistan Government or its agencies since the outbreak of fighting in East Pakistan March 25-26, and nothing is presently scheduled.

Mr. President, I have tried to indicate what I feel we can and should do toward meeting those needs. I believe that all involve well-equipped ambulances and highly trained crews. Some of the more ambitious models envision the use of chopper evacuation for emergency cases, utilizing the sophisticated techniques learned by the Medical Corps in Vietnam. In rural areas, where great distances must be traveled to reach medical care, swift and comprehensive transportation facilities must be available or the value of the medical service will be substantially diminished.

Mr. President, the terrible drought which has struck the northwestern section of the United States for the last year or so has caused sizable...
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leaves to many ranchers and farmers and has seriously affected the economy of the whole area. The magnitude and severity of this tragic catastrophe would appear to justify in all respects a declaration of major disaster by the President of the United States to the seven counties of these afflicted counties—the full benefits of the 1970 Disaster Relief Act.

In many respects the situation is becoming to resemble the terrible Dust Bowl conditions of the 1930's. Short of rainfall has caused wheat and cotton lands to burn up, pasture lands to be almost completely nonproductive, and cattle and other livestock to become weak and emaciated or in many cases to die. Ranchers have been forced to purchase and bring in feed from long distances at high cost. Herds have been sold off in large quantities at losing prices. Wheat, cotton, and other crops are being harvested with a fraction of former yields. At the same time the costs of those remaining production have continued to spiral upward with no relief in sight. Many farmers have been forced out of business or are on the edge of bankruptcy.

These dire circumstances require that the National Government should do everything possible to help alleviate the economic and personal consequences of the drought. The President has sought ways to minimize financial losses and hardships which always follow in the wake of catastrophic acts of nature. My experience gained as the chief spokesman for the Agriculture Department in the Administration and my understanding of the situation allows me to say that the President has acted in good faith. It is clear that the intent of Congress in the Disaster Relief Act of 1970 was to provide assistance for many different kinds of major disasters, including droughts. No distinction was made between the numerous types of catastrophes listed by the act which would be eligible for aid under the law. Section 102 of the act specifically states that a disaster includes "any hurricane, tornado, storm, flood, high water, wind-driven water, tidal wave, earthquake, drought, fire, or other catastrophe in any part of the United States, which, in the judgment of the President, is or threatens to be of sufficient severity and magnitude to warrant disaster assistance" and in which the Governor of a State declares a major disaster for the State. It is obvious the key is the finding by the President that Federal assistance is needed.

Damage caused by droughts may not be as intense, instantaneous or as horrific as those resulting from hurricane, tornadoes, or earthquakes. Nevertheless, those whose property has been destroyed or whose livelihood has been deprived by many inious months of total dry weather may have incurred losses equal in amount to the victims of other more dramatic kinds of disasters. It is small consolation for a farmer who is confronted by foreclosed mortgages, and in which the Governor of a State declares a major disaster for the State. It is obvious the key is the finding by the President that Federal assistance is needed.

The 1970 Disaster Relief Act is a comprehensive measure which was designed to broaden Federal authority and to provide new programs of assistance to disaster victims. The President was for the first time given authority to use all Federal resources to help avert or lessen the effects of a major disaster which he determines to be imminent. I am pleased to note that this authority under this provision was extended to Texas and Oklahoma on April 14 and to New Mexico on May 21.

But the new law includes several benefits which may not be made available unless the President makes a formal declaration of major disaster. Let me briefly list a few of these. Farmers Home Administration and the Federal Housing Administration disaster loans at advantageous interest rates could be made for which repayment of as much as $2,500 of that portion of the principal above $500 could be canceled if the loan is used for salarial payments could be made without charge to individuals or families who, because of hardship imposed by the disaster, have received notice of eviction from their residence as the result of foreclosure of a mortgage, termination of a lease, or cancellation of a contract for sale.

Temporary housing could be provided, if necessary, for any disaster victims without rental charges for up to 12 months. Food coupons and surplus commodities could be made available to low-income householders, and unemployment assistance payments could be made in the case of unemployed workers. Also, Federal aid is available because of the disaster who are not eligible for regular State unemployment compensation programs.

Temporary type assistance to local government and large employers were authorized by the act. Grants could be made to any local government which might suffer a substantial loss of property tax revenues because of lower property valuations caused by losses in a major disaster. Federal agencies could waive procedural conditions in administering any grant-in-aid program which might slow down assistance. President is authorized to make a formal finding if a disaster makes it impossible to meet those conditions. In areas where a major source of employment is no longer in operation because of a disaster, SBA and FHA loans without limit to size could be made to enable those employers to resume operations and to restore economic viability to the disaster area.

It is difficult for me to understand why there has been any hesitancy on the part of the administration to declare a major disaster in the sections of the country which have been so long blighted by drought. But it may reflect the lack of concern for the farmer that has characterized this administration—an administration which has let parity fall to 69 percent—an administration that seeks to abolish the Department of Agriculture. Yet surely this administration recognizes its lack of concern for the farmer is the greatest hardship—indeed the greatest hardship—in the drought areas of the Southwest. And, surely even if every section of the Disaster Relief Act of 1970 would not apply completely to these victims, they did not suffer from the Camille or the San Fernando earthquake, they should not be penalized by having denied to them the remedies and resources Congress intended to extend to major disaster sufferers throughout the United States.

In order that there may be a better comprehension of the terrible economic plight caused by this drought, Mr. President, I ask unanimous consent to have printed in the Record an article written by Mr. Leroy F. Aarons and published in the Washington Post of Sunday, June 19. The following is an article which was ordered to be printed in the Record, as follows:

THE DUST BOWL AGAIN

(By Leroy F. Aarons)

(Notes—More than 150,000 of the most dreaded of agricultural plagues—drought—moved over the Southwest from central to west Texas to southeastern Oklahoma, up the Arkansas to the tail ends of New Mexico and Arizona. Like an inversion it hung—and continues to hang—over the parched land. And the land was burning up, setting all-time records for shortage of rainfall and forcing farmers and cattle men out of business. Not as long yet as
the six-year Dust Bowl of the 1930s or the drought of the '50s, it is more intense. Farmers are accustomed to surviving disasters of nature; yet, with fixed incomes and the brands, slapped them on the rump with whips or cains and forced them through the first of several gates, into the maze of cattleways that lead to the auction room. There they would be sold to customers from as far away as Washington state, eager to buy about 99 cows cheap, fatten and re-sell them later.

Some of the cows looked weak and thin, the flies skittered over them like darts, black Angus, gaunt, bony Brahman.

Leather-skinned cowboys, oblivious to the rich, pungent smell of cow dung, checked the brands, slapped them on the rump with whips or cains and forced them through the first of several gates, into the maze of cattleways that lead to the auction room. There they would be sold to customers from as far away as Washington state, eager to buy about 99 cows cheap, fatten and re-sell them later.

When the old-timer, Harding said Texas and Oklahoma were "wearier disaster areas" but added that he would not seek such designation from the President, that actions already taken were not available.

Angered by Harding's snub, Texas Gov. Preston Smith, a Democrat, issued a statement this week saying that Harding knew that the government had done enough.... It has become apparent to us that no one in Washington, Texas or Oklahoma can help from the drought—can see or feel the problems as we have seen and felt them.

Thus the man drawn for a political dispute that could hurt Mr. Nixon in Texas and other hard-hit southwestern states in 1972. The government has offered a wide range of assistance, ranging from some grain at reduced prices, aid in paying for shipping of hay, and emergency loans from the Farmers Home Administration.

But the farmers say they need to sign a "pauper's oath" to get the first two and only get an FHA loan when they can show all other sources have failed and they were totally desperate. This procedure is indignified, they feel. They want the drought-county designation areas where President, which would, among other things, make farmers eligible for forgiveness on loans up to $2,500.

But Mr. Nixon has thus far remained silent.

Nixon has declared a scorched-earth policy.

"Driving south from San Antonio on Route 87 toward Laredo, one can see some parts of the old George Hold- er, who runs the Bunge grain elevator, one of the largest in the area, had the grim facts.

"On the average we exceed 500,000 bushels. Last year we took in a little over 500,000. This year we got 10,000. That's a disaster, or as close as you can come to one."

The grain is used to feed the pigs. But it has been running grain elevators for 25 years. "I would guess that any earlier this year the acreage was harvested. Some of it just died in the field some was pastured out. I was farming back in the '30s, and I never saw it this bad.

The wheat statistics are only part of the story. The drought in this area—southwestern Oklahoma, just over the border from Texas, roughly at the center of a triangle formed by Oklahoma City, Wichita Falls, Tex. and Amarillo, Tex.—began here nearly 18 months ago.

Farmers who planted cotton in the spring of 1970 got an inferior crop (although those on the border did better). The fall wheat planting failed to come up during the winter. Farmers use the winter wheat for grazing land, and the spring wheat for pasture. The spring wheat, as Holder said, was a total disaster.

Mr. Tracy was nearing the ultimate deadline for planting cotton (any later would expose maturing cotton to frost) and still there is no rain. What's more, Lake Altus, which is used to irrigate 80,000 acres of farm land as well as supply drinking needs, is down so low that water officials refuse to release any water, no matter how high the reservoir rises.

There have been scattered spots of rain,
but not enough to dry the earth. Also laying down crucial subsurface moisture, Altus rainfall records show 1970 with 10.2 inches, the lowest rainfall in the town's recorded history, and living costs are up, while in years to come back.

“AN ECONOMIC BREAKDOWN

Already the economic pinch has been felt. Altus itself, a pleasant, sleepy Bible-belting town of 25,000, is making ends up economically by Altus Air Force Base. But neighboring farm towns like Mangum—where two auto dealerships are closed, banks are closed, and people are closing their doors in recent weeks—and Hollis are going into decline. An Oklahoma employment agency that “uttering” this year is forecasting the most complete breakdown will occur in the (22-county) area's economy, causing exceptionally high levels of unemployment, poverty and extensive out-migration.”

For the farmer, the drought is the final straw in a cycle of near-poverty that seems to intensify with every year. Depending on one-year, short-range loans from banks or farm credit associations to pay for increasingly expensive mowing, plowing, renting, buying cattle and pay everyday living expenses, the average farmer manages to squeak through in a good year with perhaps a modest profit. To keep the short-term money going into their pockets, the farmers are unable to pay off their loans, not to mention the interest. Sympathetic agencies are few to turn to in another year—largely on the basis of land collateral—but some of the marginal farmers have already sold their security or sold out.

“We're facing 50 sellouts by the first of the year,” said Duane Houck, vice president of the Altus Protective Credit Association, a farming cooperative which loans short-term money to more than 600 farmers at 7 per cent interest. “Another 150 will have to find some kind of work, or they'll be living in our relief. This year is going to separate the men from the boys. And you have to understand something, too. You don't recover from a thing like this in one year. With this kind of a setback, it takes the profits of three to five years to come back.”

“This is the worst situation we've ever had,” he said, “due to the fixed costs in your operation, and living costs are up, while in a good year, even if you're doing well, the farmer couldn't stay. This is the kind of thing I think the general public doesn't realize. The kind of situation the farmer is in . . .”

The Red River winds thirstily through the Altus area, then turns northward to south of Altus, like a rivulet, prettier than some mighty river. Its banks on either side are bleached and caky in the relentless sun.

This is historic country. A hundred years ago Texas cowboys drove their Longhorn cattle across the river at Doan's Crossing, on their way north through Oklahoma to Dodge City, where they got $30 a head for cattle worth $3 a head back in Texas. Ten million of them drove across Oklahoma between 1869 and 1890, great cattle drives that depleted the Longhorns and almost made them extinct.

Lester Brasco's family lived and worked this land for 70 years. He is still working it, although in the last 30 years the small, hazy, dusty world of Altus has given way to larger and larger tracts as people drifted away to the cities.

This winter Brasco stuck it out. He remembers the Dust Bowl, when the storms were so great and so dark “that you could be standing at the First National Bank in Altus and not hear the cars coming down the street. They would last about two days, just a continual blast and roar outside, blowin' dust and dust and dust and dust.”

“One day the dust was blowin’ so bad the schoolhouse couldn't make its rounds. It got so dark like it was night.”

They were rough times. The dust was hot, but not like then. But a person could survive, living off whatever crops came up getting milk from a goat, keeping a turkey or two. Somehow there was always plenty to eat.

But the matter of survival—at least as a farmer—was a matter of a question mark. With the depression now, Brasco, a handsome, husky man of 54 with large strong hands and closely-cut white hair, farms 50 acres altogether. Last year, he could neither plant nor harvest because of drought. He planted 420 acres of wheat and harvested 67. He planted 140 acres of cotton, acquired a operate of Oka. It invested about $8,000 for 40 head of cattle. He still has them, but if it doesn't rain, they'll be sold.

In 1970 he carried over a $10,000 loan from the Product Credit Association, and borrowed $15,000 more to operate in 1971. He has made no payments so far on any of it.

Now, with the farmer's incredible optimism, he is planting 146 acres of cotton, waiting for rain. If it rains hard, he will increase to 400 acres. “If it doesn't rain in 10 days, the whole thing is out.”

He is looking to the year, not only because of the drought but because of the financial vise in which he believes the farmer has been put by the Nixon administration, just as in the early '30s his favorite villain was Herbert Hoover.

“The whole time it rained, a Deere tractor cost $2,000 for the tractor, the planter and the cultivator,” he recalled, sitting with his wife, Pauline, in the bare living room of a farmhouse his son rents near Altus Air Force Base. But neighboring farm towns like Altus that never again would farmers have to fear the blight of drought.

Yet, even today, a 1970 house is sold out. To pump water from lush eastern Oklahoma to the arid west would require enormous electric power, more than all the power generated in the state at present. This opens the way to all kinds of ecological questions which other, immediate questions are tempting to deal with.

To the beleaguered farmer, such questions are distant and exotic. They must cope with the here-and-now realities of today.

In Altus, their ears are turned to the ground—where Barry Shive, the local gravedigger, had piled up six feet before reaching moisture. When you are thinking about planting cotton, that's just another piece of bad news.

SECRETARY CONNALLY AND MAYOR LUGAR TESTIFY FOR EXECUTIVE REORGANIZATION

Mr. PERCY. Mr. President, the Government Operations Committee today held, at the call of its chairman, the distinguished senior Senator from Arkansas (Mr. McCLELLAN), a hearing to hear further detailed evidence on the President's four executive reorganization proposals, S. 1430-33. We were privileged to have Secretary Treasury Secretary John Connally and Indianapolis' Mayor Richard G. Lugar testify for the bills. The statements of both men were brief. Both excelled in responding to questions by the chairman, Senator Humphrey, Senator Clark, Senator Mathias, Senator Gore, Senator Roth, and myself. Secretary Connally and Mayor Lugar, men of exceptional ability and background, each very persuasively explained the need for these bills from the point of view of his unique experience in Government.

When transcripts of the hearing are available I will, with the permission of the chairman and both witnesses, introduce the particularly relevant portions of these excellent discussions into the Record. I think the testimony of these men demonstrated conclusively why the reorganization is necessary and why we should get to work to implement it as soon as possible.

I ask unanimous consent that the brief prepared statement of the Secretary Connally and Mayor Lugar be attached to the Record at this point.

There being no objection, the statements were ordered to be printed in the Record.

REMARKS OF THE HONORABLE JOHN B. CONNALLY

Mr. Chairman and Members of this distinguished committee, from George Shultz, Director of the Office of Management and Budget; Roy Ash, President of
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Liton Industries and Chairman of the President’s Council on Executive Organization; Ben Heineman, President of Northwest Industries; John Calhoun, former Assistant to President Johnson; John Gardner, former Secretary of Health, Education and Welfare, and Charles Shultz, former Director of the Brookings Institution.

They talked in considerable detail about reorganization of the executive department in 1921, 1927, 1939, 1943, 1949, 1953 and 1971, and they explained them eloquently. I would not do this Committee a great service by repeating the arguments they have already made so persuasively.

The thrust of their arguments and our hopes for this legislation can be summarized as follows:

First, for the Congress itself:
You will have fewer departments to deal with.
Each can be held more accountable to the Congress.
Each can be more easily evaluated, and
You revert power in the Cabinet Secretaries.

Because you take away the necessity for a growing staff of arbitrators and policy-makers in the White House.
You can deal with an Executive Branch which will not try to grab and thus serve your constituents better.

Second, for the Congress:
This reorganization would permit the President to deal with fewer people.
It would reduce the load on the President and the Executive Office by forcing decisions back to the departmental level.
It would facilitate trade-offs in the use of resources.

It would permit the dismantling of scores of clumsy interagency committees.
It would create a real federal field organization.

Third, hopefully, the American citizen will:
Have a renewed faith that Government is able to deliver on its promises.
And begin to believe that his voice is heard and his needs are met in a more effective manner.

Many of our programs are temporarily interrupts the triple alliance among special interests, middle-level bureaucrats and the local communities from which arises this. It is no reason not to adopt this program.

The program should have been enacted ten years ago. But when it is passed, we must realize that it is no cure-all for all time. In fact, I think each decade will require similar action by the Executive and Legislative Branches of this Government. No sooner will your work be finished than you will have to prepare yourself to begin again.

Testimony of the Honorable Richard G. Lugar

The President of the United States has proposed a Department of Community Development as part of a general Departmental Reorganization Program. My support for this proposal is based on personal experience as Mayor of the City of Indianapolis, President of the National League of Cities, and the Indianapolls Department of Metropolitan Development which describes funding by HUD, DOT, HSW, and OEO, and the Department of Justice to carry on 70 planning job activities in a joint and integrated planning effort in Indianapolis, alone, during the coming year. Another attached article from the May, 1971, issue of HUD Challenge indicates that an estimated $5,200,000 may be applied for a two-year period through coordination of Federal agency planning efforts in Indianapolis. [These attachments are not included in the Congressional Record].

Without belaboring the obvious, the government--the people--is working with many sympathetic Federal government agencies to coordinate Federal planning efforts, at least in one city. Specifically, we have observed the need to make 18 separate planning applications and to coordinate either locally or regionally 18 planning organizations thus saving several man years of work and the consequence: $500,000 over a three-year-period. We are suggesting, strongly, that if Federal government planning work can be coordinated in one city, it ought to be coordinated at the top and thus be of assistance to every city.

Local governments are not equipped to deal either with a myriad of Federal community development agencies or to coordinate Federal efforts. Local governments are not equipped to coordinate Federal efforts. Local governments are not included in the Department of Community Development.

TESTIMONY OF THE HONORABLE RICHARD G. LUGAR

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MODERN IMPROVEMENTS IN HOSPITAL CARE

Mr. KENNEDY. Mr. President, a part of the crisis in the American health care system is high cost of hospital care. Improving hospital efficiency would raise the quality of health care available to the patient and lower the cost of the care. A recent article in the March 1 issue of Medical Economics, entitled "The High-Technology Hospital: Better Care, Lower Cost," written by Mr. Stanley Ferber, examines some of the newest innovations in hospital care that are improving quality and lowering cost.

St. Elizabeth Community Health Center, in Lincoln, Nebraska, is a 13-bed community hospital. Each patient's room contains the patient's chart, medications, and supplies. A recent article in the March 1 issue of Medical Economics, entitled "The High-Technology Hospital: Better Care, Lower Cost," written by Mr. Stanley Ferber, examines some of the newest innovations in hospital care that are improving quality and lowering cost.

A doctor may read the patient's chart without disturbing the patient, or even entering the room. Nurses are saved time to support other patient care areas. A recent study showed that a patient in one hospital had 185 interruptions in 24 hours. The nursing care allowance was cut from 8 hours to 4 hours in 20 minutes. The number of unnecessary disturbances.

An integrated communications system provides better surveillance of the patient's condition and faster communication between the nurse, doctors, and nurses. Doctors and nurses have
Friesen argues that the change is most evident at major hospitals, where at one time he points out, "He may get some details confusing when he tries to follow the various reports on the new system, but it is a useful aid to the patient's relatives without the patient's knowing it is there.

Introducing the communications system. When the new system is introduced, many hospitals can be effectively expanded to tie in with the concept of team nursing in all those units. Friesen contends: "The nurse should be able to supply all the basic information and consult with patients in comfort and convenience, and keep track of all medication."

Friesen notes that nurses have pocket pagers by which patients can summon them. But Friesen sees one step further by tying in the pagers with automatic devices that monitor patients' conditions. "The patient may need a nurse's attention without knowing he does," the consultant says. "Otherwise, the 'nurse is like a secretary who doesn't take action until the enemy has already attacked.'" His solution: Plug automatic devices into the intercom system. When a danger signal in respiration or temperature or other vital features is hit, the nurse will get the same kind of call as when the patient pushes a button himself.

All the improvements he advocates can be most effective when linked. Friesen ties in the nurses' communication system, with what he terms an administrative control center. All messages go through the center and are coordinated there. A message from a doctor or a patient can be immediately relayed to a nurse who needs some supplies. Thus, who needs some supplies apart from the routine ones kept in the nurseroom doesn't have to go into the main hall and waste time trying to find the right area. The control center, and a technician is instructed to obtain and deliver what she needs.

One of the most recent examples of control center system is great," says Sandra Ablin, an R.N. at St. Elizabeth. "I should know, because I was a head nurse under the old system. Then it was running a call, run back, write up requisitions—paper work and more paper work. Now if I need something, I just report it to the control center by pushing a button on the wall. Then it's there."

That reaction is seconded by a G.P. who works primarily in the emergency room at the old days, if a patient wanted a nurse and the patient just waited. Now every patient-call is answered immediately by the control center and the nurse is in the room one, two, three."

Mechanizing and automating distribution of supplies. In the new hospitals Friesen has helped design, drugs and other supplies are loaded into carts that more available on a mass basis. At least once every 24 hours, the supply carts are made. The routes are also emergency provision for immediate delivery of supplies whose need wasn't anticipated. The place is their role in the electronic communications network.

What of the fear that mechanization will dehumanize patient care? This, Friesen says, is a mistaken notion: "These systems, when properly used, make it possible for the patient to see the nurse's smiling face, not just the name on the chart. They say this saves time, but it really doesn't. We find that the doctor usually doesn't want to talk to the nurse and will say, 'Tell the patient what he wants and cut out all the nonproductive things. We're confident that this will eventually mean a shorter average patient-stay.'"

The system, Friesen declares, also frees nurses, "from the usual merry-go-round from nursing stations to supply centers to charting and medication areas." He mentions other studies showing that the system can increase nurses' patient-care time by as much as 107 per cent, doing away with at least 50 per cent of the "walking time" devoted to distributing supplies. More effective use of nurses may even indicate that the nursing shortage is Illusory, he says.

Friesen points out that this kind of change, the main bone of contention seems to be center around keeping patients' charts in the correct nurses' station. Friesen explains, "Some doctors prefer to be connected with the nursing station when they say, 'I was talking to the chart. They say this saves time, but it really doesn't. We find that the doctor usually doesn't want to talk to the nurse and will say, "Tell the patient what he wants and cut out all the nonproductive things. We're confident that this will eventually mean a shorter average patient-stay.'"

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Even food preparation and distribution can be automated, according to Friesen. His solution is to prepare, repackage, and freeze meals. They’re then delivered to a patient floor and served at designated times. He points out that many doctors say gripes about food are among the chief complaints of their patients. "We want to make sure we feel nothing can be done about it. "We can do something about it," Friesen maintains. "If the floor is too hectic, we can put a meal cart up in the sky, we can find ways to do it on the ground." At St. Elizabeth's as in other hospitals utilizing the so-called "ready-foods" system, gal­ leys on each patient floor have microwave ovens for speedy heating. Says Charles Sil­ ller, the food service director: "We don't have the mealtime rush you see at most hospitals, with food carts clattering up and down three or four hours a day. We have food available all the time, for whenever a patient wants it, for special diets, for late or early feeding when necessary.

Combining all rooms to single occupancy. Wasteful use of space is a chief reason for costly hospital operation, Friesen maintains. He feels that the national average of less than 85 percent occupancy could be brought much closer to 100 percent if hospital plans and accommodations were better thought out in the early stages of planning. This would eliminate the drawback of hav­ ing to keep some beds empty because patients have to be segregated by sex, because of infectious diseases or because they're psychotic, or in the last stages of a terminal illness.

One way Friesen's firm has solved this problem is through the development of move­ able walls, or area dividers, which can easily be changed whenever and however in use. They can be locked to be as acoustically efficient as a fixed plate­ wall. Movable walls provide flexibility in making patient rooms single occupancy, thus saving money, the consultant says, as when a hos­ pital finds that there is a need to create an intensive-care unit.

Combining OB and O.R. facilities. Addi­ tional flexibility is obtained by converting obstetrical and surgical departments into a single department. Operating rooms and delivery rooms are contiguous in some new hospitals; Friesen, however, calls for combining these in a way that makes use of the facilities for both departments. "One of the problems is that the facilities for both departments have to be kept apart," A. St. Elisabeth attending comments. "This should have been done a long time ago."

Can it be demonstrated that the advances Friesen advocates significantly reduce the "wasteful use of space," he says, "even though it's hard to prove, because we're often comparing different things. We do know that hospitals that have been built with the im­ provements we perfected cost no more to construct than conventional ones.

A single room system is expensive in itself, but not so when you consider that it's a single system replacing several systems. We have to go more deeply into evaluating the cost of new facilities compared to the cost of those that have been in use for many years. Many have gone out of order in use. There's no doubt that they are cheaper than reprocessed, but they're expensive now and after some time. But disposables are more expensive than supplies and equipment reprocessed by properly automated methods. The one big saving we can cite is in the all-important area of labor cost. The national average for nursing help is more than two per patient, more than 2.5 per patient. In hospitals using the new techniques and devices, we've brought this down as low as 1.5."

Sister Mary Antoinette concurs: "We have no doubt that the systems incorporated into this hospital will more than pay for themselves in the long run."

Getting physicians into the act has proved its worth, according to the St. Elizabeth's admin­istrator. "Doctors have been very interested; they've suggested changes, and these have all been for the better. Now they see that their patients are getting the professional care they've ever received any­where else."

A similar statement comes from Anthony J. Monaco, administrator of another institu­tion incorporating many of Friesen's techno­logical concepts—Berwick Hospital in Ber­ wick, Pa. "All the modern aids in the world are no good if doctors resist them, nurses resist them, and employees don't know how to work them," he says. "We set out to develop a system that would best interfere with physicians' pre­rogatives. This helped sharpen ideas, with the result that the ratios of personnel to patients are lower than the national averages. At the same time, our nurses of nursing care per day are higher."

What can doctors do to help speed changes? Friesen urges them to give up the misconception that they can't influence what happens at their hospitals. "When a new hos­ pital is to be built or additions made to an existing one," he says, "the medical staff should be involved in the planning stages of a hospital." Physicians should form commit­tees to evaluate what's being proposed and compare it with what's happening elsewhere. They should feel free to criticize and suggest; they shouldn't be made to feel that the hos­ pital administration is shoving changes down their throats, and by the same token, they shouldn't leave everything up to the admin­istration to settle."

PROTECTION OF CONFIDENTIALITY

Mr. McGEE. Mr. President, the Washing­ton Evening Star of today, Tuesday, June 22, contains a column by Orr Kelly which brings the world into the part of the American people and the Senate.

The column, entitled "It Depends on Whose Secret It Is," points to a contradiction which some members of the news media apparently have chosen to overlook—that of protecting confiden­tiaility. As the news media recognize this as a fundamental right and vital to its functioning, they're reluctant to print what the government considers secret. There being no objection, the article as it appears in the Evening Star is printed as follows:

IT DEPENDS ON WHOSE SECRET IT IS

(Pro Kelly)

The New York Times' own internal security problems provide a perfect example of the principle that government officials are so disturbed about the publication of excerpts from the Vietnam archives.

Like the government in its dealings with other countries, the newspaper had two essentially identical problems. The first and most obvious one was to keep secret for some three months the fact that it had a large portion of the massive Pentagon study while it studied the papers, wrote its report and prepared to publish.

In both cases, the government had warned that release of the reports might endanger the nation's rich heritage and its glorious past.
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As we prepare for America's bicentennial celebration, our thoughts will turn more and more to Jamestown and Plymouth; to Philadelphia and Boston—to the men who first planted the seeds of liberty and nurtured the growth of a great nation. Boston, at once a cultural, intellectual, technological, as well as historical city, has taken steps to protect, preserve, and promote the public interest in the places where our greatest patriots met, worked, and lived.

The Advertising Club of Boston and the Greater Boston Chamber of Commerce in 1961 created the Freedom Trail. A 2.5-mile path encompassing the major points of historical interest in Boston.

The Freedom Trail was an immediate success, and today more than 1 million people each year follow the red, white, and blue signs to Paul Revere's House, Old North Church, Faneuil Hall, or any of the other 15 landmarks. And justly so, for there are direc­tions to additional points of interest like the Bunker Hill Monument, the U.S. Constitution, or Copp's Hill Burying Ground.

This trail is a significant incentive to tourism, and was instilling in youth and citizens from all parts of this Nation a sense of the color and the courage of our past.

Massachusetts and Boston are justly proud of this handsome and meaningful commemoration, as I am sure is the Nation. And as the Freedom Trail prepares to celebrate its 20th anniversary I know that Senators will want to join me in congratulating those responsible for its inception and continuance.

ADMINISTRATION GNP FORECAST IN TROUBLE

Mr. PROXMIRE, Mr. President, the staff of the Joint Economic Committee, particularly Mrs. Courtenay Slater and Mr. Loughlin McHugh, have prepared for me, as chairman of the committee, a memorandum entitled "The Economic Outlook," I was so impressed with its full and complete information that I believe it should be shared with the public.

It is a factual, objective analysis of a number of indicators—GNP; output, including industrial production, housing, construction, and investment; demand indicators, including retail sales, total auto sales, and consumer sentiment; and income and employment figures.

The one overwhelming conclusion that I draw from these objective figures is that the administration's forecast of a $1,065 GNP for this year is far from becoming a reality.

It appears that the growth of real output in the second quarter may well be less than 4.5 to 5 percent. If this is true, as numerous press reports indicate, it is a powerful case for additional stimulus to the economy through the right kind of fiscal policies.

I ask unanimous consent that the staff reports entitled "Economic Outlook," and an article in last Sunday's Washington Post, written by Hobart Rowen, commenting on disappointing leaked estimates of the last quarter GNP, be printed in the Record.

There being no objection, the items were ordered to be printed in the Record, as follows:

ECONOMIC OUTLOOK

II. OUTPUT INDICATORS

The industrial production index has risen in each of the past three months, but is still well below the July 1969 peak. Production of durables remains below the pre-auto strike level of August 1970. Non-auto industrial production rose at an annual rate of about 4.7 percent over the six months from November to May.

INDUSTRIAL PRODUCTION INDEX (1967=100)

<table>
<thead>
<tr>
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<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Manufacturing</td>
<td>97.0</td>
<td>97.1</td>
<td>97.3</td>
<td>97.4</td>
<td>97.6</td>
<td>97.8</td>
</tr>
<tr>
<td>Durable Goods</td>
<td>99.0</td>
<td>99.1</td>
<td>99.3</td>
<td>99.4</td>
<td>99.6</td>
<td>99.8</td>
</tr>
<tr>
<td>Nondurable Goods</td>
<td>96.0</td>
<td>96.1</td>
<td>96.3</td>
<td>96.4</td>
<td>96.6</td>
<td>96.8</td>
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</tbody>
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III. DEMAND INDICATORS

Retail sales rose about 6 percent in real terms from November to April, but declined in May according to the preliminary estimate.

PRIVATE HOUSING STARTS

[Thousands, seasonal adjusted annual rate]

<table>
<thead>
<tr>
<th>MONTH</th>
<th>CURRENT</th>
</tr>
</thead>
<tbody>
<tr>
<td>July 1969</td>
<td>110.4</td>
</tr>
<tr>
<td>August 1970</td>
<td>106.8</td>
</tr>
<tr>
<td>November 1970</td>
<td>102.7</td>
</tr>
<tr>
<td>April 1971</td>
<td>101.6</td>
</tr>
<tr>
<td>May 1971</td>
<td>105.8</td>
</tr>
</tbody>
</table>

Housing starts held up well in May, but rising interest rates could have an adverse effect during the remainder of the year. Even if a 2 million start year should materialize (which would be conceivable if credit remained abundant and interest rates did not rise), the additional stimulus to the economy would be only moderate. Housing starts in the most recent 6 month period were 50 percent above the year earlier period. Another jump anywhere near this magnitude is clearly not to be expected.

PRIVATE NON-RESIDENTIAL CONSTRUCTION SPENDING

Advanced in January, but has declined slightly since. (April is latest month available.) Public construction spending has also declined since January.
Consumer sentiment as reported in the latest University of Michigan survey shows a similar recovery, but the survey team referred to it as "reduced pessimism rather than increased optimism." The index of consumer sentiment was at 81.6 (Feb. 1966 = 100). This compares to 78.2 in February and 75.4 last November.

PERSONAL INCOME

<table>
<thead>
<tr>
<th>Month</th>
<th>Total Domestic</th>
</tr>
</thead>
<tbody>
<tr>
<td>December 70</td>
<td>$817.5</td>
</tr>
<tr>
<td>January 71</td>
<td>$824.4</td>
</tr>
<tr>
<td>February</td>
<td>$830.4</td>
</tr>
<tr>
<td>March</td>
<td>$841.4</td>
</tr>
<tr>
<td>April</td>
<td>$847.4</td>
</tr>
</tbody>
</table>

Employment increased in April and May, offsetting the February and March declines. However, employment gains did not keep pace with labor force gains and unemployment has risen slightly for the past four months. If it were not for "discouraged workers" leaving the labor force and being counted as unemployed, unemployment would have averaged considerably higher so far this year. An estimate of the hypothetical February unemployment rate is shown below. By this estimate, unemployment was at a high point in March and has since declined, but is still over 6½ percent.

UNEMPLOYMENT RATES

<table>
<thead>
<tr>
<th>Month</th>
<th>Published rate</th>
<th>Hypothetical rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>January</td>
<td>6.0</td>
<td>6.0</td>
</tr>
<tr>
<td>February</td>
<td>6.0</td>
<td>6.0</td>
</tr>
<tr>
<td>March</td>
<td>6.0</td>
<td>6.0</td>
</tr>
<tr>
<td>April</td>
<td>6.0</td>
<td>6.0</td>
</tr>
<tr>
<td>May</td>
<td>6.2</td>
<td>6.2</td>
</tr>
</tbody>
</table>

A recent study of the hypothetical rate has been prepared by Dr. Alfred Tella and published in the Washington Post.

Other labor market indicators continue to look weak. Average weekly hours worked (seasonally adjusted) have fluctuated between 35.9 and 37.1 (October to January, 35.7 in May). The number of long-term unemployed and the average duration of joblessness rose further in May.

Particularly fearsome is the number of young people now entering the summer job market. The number of 16 to 24 year-olds who look for work is expected to increase by 4 million between April and July (Labor Department estimate, not seasonally adjusted).

[From the Washington Post, June 20, 1971]

LAGGING ECONOMY PUSHES NIXON INTO MOVE ON GAZETTES OF PARLIAMENT

(Story by Herbert Rowen)

Sooner or later, the Nixon administration will have to confess that the economy is not enjoying a robust recovery, despite the syrupy platitudes dished out regularly by Assistant Commerce Secretary Harold Passer.

It hasn't been published until now, but the preliminary "flash" estimate for the second quarter Gross National Product gain is a disappointing $20.4 billion, a sharp drop from the overly optimistic $31 billion GNP rate gain in the first quarter.

More than ever, this shows that the Nixon administration's optimism is based on the start of the year on economic prospects, even though there has been an extraordinary growth in the nation's supply of money. Having set a precedent for a good recovery in part on the assurance of the Office of Management and Budget that a liberal infusion of monetary ease could do the job, the Nixon administration now faces the need to accept the prescription of its Democratic predecessors: cut taxes and expand the economy.

The trouble on the horizon: A steel strike for wages and which requires or involves the laborers and mechanics which shall be suspended for the duration of the steel strike or the duration of the strike or the duration of the year, the duration of the year.

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village, or other civil subdivision of the State in which the work is to be performed, or in the District of Columbia if the work is to be performed there. The purpose of this provision is to provide for the payment of wages, with these provisions dependent upon determinations by the Secretary of Labor under the Davis-Bacon Act. The Secretary of Labor is asked to perform this function after consultation with the construction contractors and labor leaders on a representative basis. This provision of law has applied uniquely to the construction industry since 1931. It puts the construction industry on the same footing with other industries that now sell products to the public. The Federal Government anticipates that an order of magnitude of resources will be devoted to construction activity as the economy expands. The Davis-Bacon Act and other acts depend upon it for construction activities last year was 8.1 percent—a striking contrast. And in the last two quarters of 1970, wage settlements in the construction industry were even more favorable; new contract settlements in the last 6 months of the year called for nearly a 22 percent average

first-year increase.

While some might wish to blame management or labor unions for this inflationary syndrome, we must recognize that, in fact, they are the beneficiaries of high wages paid by construction contractors and labor leaders on a number of occasions—including a meeting last month. I am sure that many of them have been doing their best to find an answer to this situation. It is evident now, however, that decisive action is needed to protect the public interest while labor and management continue their efforts to attack the causes of inflation.

Those causes are deep and complex. They are rooted in the way the construction industry operates in the highly fragmented nature of its collective bargaining process. A craft-by-craft, city-by-
city negotiating pattern makes competition between local unions for higher wages particularly intense. It makes strikes on particular projects more likely since alternative work is often very far away. The net result is that every three wage negotiations in the building trades now produces a work stoppage. When there is such a slowdown in the cost of labor settlements, then the inflationary problem becomes even more acute. Demand for goods in all consuming structural factors are felt in every part of our society. As construction costs go up, so does the price for housing, and for homes and apartments. Because of the entire economy is affected by rising construction costs, other prices are driven up also. The taxpayer bears a particular heavy burden since the Government spends so much for construction. The Federal Government alone plans to spend some $11 billion for construction in fiscal year 1972. A good part of this spending will come from the defense budget—which means that if the construction industry is affected, it can make it harder adequately to fund programs which are vital to our national security.

All levels of government together account for almost one-third of total construction expenditures. It is crucial, I believe, that taxpaying citizenry expect that the Government is spending and that it not be used to accumulate— and further accelerate—inflationary pressures.

But the person who is hurt most by this pattern of inflation is the construction worker himself. For as the cost of building increases, the rate of building is slowed—and the result is fewer jobs for the worker. That pattern of unemployment in the construction trades last year was substantially higher than in any other major industry and double the national average. That is the measure of this inflationary problem. Moreover, those workers who do find jobs also find that as costs rise and the number of projects declines, they are working fewer hours. The average worker in the building trades is therefore caught in a vicious circle. His rate of pay goes up but often his overall income does not, since his opportunities to work have gone down. As a result, he is included in the low-wage syndrome, in the economy such wage can have the effect, in turn, of further reducing available employment. By controlling inflation in the construction industry, we hope to break this cycle, expand employment, and improve the overall position of the construction worker.

During the past 2 years, this administration has taken a number of steps to help the construction industry. We have made considerable progress in bringing down the cost of material and in increasing productivity. We are planning to expand Federal construction programs—especially in housing—and we are making additional efforts to ease private construction.

We are now on the threshold of a new economic expansion. That expansion must be a genuine expansion that is supported by rising purchasing power and not by an accelerating cost of living; by more new homes and apartments, and not by ever-accelerating rents and housing prices; by more new public facilities urgently needed to combat pollution and meet other pressing social needs. We are counting on the construction industry to make a significant contribution to our expanding economy. We have expressed confidence in the capacity of the construction industry and we want this potential to be fully realized. The construction industry cannot realize its potential—and it cannot make its contribution to the stable growth of our entire economy—unless it overcomes its present handicaps of chronic instability, fre-
quent strikes, and excessive wages increases. Insofar as the Government is a party to these conditions—as it is under the Davis-Bacon Act—these conditions can only be solved by the public sector of Government and its industry best by correcting that situation. I have suspended the Davis-Bacon Act because it is not an adequate adjustment to the construction industry. The purposes of the Davis-Bacon Act can once again be realized when lead-election contractors and labor unions work out solutions to the problems which have created the emergency. Construction contractors who are directly involved in the construction industry must assume the leadership in finding answers to these complex problems. Construction contractors and labor leaders must have full knowledge of the full cooperation of this administration as they strive to carry out this crucial responsibility.

STATEMENT BY THE PRESIDENT, MARCH 29, 1971

I have today signed an Executive order establishing a Cooperative Mechanism for the Stabilization of Wages and Prices in the Construction Industry.

The operation and success of the order will require the use of balanced judgment, practical wisdom, and the mutual understanding of labor and management in an industry whose problems are extremely complex. They are related in part to the highly fragmented way in which the industry and its bargaining processes are organized. The solutions to this problem will come only through patient, persistent efforts to change these fundamental conditions. Meanwhile, however, the action I am taking today will provide a framework within which labor and management can work together in limiting the dangerous, wasteful increases in construction wage and price inflation in the construction industry.

All Americans have a stake in its success.

A PROCLAMATION BY THE PRESIDENT OF THE UNITED STATES OF AMERICA, MARCH 29, 1971

Whereas, the Davis-Bacon Act of March 3, 1931 (46 Stat. 799, as amended) and the provisions of all other acts, Executive Orders, proclamations, rules, regulations, and procedures providing for the payment of wages, which provisions are dependent upon determinations by the Secretary of Labor under the Davis-Bacon Act or provisions related thereto, were suspended until otherwise provided by Proclamation No. 4031 of February 23, 1971;

And Whereas, I have today issued Executive Order No. 11588;

Now, therefore, I, Richard Nixon, President of the United States of America, do by this Proclamation revoke Proclamation No. 4031 of February 23, 1971, providing for the payment of wages, which provisions are dependent upon determinations by the Secretary of Labor under the Davis-Bacon Act or provisions related thereto, were suspended until otherwise provided by Proclamation No. 4031 of February 23, 1971;

And Whereas, I have today issued Executive Order No. 11586;

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June 22, 1971

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with the provisions of sections 4(a) and 4 of this order, it shall be a violation of this order to treat such a wage or salary increase as effective.

Section 5. Upon a determination by a board or the Committee that a proposed wage or salary increase is not acceptable, certification of that determination by the Secretary of Labor, the following actions shall be taken:

(a) In implementing the provisions of the Davis-Bacon Act of March 3, 1931 (46 Stat. 1494, as amended) and the provisions of related statutes, the Secretary of Labor shall consult with the heads of the contracting agencies to determine whether such plans shall be unacceptable, and shall, on the basis of such consultation, determine whether such plans can be approved or continued; and

(b) Equitable adjustments in labor contracts for Federal construction and for construction on projects receiving Federal financial assistance in the area affected by the new or revised wage rates shall be made available.

(c) The Committee and the boards shall make public their determinations, specifying the craft and area affected and the wages or salaries affected.

(d) Any other action authorized by law to carry out the purposes and policy of this order shall be taken by the Secretary of Labor to assure the stabilization of wages and prices in the construction industry.

Section 6. The following criteria shall be applied in determining whether any wage or salary increase is acceptable:

(a) Acceptable economic adjustments in labor contracts resulting from wage and price changes which are supported by productivity improvements in the construction industry, but not exceeding the average of the median increases in wages and benefits over the life of the contract and in major construction settlements in the period 1961 to 1968.

(b) The term "wage or salary" shall mean, for the purpose of this order, all work relating to the erecting, constructing, altering, remodeling, painting, or decorating of buildings, roads, bridges, highways and the like, when performed on a contract basis, but shall not include maintenance work performed by workers employed on a permanent basis in a particular plant or facility for the purpose of keeping such plant or facility in an efficient operating condition; (2) the transporting of materials and supplies to or from a particular building or project by the workers of the contractor or subcontractor performing the construction or manufacturing of materials, supplies, or equipment on the site of a project by such workers; and (3) all other work classified as construction in section 5.3 (g) of Part 5, Title 29 of the Code of Federal Regulations.

The chairman of the General Labor Subcommittee of the House of Representatives, Mr. Dent, and I jointly wrote to the heads of nine contracting agencies on June 15, 1971, on the status of projects, first, on which contracts have not yet been awarded; second, on which solicitations or resolicitations were made during the period when the Davis-Bacon Act was suspended; and third, for which the agency is not resoliciting for purposes of including the Davis-Bacon provisions. I ask unanimous consent that the text of our letter and a list of those executive agencies to which it was sent be printed in the Record at this point in the discussion.

There being no objection, the items were ordered to be printed in the Record, as follows:

JUNE 7, 1971.

HON. JOHN A. WOLFS, Secretary of Transportation, Department of Transportation, Washington, D.C.

DEAR MR. SECRETARY: On April 27, 1971, the Secretary of Labor issued Memorandum No. 93 stating, in part:

The President has asked me to explain to you that in the case of contracts not yet entered into as a result of the solicitation of bids or proposals during the period when Proclamation 4031 was effective, each agency should, if it can do so legally and without undue hardship, make such action as is most appropriate to effect a reinstatement of the Davis-Bacon provisions to the proposed contract work.

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The chairman of the General Labor Subcommittee of the House of Representatives, Mr. Dent, and I jointly wrote to the heads of nine contracting agencies on June 15, 1971, on the status of projects, first, on which contracts have not yet been awarded; second, on which solicitations or resolicitations were made during the period when the Davis-Bacon Act was suspended; and third, for which the agency is not resoliciting for purposes of including the Davis-Bacon provisions. I ask unanimous consent that the text of our letter and a list of those executive agencies to which it was sent be printed in the Record at this point in the discussion.

There being no objection, the items were ordered to be printed in the Record, as follows:

JUNE 7, 1971.

HON. JOHN A. WOLFS, Secretary of Transportation, Department of Transportation, Washington, D.C.

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JUNE 7, 1971.
not yet been awarded; (b) on which solicitations or resolicitations were made during February 23–March 29, 1971, the period during which the Davis-Bacon Act was suspended; and (c) for which you are not resoliciting for purposes of including the Davis-Bacon Act requirements, reinstated Davis-Bacon provisions in solicitations outstanding.

We have not done this in all construction procurements, however. The reasons why it was not done can best be explained by reviewing the pertinent facts and sequence of events.

As you know, the President issued a Proclamation suspending the Davis-Bacon Act requirements in connection with Davis-Bacon Act provisions. The Department of the Secretary of Defense, the Department of Transportation, the National Aeronautics and Space Administration, the Department of Agriculture, and the General Services Administration be printed in the Record.

There being no objection, the items were ordered to be printed in the Record, as follows:

(a) Solicitations issued after March 29, 1971 will be subject to the Davis-Bacon Act. Solicitations issued after March 29, 1971 without the Davis-Bacon Act requirements shall be modified to include these requirements.

(b) Solicitations issued after February 23, 1971, but before March 30, 1971, shall not contain the Davis-Bacon Act provisions.

(c) Amendments after March 29, 1971 to contracts involving new work outside the scope of such contracts shall contain a provision making Davis-Bacon Act requirements applicable to the new work.

Thereafter, by memorandum dated 29 April to all Federal contracting agencies, the Secretary of Labor directed: "(a) a reinstatement of Davis-Bacon Act provisions in contracts not yet awarded, if such could be accomplished legally and without undue hardship; (b) for which solicitation and resolicitation had been suspended; and (c) for which we are not resoliciting for purposes of including the Davis-Bacon Act provisions.

Yielding to the request of the subcommittee, we have made an immediate request for a list of those projects on which contracts have not been awarded, and on which solicitation and resolicitation has not been completed, which would contain the Davis-Bacon Act provisions.

Specifically, the Secretary advised that with due respect to such solicitations, each agency should, if it could do so legally, and without undue hardship, take such action to accomplish a resolicitation of bids or proposals as envisaged in the suspension provisions, and that the departmental concentration on those contracts.

The Secretary of Labor issued instruction regarding contracts not yet entered into for which bids or proposals have been solicited and for which the suspension has been completed, that the time period when the suspension of the Davis-Bacon Act was in effect (February 23 to March 29, 1971, inclusive) and which, accordingly, would not contain the Davis-Bacon Act provisions.

Promptly upon receipt of the Secretary's Memorandum, we issued implementing instructions to the several departments, which these instructions directed the amendment of all affected outstanding solicitations issued during the period of suspension of the Davis-Bacon Act provisions in (1) negotiated procurements, and (2) in advertising procurements where the same bids had not been opened, unless the cognizant procurement officer determined, in writing, for each procurement that such action would create undue hardship. These instructions further directed that the term "undue hardship" would not be construed to mean mere inconvenience, but attempting to minimize disruption of the procurement process, avoid undue hardship on bidders, and meet the construction requirements.

A copy of this letter to you is being furnished directly to Chairman Dent, General Chairmen of the House of Representatives.

Sincerely,

J. M. Malloy, Deputy Assistant Secretary of Defense (Procurement).


HON. HARRISON A. WILLIAMS, JR.
Chairman, Subcommittee on Labor, U.S. Senate, Washington, D.C.

DEAR SENATOR WILLIAMS: This reply to the letter dated June 7, 1971, from you and the Chairman of the General Labor Subcommittee of the House of Representatives concerning the implementation of the President's decision on reinstatement of the Davis-Bacon Act provisions. The Department of Transportation has no contracts outstanding as of 29 March 1971, but before March 30, 1971, shall not contain the Davis-Bacon Act provisions. (b) Solicitations issued after February 23, 1971, shall not contain the Davis-Bacon Act provisions.

(c) Amendments after March 29, 1971 to contracts involving new work outside the scope of such contracts shall contain a provision making Davis-Bacon Act requirements applicable to the new work.

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A copy of this letter to you is being furnished directly to Chairman Dent, General Chairmen of the House of Representatives.

Sincerely,

J. M. MALLOY, Deputy Assistant Secretary of Defense (Procurement).
would include situations where contracts were required to be placed immediately.

With respect to your request for a list of affected projects, a survey of our installations indicates that contracts awarded between the dates mentioned were subject to the Davis-Bacon Act requirements and should reflect the revised labor standards provisions prescribed by my message to you of 3-15-71.

3. Solicitations issued on or after 3-30-71 which do not include Davis-Bacon Act provisions or terms and conditions which are consistent with paragraph 1 of this message.

4. Where new work is added to a contract which was not included in the suspension period, the President's proclamation, whether direct federal contract or subcontract, applies to both solicitation and new construction. The reinstatement of the Davis-Bacon Act requirements and the new work is outside the scope of the President's desire that the provisions be reinstated wherever it could be done legally and without undue hardship, (c) the hardship of the project involved, (d) the detrimental effect on Federal programs, and (e) the contract with the other contractor involved, and (f) the reparation which must be done during appropriate seasons or which have been scheduled as part of a maintenance program for Federal buildings.

I believe strongly that any resolicitation after bids have been exposed has a negative effect on the competitive bidding system, in that it can result in the refusal of Government contractors to bid, thus limiting competition. It is pertinent to note that the Federal Procurement Regulations (FPR 1-2404-1) state that "Preservation of the integrity of the competitive bid system dictates that, after bids have been opened, award must be made to that responsible bidder who submitted the lowest, responsive bid, unless there is a compelling reason to reject all bids and cancel the invitation." Further, most of the firms whose bids were rejected are small business firms, whom we have been encouraging to bid on Federal projects.

As far as the points of view you mentioned, provisions have been included in the contract awarded on June 14, for $89,385,000, for the construction of the Post Office and Court Building Program (Phase II). This was accomplished by issuing an amendment to the bidding documents prior to bid opening in response to Department of Labor Memorandum No. 94. The provisions will also be included in the contract awarded to the Howard University Teaching Hospital (estimated cost—$81,000,000). Initial bids were rejected as they exceeded available funds, and when proposals were resolicited from the interested bidders, the Davis-Bacon provisions were added to the contract requirements.

In summary, we believe that our decision to award the 29 contracts on the enclosed list without reinstating the Davis-Bacon provisions represents a proper solution of the conflicting priorities involved and is in accordance with Department of Labor Memorandum No. 94. Sincerely,

WIL S. SANDBERG,
Acting Administrator.

GSA PROJECTS SCHEDULED TO BE AWARDED, ON OR AFTER JUNE 15, 1971, WITHOUT DAVIS­ BACON ACT PROVISIONS

Franklin, NH U.S. Post Office, Wood Platform.
Norwich, VT Post Office, Mail Handling.
Philadelphia, PA 2925-18th Street, Modernization, Interior & exterior painting.
Roanoke, Virginia Post Office and Court House, Fire Protection Improvement.
Washington, DC Post Office, Modernization.
Baltimore, MD Post Office, Modernization.
Augusta, GA U.S. Post Office and Courthouse, Intersection & exterior painting.
Bradenton, FL Federal Building, Painting.
Bolivar, SC Federal Building, Maintenance Repair—HW System.
Corinth, MS U.S. Post Office & Repair.
Fayette City, FL U.S. Post Office, Heating System.
Duluth, GA GSA Warehouse, Downspout Replacement.
Elizabeth City, NC U.S. Post Office & Courthouse Conversion.
MINORITY HIRING PROGRAMS

Mr. HRUSKA. Mr. President, I subscribe completely and wholeheartedly to the view expressed yesterday by the Senator from North Carolina (Mr. Ervin) for himself, the Senator from Arizona (Mr. FANNIN) and the Senator from Texas (Mr. Tower) that the individual in the United States should have equal employment opportunities regardless of race, sex, creed, color, or national origin. See CONGRESSIONAL RECORD, June 21, 1971, page 21611.

However, it is my judgment that the requirements which would be imposed on Federal contractors by the proposed form A or the "contractor's" self-analysis and evaluation form as it is formally titled, devised by the Office of Federal Contract Compliance of the Department of Labor, go far beyond what is necessary. It imposes too many unnecessary burdens on those to whom it is directed. Its sweep is too inclusive. All business-men who have Federal contracts of $50,000 or more or at least 50 employees will be required to prepare a detailed report on their affirmative action minority hiring programs.

Without question the Federal Government has a right and a responsibility to obtain such information as is needed to insure equal employment opportunities for all our citizens. It is my belief that this proposed form goes far beyond this duty. If the Government has reason to believe that a firm is not complying with the law in this area, then it would seem reasonable and proper for questions such as those contained in the proposed form to be asked and answered. But to require these detailed responses from every contractor for every Federal contract appears to this observer to be going beyond what is justified under the circumstances.

My hope is that the rationale behind this project and the form itself will be reconsidered by the Department of Labor and the Office of Management and Budget. With some additional work and thought on this problem, I am hopeful that an effective and yet not unduly burdensome solution can be found.

MASON-DIXON COUNCIL OF BOY SCOUTS TAKES THE LEAD ON "KEEP AMERICA BEAUTIFUL DAY"

Mr. MATHIAS. Mr. President, 913 tons of trash is an enormous collection of litter and junk. This was the harvest of Keep America Beautiful Day, a massive 1-day cleanup campaign mobilized by the Mason-Dixon Council of the Boy Scouts of America. On June 5 in Washington County, Md., and neighboring Franklin and Adams Counties, Pa.

Keep America Beautiful Day is an excellent example of community cooperation to make aware of the dimensions of the solid-waste problem and the effectiveness of citizen action.

Keep America Beautiful Day was not an isolated event. Rather, it was oneprehensive clean-up drive. The Council's overall program for Operation SOAR—Save Our American Resources—a nation-wide Boy Scouts conservation program. The attack on solid wastes, dramatized on June 5, is going to be continued through the summer in the Antietam watershed, with each participating Scout making a solid waste inventory of 208 acres of land.

Mr. President, the efforts of the Mason-Dixon Council and all who participated in Keep America Beautiful Day deserve wide attention and applause. I ask unanimous consent to have printed in the Record a report on this important volunteer effort, written by Donald R. Frueh, chairman of Project SOAR, and relevant news articles (by exception, the items were ordered to be printed in the Record, as follows: MASON-DIXON COUNCIL, BOY SCOUTS OF AMERICA, June 7, 1971.

Mr. MERLE ELLIOTT, President, Mason-Dixon Council, Boy Scouts of America,
June 22, 1971

CONGRESSIONAL RECORD—SENATE

21245

Company, U.S. Army Reserve, and other community groups (see Annex E) vividly demonstrated the impact of trash and junk on our American resources. As denoted by the amount of litter and junk collected, these people volunteered their efforts not only to keep our community clean, but to educate our young people as to the magnitude of the problem as it now exists and what the long-range effects might be if the situation is not stopped.

KAB Day was the day designated to draw public attention to Project S.O.A.R. (Save Our American Resources) a national concern, of which the Boy Scout movement is a part of.

Beautiful Day and told our story to the public throughout the day. In this way, the Boy Scout movement brought the serious problem of keeping America Beautiful to the attention of the Scoutmasters, the public, and the volunteer groups throughout the District of Columbia, Franklin and Adams County, Pa. Phase I of SOAR consisted of map development and included planning the methods of conducting the inventory and collection of the data.

Phase II is the inventory and was launched with the Council Camporee on April 30, May 1 & 2, 1971 at Raven Rock Campground. It was designed to bring the problems of solid waste to the attention of the Scoutmasters. This phase was designed to educate the public to the existing and potential dangers of solid waste.

This phase of SOAR is scheduled for completion by September 1, 1971. The data from Franklin and Adams counties are divided into quadrangles; each Boy Scout will inventory 208 acres of land, or 1/24 of a quadrangle, the total area including the field and the community.

Keep America Beautiful Day was the means by which the public was informed as to the size of the problem. Many organizations volunteered their services and the committee drew up a comprehensive plan for all those involved. Groups volunteered help in picking up junk, others contributed communications equipment, trucks, heavy machines and provided personnel to tell the story to the public.

At the day's end, 6978 young people had taken part and an additional 1231 adults joined the operation. These people represented many different organizations. (See Annexes)

Local contractors, the U.S. Army, and other interested citizens gave dump trucks, front-end loaders, fork lifts, and pick-up trucks. Some groups supplied their own vehicles, but whenever someone needed help to dispose of the trash, trucks were dispatched from a central point to satisfy their needs. More than 171 trucks were involved in the three-county area. The figure does not even include the safety equipment, state police, and communications network that was established to help mobile dealers in the area provide courtesy cars for visiting dignitaries and members of the news media. Two individuals volunteered their airplanes for the day, and Fairchild Industries donated a helicopter and pilot. These men took visitors on site inspections and gave an overall picture of the mammoth operation that was established. Automobile dealers in the area and communications network that already existed were involved, and communications center and broadcast messages to and from the 47 radio communicators in Washington County, 10 in Fulton County and 27 communicators in Franklin County. With the aid of these people who were on the scene at the numerous sites, it was possible to reach nearly everyone who was near to nearby sites, thus utilizing the manpower and vehicles to their maximum advantage.

WHAG stationed a mobile unit at the Boy Scout Headquarters and broadcast interviews throughout the day. In this way, the Boy Scouts themselves were able to give the public their view of Keep America Beautiful Day and told our story to the public. Based on these interviews many concerned citizens interested in the Boy Scout movement and asked how they could help.

Area news media were also instrumental in bringing publicity and support to KAB Day. Throughout the day, many people visited the "Command Post" at the Boy Scout Service Center, and were taken for helicopter and airplane rides so they could see for themselves the efforts that were being made. A buffet luncheon was served by Mr. Arthur Katz for those people in attendance. (See Annex F)

In summary, there were 130 sites cleaned. Included were 39 sites in Franklin County, 31 sites in Warren County, 48 sites in Washington County. The volunteers cleaned 307 miles of roadside and riverbanks, plus an additional 187 acres of empty lots and park land. There were 183 dump truck loads delivered to the landfill areas where the refuse was separated and prepared for further shipment to recycling plants. In addition, 21 junked automobiles were collected and the total amount of litter collected amounted to 915 tons. Scrap metals sold to Maryland Metals, Inc. amounted to 46,600 pounds, the weight reports of recycled cans and glass will be made available when received.

With a 913 ton yield in but one day, it was evident that the Boy Scout movement had a huge PROBLEM to face. The problem does exist. By showing just how large the problem is and the enthusiasm that was generated, we tried to point out the beginning of the solution. By helping others get rid of litter problem and make them conscious before that next piece of litter hits the ground.

The economics of solid waste recycling was dramatically demonstrated through the income generated by delivery of reclaimable items to the reclamation industry. I have included a roster of the KAB committee and urge you to thank them by informing your employers of their efforts to make this program a success.

Sincerely,

DONALD E. FURST
Chairman, S.O.A.R.

KAB

ANNEX A—ORGANIZATIONS SUPPLYING EQUIPMENT FOR KEEP AMERICA BEAUTIFUL DAY, JUNE 5, 1971

Antietam Contractors.
Bester, Inc.
City of Hagerstown Street Department.
Victor Ditto.
Fairchild Republic Division.
J. B. Ferguson & Co.
Edward Henson.
C. William Seavolt, Inc.
Hoffman Chevrolet.
Letterkenny Defense Depot.
Maietta Trucking Contractors.
Massy Ford.
John H. Merrbaugh.
National Park Service.
Pennsylvania Glass Sand.
Plummer Construction Co.
Potomac Edison.
United States Army Reserve-100th Main tenance Co. (LE).
Warrenton-Creasey Experts.
Washington County Roads Department.

ANNEX B—ORGANIZATIONS CONTRIBUTING ADVERTISING FOR KEEP AMERICA BEAUTIFUL DAY, JUNE 5, 1971

Most Washington radio stations of Washington County—donated to advertising fund plus addition of KAB announcement to their normal radio spots.

Gawtown Planning Mill Co.—donation to advertising fund.

Coca-Cola Bottlers, Hagerstown—displayed special KAB posters on trucks.

Fairchild Republic Division, Hagerstown—donation to advertising fund.

Mullins Trucks, Inc.—donation to advertising fund.

Massey Ford—insertion of KAB and SOAR Logo throughout classified section of newspaper.

North American Rod & Gun Club—donation to advertising fund.

Edison Co. (Allegheny Power System)—donated design for posters and printed special KAB Day stationery.

The Paragon Club, Fraternal Order of Police—donation to advertising fund.

ANNEX C—PUBLICITY ASSISTANCE

The Herald-Mail Co.—ran several editorial sections and public service ads appealing for help from community organizations. Bernie Hayden of the Morning Herald and Arnold Plaatoo of the Daily Mail wrote several news stories explaining the project and calling for volunteers.

WAYZ Radio, Waynesboro, Pennsylvania—contributed many radio spots as a public service gesture.

WARK Radio, Hagerstown, Maryland—contributed many radio spots as a public service gesture.

WREK Radio, Waynesboro, Pennsylvania—contributed many radio spots as a public service gesture.

WHAG-TV, Hagerstown, Maryland—interviewed S.O.A.R. Chairman Donald Frush and KAB committee member David Harp for that station's twice-daily newscasts. Gave the project more than ten minutes air time.

WJEJ Radio, Hagerstown, Maryland—contributed many radio spots and aired a special half-hour show on SOAR and KAB Day.

WKSL Radio, Greenscille, Pennsylvania—contributed many radio spots as a public service gesture.

WCST Radio, Berkeley Springs, West Virginia—contributed many radio spots as a public service gesture.

ANNEX D—THE KEEP AMERICA BEAUTIFUL DAY COMMITTEE

Position, name, employer


Equipment and Recycling, Larry Seavolt, John Carr, Potomac Edison, City of Hagerstown.

Safety, Calvin Frush, Potomac Edison.

Radio Communications, Eugene V. Schenk, Mack Trucks.

Publicity, William McKenny, Fairchild-Republic Division.

S.O.A.R., Donald R. Frush.

Community Involvement, M. Kenneth Long, Jr., Wagaman, Wagaman, & Meyers.

ANNEX E—PARTICIPATING COMMUNITY ORGANIZATIONS

Chewsville E.U.B. Church.
Chewsville Lions Club.
CLEAN-Hagerstown Junior College.
District 9 Association.
Downsville Christian Church.
First Christian Church.
4-H Clubs of Brooke County.
4-H Clubs of Maugansville.
Girl Scouts, Brownies, and Cadets.
Hagerstown Boys Club.
Hagerstown Girls Club.
Leitersburg Fire Company.
Ornithological Society of Washington County.
St. Maria Goretti High School Students.
The Hagerstown area is missing 900 tons of trash. On Saturday, 400 people spent a day clearing junk from roadways, fields and towns in Washington County and Franklin and Fulton counties in Pennsylvania in a "Keep America Beautiful" project.

During the Boy Scout sponsored cleanup, area scouts, Army reservists, clubs and individuals pitched in to collect trash and haul it away from 89 pickup sites in Washington County and 41 sites in Pennsylvania, according to David W. Harp, spokesman for the organizers.

"We picked up 21 junked autos, cleared 907 miles of streets and cleaned up 100 acres of empty lots and park land," Harp said. Loaded dump trucks made 138 trips to the Washington County dump near Millard near the Greenswilliamsport Pike, he said.

Harp said more than 100 persons concentrated their efforts in the Pen Mar Park area around the Appalachian Trail. Another 100 persons continued to pick up trash there Sunday.

"We hauled away 200 tons of junk," Harp said. "This was one of the worst places we could find. It's a real prostitution of what the state, county and city groups have already pledged their support. "But we're trying to stress public service for everyone," he added.

The Boy Scouts of America, church groups, youth fellowships, high school organizations and state, county and city groups have promised cleanup equipment and manpower for the June 5 effort.

Volunteers will clear streams, plant trees, remove junk auto and pick up trash—"in other words," said Harp, "we want to remove all signs of what I call visible pollution.

Harp said KAB, part of the Scout's two-year "Save Our American Resources" program, is going to emphasize recycling the trash. He noted as much as possible of the glass, metal and paper that is collected will be sent to recycling plants.

To pinpoint the pollution problems the group hopes to wipe out, Harp and Bill McKenny, another KAB organizer, recently took one on a helicopter tour of the area.

We lifted off from Fairchild shortly after 1 p.m. and flew over several North End homes and the Longmeadow Shopping Center.

When we reached Secord Street, we set 200 feet above the Antietam Creek—a stream that runs north and south through the council area and is the gathering point for water in the Antietam watershed.

"Pollution has caused the temperature of the stream to rise," noted Harp, as he pointed to the muddy brown calm of the water below. Several fallen trees and brush cluttered the water.

These are natural dams which slow the water flow and allow it to absorb the sun's heat, he explained. "This encourages pollution," he observed.

"We want to plant trees and shrubs along the banks to keep the soil from eroding into the water," he said.

As we followed the stream, twisting and turning as the water looped and curved like a fairy Christmas ribbon, there seemed nothing out of the ordinary there, pockets of litter and junk autos gleamed up at us.

"A lot of these farmers just have their own dumps," Harp noted. "We want a response from the landowners—everybody has to realize we're trying to get the landowners' agreement before any planting can be done.

Each such landowner in the council is being contacted, Harp said, and asked to sign a conservation agreement which certifies his interest in a conservation project for his land.

After we moved northward up the creek toward Hagerstown, Harp pointed out more of the same stream and trash problems. Crossing into Pennsylvania near Waynesboro, Harp and the other KAB volunteer, McKenny, explained why the stream pollution problems were so severe.

"There's not much industry around Waynesboro, like there is at Security," McKenny noted. "I recalled the whole banks of trash I'd seen near the industrial plants at Security.

Here, though, the stream banks looked clean, without any litter to worry about.

Our pilot moved a control and the copter slid sideways and we headed cross-country near Fairchild, looking at the farmlands below—acres and acres of ground plowed as though someone had penciled in it with great precision.

Blankets of green and brown fields alternated and were sliced by pale blue-gray roads. The altimeter ticked at 50 feet and we were sliding sideways again toward a landing at Fairchild.

"Well Dave, bet you didn't realize what a big job is ahead," said McKenny.

"Yeah, it's not going to happen overnight," Harp replied.

REPLY TO THE PRESIDENT'S ADDRESSES TO THE AMERICAN MEDICAL ASSOCIATION

Mr. KENNEDY, Mr. President, in his address today to the annual Convention of the American Medical Association in Atlantic City, President Nixon made a number of references to S. 3, the Health Security Act. He mentioned the insurance legislation that I have introduced in the Senate with the distinguished Senator from Kentucky (Mr. Cooper), the distinguished Senator from Ohio (Mr. Saxe), and the strong bipartisan support of 22 other Senators.

President Nixon's criticisms of the program, especially on the issues of cost and Federal control, are wide of the mark on several counts.

I think the American people see the cost issue raised by the President for what it is—a "scare tactic" being used by the administration to divert attention from the real issue.

The President left out a very important point. Unlike any other social program, the cost of the Health Security Act is not new money. Americans will still be paying the same $77 billion for health care in 1974, whether we have the Health Security Act or not. The real question is: Are we going to continue to pour our dollars into the inefective system we know today, or are we going to spend these funds in a system that gives us full value for our money and closes the gap between promise and performance in modern health care?
And 1974 is only the beginning. By 1980, the Health Security Act will actually be saving us billions of dollars throughout the continent dollars that will be wasted if we adopt the ineffectual plan recommended by the administration, with its multiplicity of separate and unequal programs, its deductibles and co-payment, and its billion-dollar windfall for private health insurance—a plan which even the AMA has rejected, and which the President wisely chose to ignore in his address in Atlantic City.

Nor can any accurate argument be made that the Health Security Act will lead to total Federal domination of the medical system in America. The Health Security Act does nothing of the sort. It means Federal financing, but it also means new and better forms of private organization and private delivery of health care, with private doctors and private hospitals free to practice the medicine of which they are really capable.

Only through national health insurance can we end the real health bureaucracy we face today—the wasteful, backward and inefficient bureaucracy that will continue the moribund health system later in the decade, and inefficient bureaucracy of the kind of which they are really capable.

It means Federal financing, but it also means new and better forms of private organization and private delivery of health care, with private doctors and private hospitals free to practice the medicine of which they are really capable.

The real danger to American health does not come from the proponents of the Health Security Act. It comes from those who say the health crisis can be met by dabbling with modest patches and minor reforms, of the sort which we have tried for decades in the past and which have always failed. If we do not take the steps which we have to take today, we know the crisis will get worse. If we do nothing once again, then we will in fact be laying the groundwork for the very danger the President seeks most to avoid—a complete Federal takeover of a moribund health system later in the decade, and inefficient bureaucracy of the kind of which they are really capable.

Wherever our Senate Health Subcommittee has traveled across America in recent weeks, we have met people concerned with the high cost and low quality of health care who have really seen the health crisis firsthand, and I am confident that the people know its depth.

The President's defense of the status quo will, I believe, be rejected by the American people. At a time—

When medical bills have soared;
When doctors' house calls have become a thing of the past;
When the voice of the consumer is ignored;
When profits from health policies have helped to build new skyscrapers for insurance companies in every major city in the country; and
When organized medicine has opposed every major health reform for a generation—

The people realize the need, and are ready for the comprehensive reform proposed by the Health Security Act.

MAY DAY RIOTS REVIEWED: POLICE UPHOLD CONGRESSIONAL MANDATE

Mr. GOLDWATER. Mr. President, last month an unruly and unlawful mob attempted to totally disrupt the functions of the Federal Government in the Nation's Capital. I use the term "unlawful" on purpose because that is exactly what the disorder was.

It was calculated, long-planned effort meant to stop governmental activities. It was the kind of mass, incited disruption which Congress had at the front of its mind only 8 years ago. When it enacted a major new antifoul law specifically aimed at disorders which interfere with the Government's business. In fact, the law is officially cited as the Civil Obedience Act of 1968.

The very large mass demonstrations and marches which had occurred in Washington, D.C., in the mid-1960's had led to a mood of concern among several members of Congress to avoid the possible abuse of legitimate protest by radical and anarchist groups who pay heed to no laws of civilization except of their own making. That is why I would remind Senators that in 1968 the Senate approved this significant new statute without a single objection, which indicates the strength of feeling then existing about the need to preserve free travel on the streets and open access to Government buildings.

If I may read from this law briefly, Mr. President, it will be crystal clear that the statute reads:

If any person, in any way or manner, willfully attempts to shut down the Government by blocking the streets and public places of the District of Columbia or any other place within the United States, or any agency or employee thereof; and such term shall specifically include, but not be limited to, the commission of a felony, or the conduct or performance of any federally protected function—

Shall be fined not more than $10,000 or imprisoned not more than five years, or both (18 U.S.C. 231 (a) (3)).

The statute goes on to define the term "federally protected function" as including:

Any function, operation, or action carried out, under the laws of the United States, by any department, agency, or instrumentality of the United States, or by an officer or employee thereof; and such term shall specifically include, but not be limited to, the collection, transportation, or delivery of the mails of the United States mails. (18 U.S.C. 232 (3)).

Finally, the term "fireman" and "law enforcement officer" are defined as expressly including employees and officers of the District of Columbia. (18 U.S.C. 232 (6) and (7)).

In light of this provision, which is something the liberal press does not seem to care about or want to think about, the actions of street mobs in the May fracas can be seen in an entirely different and nasty color. It becomes evident that all those who were engaged in the attempt to block the streets and bridges and jamming the Federal office buildings in Washington were committing a criminal act of the first magnitude.

It further becomes apparent that the mere threat of the Washington police force were not merely performing one more instance of routine law and order, but were upholding the mandate of a congressional enactment squarely aimed against disruption of Federal activities.

Considering this dimension of the Mayday mob scene, I find it almost incredible that leaders of such activities can be charged with charges manufactured by groups such as the American Civil Liberties Union maligning the effective and excellent job of preserving order which the police perform, and placing the responsibility of the law enforcement officers to keep the avenues of traffic open. It was their duty to make certain the Federal buildings remained open and that the United States mail could be freely delivered. In other words, the District of Columbia police were duty bound to enforce the 1968 directive by Congress, banning such anti-government disruptions.

Even so, Mr. President, we occasionally hear the same hackneyed defenses raised in behalf of the antlaw demonstrator. They are referred to as open-minded students eager to hold rational dialogs. They are claimed to be mostly innocent onlookers or peaceful protesters in the tradition of Thoreau and Martin Luther King. It is glibly charged that the arrests were illegal and those detailed were held too long or without adequate accommodations.

Well, Mr. President, I want to say right now that I don't think any of these claims is baseless. The truth is that the police averted a serious threat to the operations of the Government under dangerous circumstances and with the highest degree of professionalism. They are referred to as open­minded students eager to hold rational dialogs. They are claimed to be mostly innocent onlookers or peaceful protesters in the tradition of Thoreau and Martin Luther King. It is glibly charged that the arrests were illegal and those detailed were held too long or without adequate accommodations.

We will review the record and find out what the real truth is. The truth is the rioters rolled boulders into streets, threw bottles at passing motorists, smashed into drivers with wooden poles, overturned cars, disabled buses, halted a firetruck on its way to putting out a fire, and committed numerous other acts of outright harassment.

The truth is all these inherently unlawful activities were part and parcel of a larger scheme planned as early as June 1970 for the purpose of shutting down the Government. They are referred to as open-minded students eager to hold rational dialogs. They are claimed to be mostly innocent onlookers or peaceful protesters in the tradition of Thoreau and Martin Luther King. It is glibly charged that the arrests were illegal and those detailed were held too long or without adequate accommodations.

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wring their hands about and has done so with detailed, precise facts to back up his rejoinder.

Mr. President, I believe this important matter is well deserving of a close study by each Member of Congress; and I ask unanimous consent that the address by Richard Kleindienst, entitled "May Day Fable and May Day Fact," be printed in the Record, where it can be read in context and in full.

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

"MAY DAY FABLE AND MAY DAY FACT"

(By Richard G. Kleindienst)

One month ago today, a large-scale coordinated effort was made to stop the Federal Government from functioning in Washington, D.C. It was the first time this had been attempted by an organized mob in the history of the United States.

Certainly there have been numerous mass demonstrations in the nation's capital. In 1894 Jacob Coxey led 20,000 unemployed from Cleveland to Washington, D.C., to demonstrate against unemployment. World War I veterans marched on Washington to demand payment in full of their military bonuses. The Women's Suffrage movement demonstrated in Washington for civil rights and antiflaw objectives. Again, in the third week of April 1971, an organized mob demonstrated in the nation's capital. In the summer of 1970, the People's Coalition for Peace and Justice, meeting at Berkeley, California, organized a so-called "People's Peace Treaty" with North Vietnamese students. And during the third week of April 1971, another group of demonstrators was those of the forces fighting against American soldiers overseas. Other examples were the American flags at the Washington monument.

Returning to the plans made for Mayday, a Student and Youth Conference on a People's Peace Treaty was held at Ann Arbor, Michigan, approved the May Day disruption and sent out a call for support. Meanwhile, headquarters for the May Day effort had been established in Washington, and participants were recruited all over the country with a propaganda movie and leaflets. Orientation sessions for regional leaders were held in Washington early in April. A 24-page Mayday Magical Manual was printed and distributed to every member of the group. It contained explicit instructions on how to block them.

It also made some clear statements of purpose. The people were not going to accept violations of "disruptive actions in major Government centers, primarily Washington, D.C. (creating the spectre of social chaos)."

"The fact is that eye-witnesses tell a completely different story. Says the Washington Post, "Our observations on the streets at the time and from the films of the event show that most of those arrested were innocents, even though it is true that the government lacks the evidence now to prove they were guilty." The legality of an arrest hinges on the circumstances reasonably known to the arresting officer, not on proof beyond a reasonable doubt.

Fable No. Three—that the authorities were not really doing anything that would justify the arrest of more than 7,000 people on May 3. One of the few senators critical of the police, Senator Kennedy of Massachusetts, referred to the Mayday week's activities as "an indecent assault on the condition of Thoreau and Martin Luther King."

The New York Times said of the participants, "They did not resist arrest... they tried to engage in friendly dialogue with them, they did not resist arrest; incident after incident of violence against property were comparatively few and well within the power of the police to contain."

Fact No. Three—Approximately 20,000 disruptors tried their best to carry out their announced intention of paralyzing Washington and stopping the Government. They did this by widespread and unprovoked acts of violence. The minute-by-minute police log of May 3 and numerous on-the-spot reports and testimony proves conclusively that the disruptors endangered people by rolling boulders into streets, laying metal ropes across streets, setting fire to trash cans, spreading nails on roads, throwing rocks and bottles at passing motorists, ramming down parked vehicles into traffic lanes, ripping down signs and traffic markers. On one occasion they actually tried to get to a fire and took away its ladders to use in blocking traffic. On another occasion they tried to get into a trailer and completely destroying the trailer and were probably a few lawful arrests of persons who turned out to be innocent, but these were minor exceptions, making up no more than a very small percentage of the total.

But that is not the same as saying that these persons have been tried and acquitted. On Mayday the police were arresting disruptors of a commission, and the courts were trying those arrested. The law says that the offenders knew it when they were arrested and they knew it then.
spilling its contents over the street. On still another occasion they cleared a path through the underbrush on a steep hill overlooking a boulevard; they held a truck in place at the top with steel cables, then cut the cables and the truck plummeted down into the street.

They blocked police emergency vehicles, turned the water mains of homeowners and motorists' autos, abandoned cars on bridge approaches and in tunnels, and dumped all manner of trash into the streets. They stoned and beat policemen and tried to prevent their making arrests. The total count of policemen they injured by the end of May was at 90.

To compare this vicious and wanton mob attack on Washington with the civil disobedience of Thoreau and Martin Luther King is to insult the memory of those men who stood for peaceful, nonviolent protest.

It is the enormity of this attack and of the necessity of arresting more than 12,000 persons within three days, it is a testimony to the professional discipline and restraint of the Washington police that not one shot was fired, and so far as I know, no serious injuries of disrupters have been reported.

Fable No. Four—that the police acted illegally—that they suspended the Constitution. At one conference earlier this week a reporter stated that the defendants "are not being released on the grounds that they aren't proved. They are being released on the grounds that they are notproperly arrested." This charge refers principally to a period from 6:45 a.m. to 2:10 p.m. on May 3 when the use of Field Arrest Forms was suspended.

Fact No. Four. The validity of the arrests was not challenged by the court of appeals, which dismissed cases for lack of evidence, and did not stay the other arrest cases.

There is no requirement in the Constitution or in the D.C. law for the use of Field Arrest Forms. Such forms have been previously adopted as an administrative procedure. Their use could be and was suspended during emergency situations at the discretion of the Chief of Police. The reason for doing so for seven hours and 35 minutes on May 3 was that the thousands of disrupters bent on destroying the capital of Government were coming so fast that there was not time for officers to fill out the forms.

To do this, it would have required mobilizing in the performance of their duty to prevent the disruption of the nation to its hundred officials or officials and leaving lawful processes, because the arrests made without the forms were perfectly legal. But even to do this, the police should have turned their backs on the nation in order to bury themselves as clerks with procedural forms.

It so happened that the sheer volume of arrests forced upon the police made it very difficult for arresting officers later to link up defendants with specific offenses. But even so it was not due to any calculated scheme on the part of the police, as charged by their critics. On the contrary, it was designed to prevent such schemes. Such forms had been previously adopted as a means of making reports ofarrests made during emergency situations at the discretion of the Chief of Police.

The courts did not consider these arrests illegal. Is it by the statement of the Chief Judge of the Superior Court of the District of Columbia: "It is not a good practice to fabricate, much less agreed upon. I further submit that the Washington police proved that a serious attempt to stop the Government of the United States could be blocked without impairing Constitutional rights, and without giving the disrupters new grievances on which to fume and growl. And if these facts triumph over the fable that has been invented, there is hope that the first attempt of an organized mob to stop the United States Government will also be the last.

ADVISORY COMMISSION RECOMMENDS NATIONAL DOMESTIC DEVELOPMENT BANK APPROACH

Mr. HUMPHREY. Mr. President, the Advisory Commission on Intergovernmental Relations has just published a study titled "Federal Approaches To Aid States and Local Government".

This study recognizes the tremendous need for public facility construction. It notes that spending for such construction is currently $30 billion and will reach $40 or $50 billion by 1973.

It describes three methods which might be taken to assist local governments in meeting their public development demands: reducing cost of State and local borrowing; increasing the certainties of Federal financing of projects; and encouraging State financial participation in federally aided local capital projects whose benefits extend beyond local jurisdictional boundaries.
As part of its recommendations, the ACIR advocated through a more restricted form, a Federal subsidized lending authority, similar to the National Domestic Development Bank which I proposed and introduced on May 26, 1971.

At the time of introduction, I said that the National Domestic Development Bank would "provide a new source of capital funds and technical assistance for cities and towns across the Nation to undertake a wide range of vitally needed public projects." I am delighted that the Commission has gone on record for such a lending bank.

I would only hope that Congress and the executive branch will see the urgency that makes a new approach to the financing of public facilities imperative.

Mr. President, I ask unanimous consent that an article from Appalachia, entitled "Federal Approaches To Help State and Localities Finance Construction of Public Facilities," be printed in the Record.

Without objection, the article was ordered to be printed in the Record, as follows:

FEDERAL APPROACHES TO HELP STATES AND LOCALITIES FINANCE CONSTRUCTION OF PUBLIC FACILITIES

By L. R. Gabler

The year 1969 may long be remembered as the year of upheaval in the market for state and local bond issues. Primarily because of the precipitous departure of commercial banks from the market, Commercial bank purchases of municipals--as they are known in financial circles--fell from $9.0 billion in 1967 and $8.7 billion in 1968 to about $1.4 billion in 1969. However, 1969 should also go down as the year of a suggestive development of ideas by which states and localities can meet their capital financial requirements by bonding the state and local bond market to tightly money policies reemphasized the need to reduce the state's and local's share of the Federal Aid to Mass Transit Program.

It is this question which will be discussed in the following section of this article.

FACtORS Affecting the GROWTH of State and Local Bond Issues

At the end of 1946, state and local governments had some $15.8 billion in interest-bearing debt outstanding. By 1971 this amount had risen to the $140 billion level, just under nine times the postwar level. As the population and the economy grew, the national income, however, has been rising more rapidly.

The postwar advances in prices. It simply costs more to build the same public facility today than it did in 1946, even if allowance is made for the forgetfulness of the public. It is more difficult to incorporate improvements and ideas. Construction costs have risen rapidly--at more than twice the rate of the general consumer price index.

The growth and redistribution of population. The nation's population has grown by more than 40 percent since 1946, and rates of growth for the school-age and auto-owning population--the two groups with obvious immediate future capital requirements--have been even more dramatic. Since this population growth has been coupled with the relentless movement of people from rural communities to more densely populated and therefore more expensive urban centers, states and localities have been forced to expand their public facilities.

Increased availability of federal grants-in-aid and loans to state and local government. Federal aid to state and local government has increased dramatically. Federal funds have increased faster than state and local taxes, and 70 percent of the capital requirements of the states and localities have been paid for by the federal government, according to the Federal Aid to Mass Transit Program. This program has been vital as a stimulus to the construction of many needed public facilities that might otherwise never be built.

The capacity to make the public facilities. This capacity has been expanded by a number of factors: the tax differential is undoubtedly the major fac-
tor influencing most investment in municipal bonds, there is also no doubt that the tax-exempt status of these bonds results in a significant distortion in favor of issuing government than would be the case if such securities were taxable on the same basis as other income. (While the ACIR Group has recommended that state income taxes—which varies from state to state—also affects an investor’s decision to buy.)

1. As a necessary first step, there must be strong support—governmental and private—for an effective anti-inflationary policy. This will be achieved only when all fixed-income securities, not just municipal bonds, and will increase the flow of savings to the rest of the national economy.

2. To reduce the financial pressures on state and local governments, the federal government should appropriate adequate funds to support local projects through lump sum payments rather than debt service grants.

3. As a means of reducing pressures on the tax-exempt market, a federally subsidized authority should be established for the purpose of lending funds to jurisdictions which are building federally aided waste facilities, but are unable to borrow their share of the funding at reasonable rates of interest.

4. Anticipated changes in tax influences as well. Anticipated changes in the supply of funds for munis, to preserve his wealth rather than to conservative investor whose objective is to investing larger portions of their funds in stocks rather than munis.

5. The impact of inflation on the municipal bond market is the trend of the national economy. It can expand quickly for an effective anti-inflationary policy. This

6. There are two sets of needs here, and they are often mutually exclusive. On one hand, state and local officials need to know for certain that they can count on. On the other, federal officials have a natural desire for budgetary flexibility. The federal government should have the power to speed up or slow down spending as needed in order to control economic fluctuations. The key policy question therefore becomes:

7. Congressional committees in the exercise of their traditional budgetary prerogatives?

8. This recommended a three-pronged attack on this issue.

(1) Congress should establish and follow a specific timetable for processing annual authorizations and for acting on annual appropriations bills. There is a demonstrable need to overhaul the budget and appropriation processes to contract with teachers for lower interest costs paid by state and local officials need to know for certain that they can count on. On the other, federal officials have a natural desire for budgetary flexibility. The federal government should have the power to speed up or slow down spending as needed in order to counter economic fluctuations. The key policy question therefore becomes:

(2) When it is decided that the federal government should economize in order to combat inflation, federal funds for state and local facilities should not bear the brunt of the contraction. Rather, the President, in cooperation with the Governors, should determine national priorities—and then translate these priorities into a statement of what kinds of construction projects the nation can afford to cut through the usual procedures to reduce and stabilize the interest costs paid by state and local governments. To do this, ACIR has recommended the following three measures:

(a) the ineffectiveness of state and local project contraction as an effective method of stemming inflation.

(b) the necessity for joint state-federal determination of national priorities.

(c) the advantages of giving states the right to cut the federal budget squeeze. Let us discuss the three ideas separately.

The ineffectiveness of project contraction. For a number of practical reasons, when the...
federal government attempts to fight inflation by cutting back on capital projects while those projects are still in the planning stages but not yet under construction, it is far more difficult—and certainly more wasteful—to stem expenditures when projects are already under way. It is because of the time lags involved, it is conceivable that by the time a cutback order is finally translated into reduced outlay, the savings may not be forthcoming.

The need to agree on national priorities. The paragraph above indicates that cutting back on state and local projects may not be a very effective way to fight inflation. But even if it were, should the state-local sector always be expected to shoulder the full burden of keeping the knee and bow the head when inflation threatens? It is indeed a remarkable commentary on our national priorities. After all, it is the responsibility of the Federal government to coordinate and, ultimately, the entire Congress, where it properly belongs. But state and local governments are often given a fairly substantial degree of assurance that the promised federal dollars would be forthcoming.

Action on these three recommendations—timely appropriations legislation, federal-state coordination, and measures to combat the business cycle and multi-year advance budgeting—should provide state and local officials with far more predictable federal fiscal aid while at the same time safeguarding the legitimate needs of the President and Congress for budgetary flexibility.

ECONOMIZING IN FEDERALLY AIDED CAPITAL PROJECTS

Closely related to the problems discussed above is the question of what the federal government can do to encourage the states to help finance local public facilities, particularly those that extend beyond local boundaries.

Two significant questions are raised:

1. Should Congress provide a financial incentive to encourage states to assume part of the responsibility for funding such local projects?

2. In order to encourage state and localities to construct certain types of high-priority public projects, should Congress commit the federal government to reimbursing those governments for a portion of the cost of such programs?

This action would remove some of the financial disadvantages of debt service grants discussed earlier in the article.

The ACIR study also suggests that saving $1.50 for every $1 invested is the basic source of funds for public improvements projects. But the remedial procedures described in the ACIR study can play an important role if they are adopted, correcting points of friction and lubricating the financial machinery required to help states and localities build the facilities they need.

FINANCIAL INCENTIVE FOR STATE PARTICIPATION

With regard to the first question, the ACIR study suggests that the federal government and development know no jurisdictional boundaries, many projects are “local” in only the most limited sense of the word. Towns and cities, as political entities are interdependent in programs such as environmental control, urban mass transport and airport development. Thus, if a given project has more than local benefit, it should not be viewed strictly as a local-federal endeavor; the states should also become financially involved.

State support would mean more than just adding dollars for local projects. Perhaps even more important, this kind of support indicates that the state is genuinely committed to the project; this kind of state commitment is often the missing ingredient in federal and local governments will be encouraged to set up a stable and continuing flow of funds, thus assuring the long-term health of the project.

Experience with the water pollution control program has shown that states can be induced to look ahead into local or regional projects of this type if their participation is rewarded by an increase in the federal share of the cost. This has become of especial importance since the states with the most urgent needs will make significant contributions to a national effort to improve the quality of our nation’s waterways. In other words, if the federal government is to provide a true overall incentive for state participation, it must increase its federal dollar grants nationwide, as well as its matching share for those states that put up the required federal portion otherwise the higher federal share for approved projects would simply leave less for other projects—a robbing of Peter to pay Paul.

PREFINANCING AUTHORITY

The inducement of a higher federal share becomes even more attractive when it is coupled with federal prefinancing authority. The question posed in this part of the article. In the Clean Waters Restoration Act, American taxpayers have already demonstrated their willingness to finance the cost of constructing sewage treatment facilities; several states localities have made appeal to the federal authority, despite the fact that they were given unconditional assurance that the funds they asked for would ever be forthcoming.

Many states are not willing to take this kind of gamble, however, and this brings us to the crux of the matter: the imperative need to give the states unconditional assurance that the funds they advance will be reimbursed by the federal government, and reimbursed on schedule. Prefinancing arrangements do, of course, require certain safeguards. Without them, some states or localities will help themselves to federal funds and unlimited prefinancing authority could virtually blackmail Congress into approving any kind of program needs. The safeguards necessary to prevent such abuses should be built into the legislation.

CONCLUSION

Like any other problem areas, points of friction that are tolerable when the magnitudes involved are small become severely exacerbatred when the magnitudes grow. This is the case with the financing of state and local capital outlays, where the growth has been substantial and the pains increasingly obvious. The municipal bond market and the federal aid system undoubtcdly remain the basic sources of funds for public improvements projects. But the remedial procedures described in the ACIR study can play an important role if they are adopted, correcting points of friction and lubricating the financial machinery required to help states and localities build the facilities they need.

NEW BATTLES AT ANTIETAM AND GETTYSBURG

Mr. MATHIAS. Mr. President, although the battles of Antietam and Gettysburg occurred more than a century ago, the fight to preserve these historic battlegrounds is as challenging today. Recently, in fact, the conflicts between protection and development at these two national parks has intensified, arousing nationwide interest and concern.

The imminent possibility of housing developments in the heart of the Antietam National Battlefield dramatizes the importance of my bill, S. 1525, which is cosponsored by Senators Proxmire, Bentsen, and Stennis. The bill is now being reviewed by the Department of the Interior as well as by State and local officials, interested citizens, and conserva­tive and historical organizations. I have urged my good friend, Secretary Morton, to expedite the departmental report on S. 1525 so that Congressional hearings may be held.

One extensive and very interesting report on the current situation at Antietam and nearby Gettysburg is Robert J. Dunphy’s article, "Reported at Gettysburg and Antietam—A Dispatch from the Field," which was published in the Travel Section of the New York Times on May 30. Despite the
current threats to its serenity, Mr. Dunphy notes, Antietam in particular is "still green and uncluttered," and "a quiet place, anathema to battlefield "managing as of now to retain their power to stir the human soul."

The Nation cannot afford to lose the inspirational, if uncommercial, historical battlefields. In the battle of the future, we cannot afford to let such a crucial chapter in our history be bulldozed past recognition. I am pleased that the Antietam legislation has stimulated public interest and that those who wish to preserve and protect this vital area, and intend to work closely with all concerned to secure the passage of constructive legislation this year.

Yannacce told me in a telephone interview: "This will be a test case for the entire National Park system. The case will raise the single control issue about changing the National Park system, as unique national historical resource treasures, can dictate the use of precious park lands. The Court will attempt to sort out the battle tower's future for the purpose of stopping the construction of the tower against Ottenstein "to protect a national natural historic site against further degradation."

One leader of the anti-tower faction is Neil W. Beach, chairman of the biology department at Gettysburg College; he calls it Ottenstein's Obsession. "the more resistant you become, the more determined he becomes."

But Ottenstein has at least one ally in Gettysburg's Mayor, William G. Weaver. "I see no objection to the tower personally." Weaver says. "It's not an erector-set tower. It's a go-getting, do-it-yourself affair. The tower is divided somewhat. We see a lot of things come and go. Look at that one block out there - the street is closed, not fixed. I've had the experience where we got the 10 cents on every $1 admission."

GETTYSBURG, PA.-Every time another garbage hamburger joint or fried chicken place or motel or gas station opens up on the perimeter of Gettysburg and Antietam - another garbageman, another dot on the Mason-Dixon Line - another garbageman and real estate speculators who are planning housing developments, motels or restaurants - another dot on the Mason-Dixon Line - another garbageman and real estate speculators who are planning housing developments, motels or restaurants - another dot on the Mason-Dixon Line.

Indeed, things have reached the point where the Park Service, the people's custodian of the nation's battlefields, has now declared a virtual state of siege here at Gettysburg and nearby Antietam - sounding the alarm not merely against honky-tonk Southern Bell, but against land sharks and real estate developers who are planning housing developments, motels or restaurants - another dot on the Mason-Dixon Line.

And so the fighting goes. But as the situation is at Gettysburg, the future looks even worse at Antietam, the field where some 30,000 Union and Confederate soldiers were killed or wounded in roughly 10 hours of fighting. Farms on the battlefield are up for sale.
battlefield that is presently owned by the Government.

The site selected in Antietam and its surrounding Great Valley area did not spring up overnight. Most of it stems from the opening of the numerous scenic and historic highways 70 and 81, which connect with the Pennsylvania Turnpike to the north and provide, among other things, a huge covered corridor through western Maryland for motorists traveling between Washington, D.C., and the Midwest. In addition to generating more area, bringing Antietam, as park officials say, under protection, they say, "under the eyes of history or through the eyes of love it becomes something else." And so it is to go to the National Park Foundation when legislation is finally approved.

The Antietam bill was introduced in the Senate by Sen. Mark Hatfield, Republicans of Maryland, and an identical measure was offered in the House by Sen. Charles McC. Mathias, Republicans of Maryland, and Mark Hatfield, Republican of Oregon, and an identical measure was offered in the House by Goodloe Byron, Democrat of Maryland. Says Senator Beall: "Action is necessary immediately in the Senate to prevent the possibility of putting the society in an embarrassing position, but my request was turned down. I have written to Washington County all my life and I oppose very definitely anything commercial development of the battlefield. The small homestead going on in the area is the one I am interested in holding off and waiting for the Government to come up with a solution."

BILLY IN NEGROES

Both the Antietam Manor, comprising 90 acres, and the 11-acre site owned by Her-shey would be purchased by the Park Service for $2.6 million in funds and machinery for con-densation proceedings, if necessary, would also provide for the establishment of a 1,600-acre "environmental protection area," or buffer zone, around the battlefield to protect mar-ks and garish tourist attractions at arm's length. This would mean that many of the farms adjacent to the present publicly owned 790-acre Antietam National Battlefield Site and Cemetery would be purchased by the National Park Service.

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"I think it is of considerable importance that the major battlefields be preserved as they are today," Charles McC. Mathias, Senate Prise-winning Civil War historian, told me. "No one can hope to understand the America that fought the Civil War without some study and attention to the Civil War. And it seems to me necessary to preserve as many as possible of these battlefields... so that people can visit them."

One of the biggest threats to all of this is the work of the real estate developers at Antietam and Gettysburg. I don't think we are going to win... by simply standing in silence under the open sky... with the aid of gadgets or gimmickry... on the field of battle... to the 700 men killed between Gettysburg and Antietam... in the most tragic chapter of our history. The best way to intensify the experience... to re-live the horror and heroism... is to read about the Civil War first and then go to the battle areas. "After reading about Antietam, for instance," says Civil War historian Charles M. Mott, "you'll find that nothing means so much as standing on the actual site. I met an old man several years ago who had a brick that had been dug up on the spot and sold as a souvenir the day after the battle. It had a line of discoloration running through the center, and he said, 'I proved that the earth had run with blood.'"

Until quite recently sharp-eyed and sharp-fooled tourists have been driving or walking on the battlefield, along the roads and streets, in the middle of the Gettysburg battlefield, which is in the eye of the beholder, and so is history.

A battlefield can evoke the strongest person-al feelings, but they depend on the individual and the recollection of events that brings it to the memory... says historian Henry Stabler, who has written extensively on American history at Amherst College. "A hill is a hill is a hill, but if you visit it through the eyes of history or through the eyes of war, it is a different thing else. Cemetery Hill at Gettysburg becomes more than just a hill when viewed through the eyes of history—it comes to life. Perhaps the eye of the beholder might be history.

Cemetery Hill, where Union troops repelled a fierce Confederate attack on July 3rd, now is the site of a Soldiers National Monument, which is the spot where Lincoln delivered his Gettysburg Address four months after the battle.

T. Harry Williams, author of "Lincoln and Gettysburg," recalls how in his childhood he tried to envision what it was like during the battle.

The soldiers National Monument

WITH A PHD CANDIDATE RE-FIGHTING THE BATTLE

The soldiers National Monument, which is the spot where Lincoln delivered his Gettysburg Address four months after the battle, is the site of a Soldiers National Monument, which is the spot where Lincoln delivered his Gettysburg Address four months after the battle.

T. Harry Williams, author of "Lincoln and Gettysburg," recalls how in his childhood he tried to envision what it was like during the battle.
ENVISIONING THE SNIPERS

"At Gettysburg, I walk over the terrain and try to put myself in the position of the men who fought there. At Devil's Den, for example, I try to imagine Confederates shooting over the parapet of balls of the embankment and on the fences."

The visitor, who can still see the huge granite boulders known as Devil's Den where the Confederate snipers holed up, just about 1,000 yards from the Round Top inspiration point, two miles directly south of the Visitors Center. On foot, the visitor can reach the area by seeing the image of Pickett's Charge.

Historian James L. Robertson of Virginia Polytechnic Institute, author of "The Stone-wall Brigade," advises anyone planning a visit to Gettysburg to read "Gettysburg, A Study in Command," by Edwin Coddington, published just after the author's death last year. Another historian, Bell I. Wiley of Atlanta's Emory University, author of "The Life of Billy Yank" and "The Life of Johnny Reb," the common soldiers of the Civil War, recommends "High Tide at Gettysburg" by Glenn Tucker before a visit to the battlefield.

"I don't know which is better," he says, "to read a book or stand on the battlefields?"

For me at least, understanding you simply have to do both. I think the battlefields help convey the feeling of tragedy—at Gettysburg there is always the impression that Pickett charged up a steep slope, but then you see that it's almost level and you can understand the terrible vulnerability of those 15,000 men facing such tremendous musket fire at close range.

I walk over the terrain, and the battlefields retain part of that. The Civil War was a watershed in American history; we issue maps into a new generation, five days later has given the battle greater relevance today.

For physical evidences of the terrible clash at arms remain today. Visitors can walk along Bloody Lane, originally Sunken Road, where bodies were piled five deep during the fighting. Visitors can walk under the impression that Pickett charged up a steep slope, but then you see that it's almost level and you can understand the terrible vulnerability of those 15,000 men facing such tremendous musket fire at close range.

WHERE THE STRUGGLE COMMENCED

The visitor can stand in front of the Dunkard Church, directly across the Hagerstown Pike from the park Visitors Center, and take in the entire area where the Battle of Antietam commenced at dawn on Sept. 17, 1862.

Frank Vандier, author of "Mighty Stone-wall," recount the battlefields as "the most see-able area in the country, the most visitable area where the battle of Antietam is about to begin at the Visitors Center for an on-the-spot orientation, go through the museum and then pick up the self-guided auto tour (hardy visitors may walk it but it's an eight-mile hike) and go to the Cyclorama if you must (50 cents and dull), pick up a free pamphlet guide in the lobby and go next door to the Gettysburg National Military Museum (Home of the Electric Map)."

A commercial attraction that billed itself as "the most visited battlefield museum in the nation," it has just been acquired by the National Park Service for $2,356,000. It will come under the jurisdiction of the park services of the National Park Service, the Rosensteel family of Gettysburg, until October, 1973, at which time it will probably be leased out as a concession by the Park Service.

VETERANS UNEMPLOYMENT STATISTICS

Mr. HUMPHREY. Mr. President, on May 17 I sent a letter to the Secretary of the Department of Labor questioning why there is no regular reporting of unemployment statistics of veterans of the Vietnam era.

I indicated that the absence of such figures from regular disclosures on unemployment clouded the picture of the job market.

I have since received a reply from Labor Commissioner Geoffrey H. Moore indicating that the United States Department of Labor to regularly publish data on employment and unemployment of veterans.

Mr. Moore indicated there currently is a plan to issue the data in the regular press release on employment.

I ask unanimous consent that there be printed in the Record the text of Mr. Moore's letter, a portion of a congressional article on the unemployment of Vietnam era war veterans, written by Miss Elizabeth Waldman, an economist in the Division of Labor Force Studies, Office of Manpower Employment and Earnings Statistics, and my original letter to the Secretary.

There being no objection, the items were ordered to be printed in the Record, as follows:

Hon. Hubert H. Humphrey, United States Senator, Washington, D.C.

DEAR SENATOR HUMPHREY: The Secretary has asked me to refer to you the letter of May 17 relating to unemployment data on veterans of the Vietnam era.

We recently concluded arrangements with the Veterans Administration to take over the responsibility for publishing the data on unemployment and employment of veterans. These figures appear on pages 8 to 10 of the enclosed May 1971 issue of Employment and Earnings.

The data will continue to be published on a regular basis in Employment and Earnings. In addition, we plan to issue the data in the regular press release on employment each quarter or in a separate release. We do not intend to issue the unemployment figures on a monthly basis because numbers of that size are subject to fairly large sampling variability owing to the small size of the sample.

Sincerely yours,

GEOFFREY H. MOORE, Commissioner.

UNEMPLOYMENT OF VIETNAM ERA WAR VETERANS

(By Elizabeth Waldman)

Regular publication of data on the employment status of Vietnam Era war veterans—the men who served in the Armed Forces at any time after August 4, 1964—begins with this issue of Employment and Earnings and will be published on a monthly basis. Information on veterans is based on estimates of the
veteran population provided by the Veterans Administration (VA) and upon data obtained for the Bureau of Labor Statistics (BLS) and the Census of the Current Population Survey (CPS). The labor force concepts and sampling variability for the CPS data are the same as those for the CPS.

Veteran status is defined as the dates of service in the Armed Forces. A veteran is defined as follows: Vietnam Era—served after August 4, 1964; Korean Conflict—served at any time between June 27, 1950 and January 31, 1955; World War II—served any time from September 16, 1940 to July 25, 1947; World War I—served any time between April 6, 1917 and November 11, 1918. A part-time job served in the Armed Forces between February 1, 1955 and August 4, 1964. A nonveteran served in the Armed Forces or served only in peacetime prior to June 27, 1950.

The number of Vietnam Era war veterans under age 36 in the civilian labor force increased by about 525,000 over the year to an average of 3.5 million in the first quarter of 1971. Most of these veterans were employed, but their unemployment rate rose sharply, especially among young veterans below age 25. The unemployment rate for nonveterans in this age group was 8.4, 6.8, and 5.5 percent respectively. Although the rate for young nonveterans began to rise earlier in the year, the rate for young veterans has remained significantly lower.

The unemployment rate (not seasonally adjusted) for veterans in the age group 20 to 29 averaged 10.8 percent in the first quarter of 1971, 7.9 percent in the preceding quarter, and 8.8 percent a year ago. Comparable unemployment rates for nonveterans in this age group were 6.4, 6.8, and 5.5 percent respectively. Although the rate for the nonveterans began to rise earlier in 1970 (3.0 percent points to 7.2 percent), the rate for veterans has remained significantly lower.

The rate for young veterans (20-24) has been consistently higher than that for men 25 to 29 and it increased by a greater amount over the year. The rate for the younger veterans rose by 5.5 percentage points to 14.6 percent in the first quarter while that for the 25 to 29 year old veterans rose by 3.0 percentage points to 7.2 percent. Over the same period the rate for young nonveterans rose by 3.5 percentage points to 10.8 percent. The higher unemployment rate for the young veterans is only partly a result of labor market problems that keep the rates of young adults above those of the older work-er population. The young veterans, for example, are not as likely to be working. Young jobseeking Vietnam veterans and nonveterans have in common such factors as inexperience, shopping around, searching for work, and searching for part-time jobs while attending school. But since the latter part of 1970, Vietnam veterans found themselves leaving military service as jobs grew increasingly harder to find. The plight of the growing proportions of young specifically separated GIs shows up even more clearly as the over-the-year rise in their unemployment rate was greater than that for any other group of men by age and veteran status.

The unemployment situation of Vietnam veterans of Negro and other minority races, compared with that of white veterans, may be discussed only in general terms, because the unemployment data for them are based on very small numbers and are subject to large sampling errors. Nonetheless, the unemployment rate for Vietnam veterans of Negro and other minority races has been higher since mid-1970 than for white veterans, although the amount of difference cannot be estimated precisely.

Mr. CRANSTON. Mr. President, I in-vite the attention of the Senate to the tremendous progress that has been made by the California Rural Indian Health Project, an innovative program established to meet the critical health needs of disadvantaged rural Indians in Cali-fornia. The project thus far indicates that it may well be a viable prototype for meeting the health needs of Indians in other States.

In the 1950's, Federal responsibility for Indian health programs in California was terminated. It was believed that health needs would be adequately served by the existing Indian Health Service programs. However, it soon became apparent that a serious problem of coordination was needed among Federal, State, and local agencies. This program, the California Rural Indian Health Project, was established to provide specific services. The subsequent inaction contributed to the deterioration of Indian health in the State. Moreover, the many Indians in rural areas were isolated socially as well as geographically from community health resources.

In an attempt to meet these problems, the Bureau of Indian Affairs, in cooperation with the State of California, initiated a demonstration project in 1967 specifically directed toward the improvement of Indian health. Nine rural Indian health projects were selected for this pilot program.

In January 1970, the California Department of Health and Welfare participated in the demonstration project in 1967. The project was re-established in October 1970. The program was expanded to include all Indian tribes in California.

The nine original rural Indian health project areas were geographically spread across the State, extending from Humboldt to Kern counties and from Mendocino to San Diego Counties. The Federal funds amounted to $165,000. The funds were subcontracted to the State Department of Public Health to sub-contract to the nine project areas through the tribal councils or local Indian health boards. The funds were used primarily on community organization, health education, transportation services, and assistance in establishing eligibility for medical, medical care, and dental services. The funds were used on volunteer assistance. Although no funds were available for direct medical services, project staffs were instrumental in saving lives and in obtaining volunteer medical and dental assistance.

Today the projects number 15 and have expanded into service areas covering about 32 counties with an Indian population of approximately 30,000.

The 15 projects have formed an Indian health board, comprised entirely of Indians, with two delegates from each project. They are now working closely with the California Rural Indian Health Board to ensure that the health needs of all rural Indians in California are met.

Mr. MATHIAS. Mr. President, the men who made the United States the mightiest sea power the world has ever known, who built and sailed the biggest fleet in history, who converted the disaster at Pearl Harbor into the victory in Tokyo Bay were not all swash-
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Indian body administering a statewide program in the Nation. This is indeed an important and challenging role.

The realization of this unique program has been through the efforts of many people. Instrumental in the endeavor have been Dr. Emery Johnson and the staff of the Office of the Indian Health Service for their support and assistance; the staff of the Bureau of Maternal and Child Health of the California State Department of Public Health, who have been persistent in their efforts to develop a creative rural health program based on maximum participation of Indians themselves; and, of course, the Indian people of California, especially the members of the California Rural Indian Health Board, who have assumed the responsibility for a rural Indian health program in a State of the size and complexity of California.

Mr. President, I believe the California rural Indian health project has made great strides in the improvement of health care in rural areas and has helped to drive further the idea that health care should be a priority for rural America and that it has done so with only a small Federal grant—at an annual level of $750,000 for the entire 15 local projects. I hope that in the future the California rural Indian health project can count on a substantial increase in Federal funding in order to provide critically needed comprehensive health services to rural Indians throughout California.

DEDICATION OF RCA SEMICONDUCTOR PLANT IN LIEGE, BELGIUM

Mr. MATHIAS. Mr. President, on May 17, Robert W. Sarnoff, chairman and president of RCA Corp., delivered an important address at the dedication of the RCA semiconductor plant in Liege, Belgium. With welcome clarity, Mr. Sarnoff set forth the situation of the multinational corporation and its growing importance, not only to our own economy, but to a healthy trade and economic picture throughout the world.

Mr. Sarnoff also addressed the attention of the Senate and asked unanimous consent that it be printed in the Record.

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

ADDRESS BY ROBERT W. SARNOFF, CHAIRMAN AND PRESIDENT, RCA CORP., AT DEDICATION OF RCA SEMICONDUCTOR PLANT, LIEGE, BELGIUM, MAY 17, 1971

As a staunch believer in multinational business, I am honored to take part in this dedication of one of the first and a sophisticated factoring plant in Belgium and its first in the European Economic Community.

RCA's investment in Liege is a commitment for those of us who viewed its agony after World War II. Today, its rebuilt cities and its world-renowned university, the Liege University, are symbols of the most ambitious effort ever made to achieve enduring international economic cooperation.

For these compelling reasons, Belgium was RCA's first choice when we elected to expand and manufacture in Europe. Belgium's growing number of European customers, and of possible sites within the country, Liege offered most to a technology-based industry. Its geographical position includes a formidable reserve of technical manpower. It has outstanding resources of culture and learning; the University of Liege is a world-renowned university with an eminently engineering faculty.

We wanted to honor the courtesy and consideration of your national and provincial government officials. We are particularly indebted to Prime Minister Léger, the Vice Prime Minister and Minister of Economic Affairs, Monseur Delmotte, the Minister and Secretary of State for Regional Economy, and Governor Clerdent. All of us in RCA deeply appreciate their help as well as the cooperation and hospitality we have encountered everywhere.

This is not RCA's first manufacturing operation outside the United States, but it is pivotal in our continuing multinational growth. The electronics market in Europe is surging ahead. We hold a strong position in both the silicon power transistor market and silicon power devices, which are used in a wide range of electronic equipment from television sets to computers. Until now, we have had European demand dwarfed by solid-state devices manufactured in the United States. But it has become increasingly necessary for competitive business, that we can do a better job of servicing European customers with a European factory.

In its brief production life, this modern plant is meeting our highest expectations. Initially, it is serving as a major supplier of silicon power products for the European market. Later it will export to other markets, including the United States. As all its resources come into play, it will be a developmental source of new technology for the electronics markets of the world.

RCA's investment in Liege reflects the changing character of the global economy. With increasing vigor, business is probing across national boundaries to seek new opportunities in regional cooperation. In itself, this is not new. Industrial management has always sought to operate wherever resources are needed in materials, labor, and access to markets. But the magnitude of business expansion today, towards the past, and the reason is the global reach of new communications technology.

Within the last decade, the barriers of time and distance have been penetrated by new wideband electronic highways that carry a world-wide flow of information. Business entrepreneurs in Liege now deal with New York or Tokyo as they deal with Brussels. As the electronic highways have lengthened, multinationalism has become more than a new way to operate. It has become the motive force behind global economic expansion.

Today, the business volume of all multinational corporations, including both exports and local sales, exceeds the gross national product of every country except the United States. Europe accounts for an increasing proportion from foreign subsidiaries of multinational corporations is greater in dollar value than the tax and wages paid by the entire national economy. I believe statisticians will soon have to include a new category—Gross Multinational Product—into their computations. Growth.

Unfortunately, multinationalism suffers from a serious defect. Especially formulated, it suggests an American industrial

occupus, its tentacles searching for profits around the globe. Perhaps this is why that the growth of American multinational firms has been a dominant fact of the past decade. But we must also realize that European enterprise is heavily committed abroad, with its foreign direct investments securing access to new sources of raw materials, product, the total multinational investment of companies based in the EEC countries and Great Britain rivals that of American corporations.

European corporations have operated successfully in the United States for many years. Few people realize that the multinational product of the American market represents a desirable goal to a growing list of European companies. Several factors encourage this multinational thrust.

The American domestic market represents half the purchasing power of the non-Communist world. It offers the greatest opportunity anywhere for profitable new ventures.

The integration of the European economy is finding a strong base for expansion into new markets.

European enterprise as a whole has gained new access to foreign markets, management and marketing. It can operate on an equal footing anywhere, including the United States.

Finally, the economic resurgence of Europe has generated new capital resources, including dollar reserves, for investment abroad.

I expect European multinational growth in the United States to advance during the 1970's at a rate approaching American industrial growth in Europe in the 1960's. Perhaps Mr. Servan-Schreiber will then visit the United States and write his new best seller: "The European Challenge."

As this trend continues, economic activity and technical progress will accelerate on both sides of the Atlantic. A new springboard will be created for further advances on every continent and in every nation, including those now remote from the mainstream of economic development.

I view multinational business as the expression of an industrial economy, a true world economy. It seeks the most efficient use of resources on a global scale. It encompasses economic nationalism with new capital resources, and fosters the spread of useful technology and management know-how.

Only the historic recalcitrance of nationalism stands in its way. In many nations, foreign-based companies are hobbled by discriminatory measures. The methods may be sophisticated or brute, but the purpose is the same: to prevent foreign influence in the national economy. The cost to the people of the world, in terms of stunted economic development, is incalculable.

There is an imperative need today for all governments, whatever their political coloration, to cooperate in setting ground rules for the orderly advance of multinationalism. The challenge is global, not national; it can be met without the participation of both state-controlled and free-enterprise enterprises. Indeed, the precedent for cooperation already exists in successful joint ventures between Western European companies, Russia and other nations of the Communist bloc.

The ground rules of multinationalism should be designed to create a climate of continuity and consistency for businesses everywhere. They should also give due weight to diverse national laws and regulations that deal with income taxation, mergers, pricing, anti-trust and discrimination when they arise as other problem areas.

They should also erect safeguards against misuses of power, whether by nationals or aliens. In effect, this means international-
ing the principles of business regulation now in force domestically in many countries. For the less developed countries in particular, this insistence by law on multinational good citizenship is a severe drawback toward removing their deeply ingrained suspicion of foreign companies.

Owen, in particular, as a representative of the international body, such as the Organization for Economic Cooperation and Development, could take the initiative to establish a code of international business rules. The idea that such a code is appropriate. Communications have become now universal in application and effect. Universal adoption of business criteria in a world's technological resources should logically follow. A change of such magnitude, of course, with the varying degrees of multinationalism argue that it cannot succeed without a restructuring of the entire political and social order. I would remind them of the experience of Alexander Graham Bell when he sought financing for his telephone. He demonstrated the new device to the American financial genius, J. P. Morgan, and he drew this response:

"Mr. Bell," Mr. Morgan said, "after careful consideration of your invention, while it is a very interesting novelty, we have come to the conclusion that it has no commercial possibilities." Like the telephone, multinational business is more than a very interesting novelty. It is an industry that can lift the populations of the world to new plateaus of economic development for the benefit of all their peoples.

A new RCA semiconductor plant in Liege will strengthen the concept of multinationalism—just as it is strengthened by the operations in America of such fine Belgium firms as Solvay Chemicals, Bekaert Steel Wire and Batele Electronic. We are proving again, with this plant in Belgium, that a great nation, a great economic community and a great concept for the future.

CITIES TO EXPLODE IN POOR COUNTRIES

Mr. HUMPHREY, Mr. President, population continues to increase in almost every country in the world. Imbalance in the geographic distribution of these populations within each country also persists. In the United States 73 percent of our Nation's entire population now lives in the cities. One of the long-term trends toward further concentration of our population in just a few cities near our coastlines continues.

This same phenomenon, Mr. President, is occurring in other countries—especially among the poorer nations, who are least equipped to meet the needs of rural-to-urban migration. The seriousness of this problem, as it relates to some of the poorer countries, is documented in an article appearing in the June 21, 1971, issue of the Washington Post by Henry Owen.

Once some action is taken soon, Mr. President, to check these rural-to-urban migrations in these countries and establish a sound balance between their rural and urban areas, most of these countries will be faced with an inevitable urban explosion. This will become human sinks of misery, poverty, and despair. These countries must adopt policies and programs now to encourage more dispersed population settlement patterns. They need only look to the United States to see how the failure to act now will create problems for them later. And obviously, they have fewer resources to waste in making such adjustments than we do.

I ask unanimous consent that Mr. Owen's article be printed in the Record.

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

CITIES TO EXPLODE IN POOR COUNTRIES

( By Henry Owen)

The most immediate and serious event of the 1960s was only dimly perceived at the time. The rapid break-up of traditional patterns of life in the countryside and the rapid increase in the number of poor people to more to the cities—setting the stage for urban and rural crises of the late 1960s. We failed to understand that while there was still time to do something about it—i.e., before urban problems blew up in our face.

Don't let it happen now happening in the developing countries, and we're in danger again of missing the point. Population growth, wage dislocations, and other changes are causing large numbers of people to leave farming areas for over-crowded cities. Unemployment in these cities, already high, soars further. These urban immigrants get a look at how the other half lives, via TV and direct exposure; they come to believe this is to be, and they have a chance to share this affluence. It becomes clear that this isn't going to happen, they must react, and they do; they get mad. Resulting urban violence could make the U.S. ghetto explosions of the late 1960s look mild by comparison. Owen's editor Alistair Burnet has summed it up:

"Calcutta may have 15 million people if it doesn't happen in this decade; Buenos Aires may have 10 million; Cairo 8 million. And if the pace of industrial growth is not fast enough—and it is certainly not fast enough—there will be serious and bloody attempts at revolution there. What we are seeing from urban guerrillas in Latin America is a revolution that has just begun, the gloomiest prospect of all in this decade.

Over the very long term, two trends could mitigate the problem: Family planning—which is beginning to take hold in a number of developing countries—should reduce population growth. And the flow of people out of agriculture will gradually slow down, as the farming population gets down to bedrock, much as happened in the West. The trick is to get from here to there; the remainder of this century will be a period of maximum urban crisis.

To surmount that danger, the developing countries will have to achieve very high rates of growth and will have to undertake internal economic reforms. In some countries— Korea and Taiwan—these rates of growth have been achieved. This success has hinged on outside help. In most cases, that help was provided bilaterally, by the United States. In the coming decade it will have to be provided multilaterally, by the international community as a whole.

There are some signs that this may happen: the capital flow of multi-lateral lending to developing countries has risen from about $900 million ten years ago to $3.2 billion in 1970. The regional development banks—particularly in Latin America—have stepped up their lending. The World Bank Group—to which we must look for leadership in multilateral enterprise—is expected to double its previous five year level of lending in 1966-75; and mounting exciting innovations in dealing with the new problems as population and unemployment.

If this multilateral aid effort can go forward, and if performance in the developing countries is as expected, Mr. Burnet's nightmare may not come to pass.

These are two big ifs; one of them, at least, hinges on the Bank. The administration has asked this session of the Congress to provide soft loan funds for three multilateral aid instruments: the International Development Association (which is the key part of the World Bank Group), the Inter-American Development Bank, and the Asian Development Bank. The administration can make good arguments in support of the requests. Much of it is part of a parcel of a foreign policy which seeks both to generate greater effort by others and to lower the United States share of the burden.

The amounts involved are not all that large. About $700 million annually for three years for IDA, a slightly larger annual sum for the Inter-American Bank for each of the next 30 years, and a $100 million spread over three years for the Asian Development Bank. The risk is that its provision will be delayed—in which case IDA and eventually the Inter-American Bank will, quite literally, run out of money; or that the amount will be cut—in which case the international community to do its part will, as it has before, and the developing countries also to contribute large amounts will come unstuck; or that limiting amendment will be enacted which could make the money unusable.

If IDA and other multilateral aid institutions are approved, the next phase of multilateral development aid, which is so desperately needed, will be on a promising start, will grind to a halt. But the flow of poor people to the cities won't. So the United States is going to have to exert itself in a way that has not as yet been applied. We must see that cities of the developing world will mount, as will that world's drift toward extremism and disorder. We will have to work our whole thing again, a decade hence, that we didn't do something about it in time. As we have seen, we didn't do something about the growing migration to U.S. cities a decade ago. This is a good time to remember Bismarck's remarkable advice: never is there a wise man, but 100 years experience, while fools have to repeat it.

BALTIMORE—THE PORT THAT BUILT A CITY

Mr. MATHIAS. Mr. President, Baltimore has long been known as the Port that Built a City. As one of the world's leading seaports, Baltimore plays a vital role in the continuing economic development of Maryland, and of America's marine industry.

Now, with the foresight which has long characterized this port and Maryland's maritime industry, Mrs. Helen Delich Bentley, Chairman of the Federal Maritime Commission, has released an extremely perceptive analysis of Baltimore's maritime domestic and world shipping. It provides a clear and comprehensive view of both the past and the future of one of the world's greatest ports. I ask unanimous consent that Bentley's remarks be printed in the Record.

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

REMARKS BY MRS. HELEN DELICH BENTLEY, CHAIRMAN, FEDERAL MARITIME COMMISSION, BEFORE THE MARYLAND HISTORICAL SOCIETY, BALTIMORE, MD., MARCH 21, 1971

Ladies and gentlemen: There are two things I enjoy more than anything in this world. The first is traveling; and the second is coming home. When President Nixon nominated me as Chairman of the Federal Maritime Commission he gave me ample oppor-
tunity to do the first. Today you have given me the best reason anyone could think of for doing the second.

For Baltimore is more than just a home to me. It's the place where I began my career as a commercial seaman. Never before can you tell me that no matter how far away you go, Baltimore is a good place to come back to. Baltimore is the real America, as it were, in tune with the season, moving with the tide and keeping abreast of the changing direction of the United States. As the old new in a world of constant turmoil, in a society existing in a perpetual state of flux.

For Baltimore is changing: its character, its appearance, its outlook. My home is to the north of the city, and I drove downtown today I became increasingly aware of the many physical changes that have occurred in Baltimore, particularly in recent months and years. For one thing, the Maryland Historical Society is no longer cramped into its former headquarters down the street. You have this fine building built on your campus for the enjoyment of the public and for the benefit of scholars.

In the heart of the city is the Charles Center development, with its modern office buildings and ultramodern Morris Mechanic Theatre. And, of course, there's the Inner Harbor Redevelopment with pleasant new apartments, theaters, hotels, marinas, and a multitude of shops and boutiques, places to go, things to see.

Baltimore is no longer the World War II town of the fortieth, as it first knew it, but a diversified, thriving metropolis at the heart of the Eastern Seaboard, a 20th Century center of culture and learning, of commerce and industry. Baltimore is experiencing growing pains—a port that has been very sharp—but it's doing its best to channel expansion in the right directions—and it's succeeding. The one-time Liberty and Victory Ship capital of the war years has come a long way.

An area where Baltimore's greatest change—possibly its most significant, and certainly its least noticed—has taken place, is the port. Commerce that once centered on Pratt Street and along the Inner Harbor, has moved to modern, new marine terminals, such as Dunbar Slip, the old passenger terminals of Light Street, and the new passenger terminals of the bay steamers, down the pages of history, locked forever in memories, never to be seen again.

Development is the order of the day in this Port That Built a City, but this time the process is reciprocal. Just as the city is expanding, so too is the port; and as the port is improved, the economy of the city—and state as well—is simultaneously enriched.

The value of Baltimore's foreign commerce during 1970 has been tentatively set at $2.0 billion, with import and export tonnages totaling over $31 million—an impressive record—third in foreign tonnage for 1970. And while the tonnage is increasing and the city is thriving on this mass movement and the countless numbers of jobs it creates, the figure is not impressive. Who knows how many truck drivers, trainmen, dock workers, seamen, ship chandlers, ship agents, freight forwarders, tugboat operators and all sort of port personnel—maritime and otherwise—owe their livelihoods to the port? The number is probably in the thousands.

But what of the average citizen, the man or woman not connected with the maritime industry? How is Baltimore making sure that our city, a Maryland economy made healthy by a leading world seaport is thus able to provide for the needs of all individuals? How is it causing a Maryland economy made healthy by a leading world seaport to expand in the Hampton Roads area? To do this, it has taken several steps to ensure that the maritime industry in Baltimore will be a continuing success.

When the Port Authority took over Harbor Field from the city just 11 years ago, there were skeptics who predicted that one white elephant was merely being turned into another. But the ambitious project would never bear fruit. We know today that they couldn't have been further wrong: the expansion of containerization has brought a new and progressive world to the importation of automobiles—some 275,000 having moved through during 1970—and was instrumental in placing Baltimore second in the East Coast ports last year in container shipments.

There was a period during the initial days of the container revolution when it appeared that Baltimore was going to be left far behind in the new era. And it was par¬ticularly unfortunate because the harbor was so well situated. Captain Rukert, who is the executive officer of the Inner Harbor, here today and is the dean of our port, de¬clared the port to be "the place where I began my career as a commercial seaman. Never before can you tell me that no matter how far away you go, Baltimore is a good place to come back to. Baltimore is the real America, as it were, in tune with the season, moving with the tide and keeping abreast of the changing direction of the United States. As the old new in a world of constant turmoil, in a society existing in a perpetual state of flux."
variety, they are also used for break bulk and transit cargoes. Located in the Port of Baltimore, the Hampton Roads area, is one of the major ports on the East Coast. It is the largest port in the United States, with a capacity of over 7,000,000 tons. The area is served by three major terminals: the Virginia International Terminals, the Baltimore General Cargo Terminals, and the Norfolk Terminals. The Virginia International Terminals are used mainly for break bulk and transit cargoes, while the Baltimore General Cargo Terminals are used for both break bulk and containerized cargoes. The Norfolk Terminals are used primarily for containerized cargoes.

Just as Dunkirk was a port that was essential to the Allied war effort, so too is the Port of Baltimore a critical link in the global transportation network. It is the gateway to the U.S. Northeast and the Mid-Atlantic region, and it is the home port for many of the nation's leading lines, including the U.S.-flag carrier, the LASH Line. The Port of Baltimore is also a major hub for containerized cargo, and it is the home port for many of the nation's leading container lines, including the U.S.-flag carrier, the LASH Line.

At the Port of Baltimore, the container terminal is a key component of the overall port system. The terminal is designed to handle a wide variety of container sizes and types, and it is equipped with state-of-the-art handling equipment. The terminal is also equipped with a sophisticated information system, which allows it to track containers as they move through the port. The port has a large workforce of skilled laborers, and it is able to handle a wide variety of cargoes, including break bulk, containerized, and roll-on/roll-off cargoes.

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VARIETY. In addition, Lykes Brothers Steamship Company, of New Orleans, has three ships of a similar design, designated as Seabarge Carriers, or Seabarges, on order and being built in Quonset, Massachusetts. These carriers are also under construction, it was announced recently in the New Orleans Times-Picayune. The Seabargers are being designed to handle the massive new vessels with which they will be working. The ships are known to be more careful in their handling of cargo than the conventional vessels in some key areas. We are indeed fortunate in this country to be able to carry our cargoes efficiently, and most countries are taking advantage of the situation.

For what is the advantage of fast turn-around if you can't get anyone to put the cargo away? What is the advantage of having a container to carry a lot of small items direct from origin to destination if it's going to sit around and rust while it's being shipped? It is the foreign countries that are reaping the benefits of these advantages, not the United States. We have invented the world, the means by which the quick and goods quickly, easily, and most countries are taking advantage of the situation. Only here, in our U.S.A., do we become our own worst enemy.

As is so evident, the rapid development of containerization, the further dislocation of containership, and the elimination of the waiting for the interior of the ships, are elements vital to the future content of waterfront labor negotiations.

Modern Baltimore has succeeded because it can bear fruit until fully completed. Modern Baltimore has succeeded because, at least in its origins, it had the configuration and the ability to keep pace could likely be fatal—that's no mean achievement.

Another vital factor involving Baltimore's port areas is the existence of the shallowest depth, through labor agreements and any contingency. As chairman of the newly established Subcommittee on Commerce and Transportation, I am vitally interested in this program.

As our Subcommittee proceeds with its investigations and hearings we will want to look at this program in particular. An excellent article covering this program and the importance of airports to the small communities is one thing, but actually getting the money for it is quite another. And Baltimore doesn't have George Fallon as the Chairman of the Committee on Public Works to count on anymore to help get the funds for air travel projects.

In the final analysis, however, Baltimore seems to be doing a pretty fair job of keeping up with the changes, not just in the port facilities but in the nation. In the past they have been long resolved. Maybe by the time these OBO's are completed, the new variations of an old concept, the world's largest dry cargo ship, is even more in line. And what's the good of a long history of dislocation and the lack of the work on the line? And what's the sense of spending $100 million and the importance of airports to small communities for construction or improving airports. Under the Civil Aeronautics Act, and the Federal Aviation Administration can make a grant up to 50 percent of the construction or improvements. Only 12 grants have been made by FAA under this program since last summer. There seems to be some evidence, Mr. President, that many small communities find it difficult to acquire help under this program because the requirements for application are either too complex or the airport facility requirements are too extensive.

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

**Towns Building Airports to Lure Jobs**

(By Robert Lindsey)

LaCrosse, Kan., June 19.—Just outside of town here, there is a rectangular-shaped, 20-acre parcel of land cloaked by a thick row of white pines. It looks no different from the flat, green and monotonous Kansas plains that roll endlessly on all sides.

To the citizens of LaCrosse, the land is something special: it represents future jobs, factories, a hope of keeping their children home. It is the site for LaCrosse's new airport.

"At a time when angry citizens' groups in New York, Boston and many other big cities are fighting new airport projects, people in scores of small towns such as LaCrosse are raising taxes and even making voluntary contributions to raise money for new airports that they hope will help their communities catch the eye of industry looking for a place to put a new plant."

"What we're trying to do is hold on to our young people," said O. Humburg, the mayor of O. Humburg's Hardware Company, which makes agricultural products and employs nine persons.

"We raised and educate them and then send 'em off to the cities," he said. "They don't come back because there's nothing for them to do here, we've got to get industry in here."

"Without industry you've got nothing but an airport. So we're going to provide one." The story is similar elsewhere.

In Franklin, N. C., a tiny hill town of Appalachia where the per capita income is less than $2,000, a $970,000 airport is being built by Macon County expressly to entice industry.

"We put it in for our future, what we hope will be our future growth," said the Macon County Development Corporation's Mr. Winecoff.

"This is a poor county and we need jobs." Transportation experts expect the growing hub of small airports in smaller towns to be accelerated by the passage last year of the Airport Aid Development Program. The Federal Aviation Administration has approved grants for more than 70 new airports so far.

"I don't think the airport alone will do it," said Mr. Winecoff, the North Carolina county manager. "We've got other problems, such as water supply and sewers. But an airport's almost a must. A lot of companies just won't look it if they can't fly there to look it over."

**A TYPICAL STORY**

LaCrosse is in many ways typical of the towns that are building airports to help reverse the economic slide. It has a small downtown section whose only industry is making agronomic equipment and employs nine persons.

"We have wiped out jobs that once supported the towns look at the year-round payroll of a factory to keep them going," according to the city official.

**Farm People Praise**

"We've talked to a few companies about coming here, but they say they want to be close to Kansas City," Mr. Humburg said. "We say, 'Why don't you prefer the city?'" "We tell them that we've got good, hard working people here, who are used to putting in days, long nights, and who won't be living on farms. They're used to making a living on farms."

"They don't get up like some of the Easterners and say, 'I don't feel good today,'" he said.

"But, like many other small towns, LaCrosse has one factory—the Flame Engineering Company, which makes agricultural equipment and employs nine persons. The town is planning to build a bigger building for the company at an expense, "as in-
of its intrinsic relation to the continuation of the war in Vietnam.

For tomorrow’s vote, however, it does not seem necessary, to me at any rate, to resolve that question, for the simple reason that, at this point, the continuation of the war is clearly no more distinguishable than its past failure to be characterized as a filibuster. It should be emphasized that in the past many efforts to defeat cloture have come even on such preliminary issues as a motion to take up a particular bill or nomination. In other situations, debate had evolved into repetition of arguments fully explored and sometimes resolved before it had been made a matter of record.

The present debate, on the contrary, continues to explore new issues and provide an opportunity to present additional amendments. Recent revelations in the press about the history of our tragic involvement in Vietnam may also give rise to further arguments and proposals. On such a momentous issue, premature cutoff of debate is unreasonable. No one properly qualifies to characterize the rigorous legislative process of the past few days, under the able direction of the distinguished Senator from Mississippi (Mr. Sarrason), and to express the final judgment of the numbers offered in the media. Future events must wait their turn for evaluation at the proper time. But tomorrow, I will vote against cloture.

THE CITADEL COMMENCEMENT

Mr. HOLLINGS, Mr. President, one of the most distinguished commencement addresses that I have seen, this or any, was recently delivered at the Citadel in my home State of South Carolina. It combines an informed sense of the American past with a keen appreciation of the needs of the American present. In an era too prone to charge and countercharge, denunciation and extre­mism, this talk reminds us of the heritage which held America together since the inception of the Republic. It is a heritage of the middle ground—a middle ground, to use the words spoken of "off love of country, love of God, loyalty to family and community, and a willingness to put service above self." It is a heritage of pride in the achievements of the past, and also a heritage of realizing wrong roads taken and wrong decisions made. When the realization of failure comes, the object is not to hurl stones at the past, but to light a candle toward a better future.

To attempt a brief paraphrase of this inspiring talk is to do both the speech and the commentator injustice. It speaks eloquently without introduction. The speaker is an alumnus of the Citadel who is today president of the Miami Herald Publishing Co. His name is Alva Chapman, and I know that many of my colleagues here are acquainted with Mr. Chapman. We are in his debt for a fine speech which deserves the largest possible audience.

Mr. President, I ask unanimous consent that the text of Mr. Chapman’s address be printed in the Record.

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

THE CITADEL COMMENCEMENT—1971

The Citadel can pay no higher honor to one of its sons than to invite him to be its commencement speaker. With the sincere appreciation of the whole of his class comes also an acute sense of responsibility that our few minutes here this morning be worthy of his years of service.

Graduation brings with it the greatest variety of emotions—

For instance, there is the emotion of Pride—the pride that your parents and loved ones feel for you as you receive your degree. Here in abundance is the emotion of Love shown to you by your mother and father, and for quite a few of you, in the adoring smiles of girlfriends, some of whom will be Citadel brides before the sun sets today.

For all the alumni here—especially your fathers—there is a special emotion of Happiness in seeing each of you experiencing—

And, of course, there are the emotions of excitement and joy shared with you by all in this audience.

For one alumnus, a graduate of a class more than 25 years ago and who—although sometimes the memory has remained discreetly unnamed—graduation brought the emotion of Deliverance. For upon receiving his degree, this alumnus said, "Punishment and hell, the punishment tours were forever stricken from the record book. Wherever your emotion of this moment, it is a high point in your life and in mine. For each person in this audience the opportunity of sharing this day with you is a precious privilege.

29 years ago I started the same journey that you are starting today. I sought help and sources of guidance for you, may I recall Will Allen Dromgoole's poem entitled "The Bridge Builder." He tells how an alumnus might be helpful on your journey:

"An old man traveling a lone highway,

At the evening cooled and gray.

To a chasm vast, deep and wide.

Through the twilight he saw a sullen tide,

The old man crossed in the twilight dim,

The sullen stream held no fears for him;

But he turned when safe on the other side, and built a bridge wide.

"Old man," cried a fellow pilgrim near,

"You're wasting your time in building here."

Your journey will end with the closing day;

Why build you this bridge at all?

The builder lifted his old gray head,

"Good friend, in the path I have come," he said,

"There followeth me today

A youth whose feet must pass this way,

This stream, which has been naught to me,

To that fair-haired youth may it fall;

He, too, must cross in the twilight dim,

Good friend, I am building this bridge for him."

Therefore, in that spirit let me build for you, the Class of 1971, three bridges that will help you cross the chasms "Deep and wide."

The first is the bridge of Confidence in yourself.

You who will soon walk this stage and leave it as Citadel men are a privileged few. Privileged because you are well trained. Privileged because you have had the benefit—yes, the benefit—of rigid discipline. And privileged because you have had exposure to a system of honor.

There are colleges awarding degrees in the next few weeks where the requirement of institutional discipline is much higher, but there is no institution awarding a degree in 1971 where the value of your degree is greater than the value received for the sacrifices you have made. I am building this bridge for you.

The second bridge is the bridge of Confidence in your country.

Your journey will end with the closing day; a youth whose feet must pass this way, and may this bridge assist him.

I have no higher honor to you, the Class of 1971, than the bridge of Confidence to present you with the sincere hope that you build well and cross the chasms "Deep and wide."
wasting their company's money riding around in expensive private jet airplanes.

It is a true picture and not a very pretty one.

But let me describe two missions in which you, the Class of '71, can unite with all patriots young and old.

First, one concern that great middle ground that has held this nation together for 186 years and which has been severely estranged for the last few years has been the reluctance to agree, to compromise, to stand shoulder to shoulder with men of '71, and a challenge for all of us who love this Nation, is to strengthen that great middle ground that holds us together as a nation—that great middle ground of love of country, love of God, loyalty to family and community, and a willingness to put service before self.

A challenge for you, the country, love of God, community, and a willingness to put service before self. A challenge for the Congress, which under our Constitution has the sole power to declare war.
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Work-weary husbands, he said, are coming home to bedlam and to spouses who are suffering from “burner syndrome.”

“Tired” mothers have all the symptoms of combat fatigue, he said. Having undergone a day of vacuuming, they fall on the floor, using the vacuum cleaner, quelling quarrelsome kids, using the electric mixer—they are short-fused, depressed, done-in. Their heads throb, their stomachs ache, their blood pressure hovers around 110/70.

Having an extremely active child around doesn’t make a housewife’s day any easier, added Westman, who is director of the University of Wisconsin Medical School’s child psychiatry unit. Such a child, he said, is easily overstimulated in school, where the slightest noise can be touched off by the slightest noise. One child in 10 is like this, he said.

“Noise spurs the child into frenzied behavior,” Westman explained. “He makes aggravating noises. This provokes the mother. She cracks down. The end result—a vicious circle of mutual annoyance.”

Westman said the problem is that mothers feel “overwhelmed” but don’t know quite why. They think one factor is that only psychiatrists and a handful of environmental designers have taken proper note of, he added.

With the proliferation of household appliances in the last decade, the average U.S. housewife is as noisy as a boiler room, he maintained.

The garbage disposal, electric mixer, high-speed dishwasher, the multiple radios, the sharpener and wall exhaust fan all can create more than 70 decibels—enough to constirct arteries and raise blood pressure, creating stress.

The whir of the blender and the wall fan’s roar is loud enough (90 decibels) to make a housewife grubby and her pupils dilate. At this noise level, the adenalin gland works overtime. Muscles are tensed and nervous systems squandered, university researchers said.

It is no coincidence that more accidents occur in the kitchen than anywhere else in the home, they said. Noise, Westman stressed, impairs efficiency and makes for carelessness.

Appliance manufacturers have found that noisy devices sell better because they sound powerful,” one researcher said. The public must be alerted to the hazards of noise so that when demand for quiet appliances, he maintains.

ANTl-AMERICANISM

Mr. HRUSKA. Mr. President, we can all agree that we have some very serious problems in our country today. We are all trying to solve them in the best way we know.

It is strongly suggested that we would solve them much more readily without the continued harassment by a small minority of anti-American Americans who apparently believe the way to encourage progress is to malign our Nation and our system.

The anti-Americans are making the same mistake as those who vilify the United States, who support Viet Cong villages who men, women and children were paraded as villagers, who actually had no sympathy for our boys, but they had no sympathy for our boys, but they had all kinds of sympathy for the poor villagers who were simply used, innocently or otherwise, as cannon fodder in the Viet Cong. This war, made no mistake about it, but these anti-American loudmouths seem to believe we have no right to win the war in our own way.

One United States senator actually made a statement that the American prisoners of war in Hanoi might as well just stay there, because they certainly wouldn’t have been prisoners of war if they had had enough sense not to enlist for a useless and barbaric war. Well, the facts are they didn’t enlist—they were drafted. And many of the very same men who voted to support President Kennedy when he went into Vietnam and who supported the Tonkin Resolution, later, when the war became unpopular, turned about and voted to end the war, while the President Johnson. And now they are blaming the war on President Nixon, who didn’t have the single thing to do with this war. But the very men who are lowest in their criticism of President Nixon and the present situation in Vietnam, which is gradually being solved, are the very ones who really helped start the whole mess.

For the past couple of years you have allowed a small band of anti-American critics to confuse us and our government.

Mr. President, we can all agree we have some very serious in our country and the world. But this anti-Americanism is corrupting our national soul. It’s having a harmful effect on our children, who are beginning to believe it. This false picture is making seems incomprehensible that any rational person who of course had to fight back, felt sorry for the men and women who were killed in the mix-up. Of course they would get hurt in that kind of a mess. We had a lot of boys killed in that action. The anti-Americans have no sympathy for our boys, but they had all kinds of sympathy for the poor villagers who were simply used, innocently or otherwise, as cannon fodder in the Viet Cong.

Certainly our system of justice has flaws. But they pale into insignificance alongside the totalitarian systems of countries which are the fiercest enemies of mankind.

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The editorial notes:

It is unbelievable that so small a minority of Americans could create such a terrible atmosphere.

It continues: It is so much more peaceful here, and better, than any place else in the world. But to hear these bleeding hearts yell, you would think Russia is a Utopia compared to America.

Stop this anti-American rot. Because if you don’t have the stamina to chant this one by the bunch of this hypercritical rhetoric.

This comment should be studied thoughtfully by all Americans, Mr. President. I ask unanimous consent that the editorial, published on May 25, be printed in the Record.

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

STOP IT, ANTI-AMERICANS!

Stop it, you anti-Americans! Stop criticizing everything everybody and every move and every action except your own. Stop constantly cynical at your government. What is the world come to? Have you? You have the most wonderful nation on earth, a nation that has gone to extraordinary lengths to uplift the poor, feed the hungry, comfort the afflicted, and extend justice to everyone.

Yet here you are, appealing the very people who degrade and mock America, who tell America she has no right to exist. This is anti-American rhetoric.

Your own eyes and your own common sense should tell you that in no other land, under no political system, is the individual more respected or better treated. Nowhere is there a person as free to do what he wants with his life, to choose his associations, to attend the church of his choice, to enjoy the freedom of speech and the press.

Certainly we have the poor. Can we believe it. This false picture is making it difficult for our children to know right from wrong.

Certainly our system of justice has flaws. But they pale into insignificance alongside the totalitarian systems of countries which are the fiercest enemies of mankind.

One United States senator actually made a statement that the American prisoners of war in Hanoi might as well just stay there, because they certainly wouldn’t have been prisoners of war if they had had enough sense not to enlist for a useless and barbaric war. Well, the facts are they didn’t enlist—they were drafted. And many of the very same men who voted to support President Kennedy when he went into Vietnam and who supported the Tonkin Resolution, later, when the war became unpopular, turned about and voted to end the war, while the President Johnson. And now they are blaming the war on President Nixon, who didn’t have the single thing to do with this war. But the very men who are lowest in their criticism of President Nixon and the present situation in Vietnam, which is gradually being solved, are the very ones who really helped start the whole mess. This is the worst display of national hypocrisy we have ever witnessed in this country.

Address by Senator Bennett Before Medical Society Executives

Mr. GRIFFIN, Mr. President, last Friday the distinguished senior Senator from Utah (Mr. BENNETT), who is the
ranking minority member of the Committee on Finance, delivered an important address before the American Association of Medical Society Executives in Hershey, Pa. Senator BENNETT discussed his professional standards review organization amendment and emphasized that a meaningful amendment should be adopted. I ask unanimous consent that the text of the speech be printed in the Record.

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

SPEECH BY THE HONORABLE WALLACE F. BENNETT

It is certainly a pleasure to visit with you here in Hershey. I'm pleased to be able to discuss with you my Professional Standards Review Organization Amendment. Copies of the Senate Report language describing the amendment in detail are available here, so I won't occupy your time with a detailed presentation of my amendment. Rather, I would like to indicate the principal motivating factors behind PSRO and some considerations involved in its key provisions.

It is important to understand that the general thrust of the American Medical Association's Professional Review Organization—PSRO—recommendation of last year. The AMA proposal was a quite valuable one. It gave us a basic concept but at the same time left us with some fundamental policy questions. After reviewing a substantial body of testimony and after considering and discussing the matter carefully, the decision was made to significantly broaden the proposed review responsibilities and make them more comprehensive. Such changes, along with others, were deemed necessary to reach AMA's PRO objectives, but adds substantially expanded responsibilities, and additional safeguards and appropriate public interest safeguards.

We would be kidding each other if we were to deny that Americans are usuarios of all private, professional and industrial organizations, including organized medicine. Any approach to review which disregards responsibility to privately organized medicine without real— as opposed to apparent— safeguards, would, in my opinion, be totally unacceptable. It was the public and the public at this point in time.

The Professional Standards Review Organization, at least in my mind, provides an opportunity for medicine to enter organizations the kind of which most doctors have earned individually. Congress has opened the process which led to my introduction of the PSRO amendment, it might be helpful to explain where the PSRO is at this point in time as well as the prospects for passage.

You will recall that my amendment was approved by the full Senate as part of the Social Security Amendments of 1970. Due to a legislative vacuum which began at the time I ran out before the necessary conference could be arranged with the House of Representatives to work out two versions of the Social Security bill, and the whole bill, including PSRO, died at adjournment.

H.R. 1, the Social Security Amendments of 1971, as reported out by the Committee on Finance on May 12, has a different demonstration basis. I did not believe that PSRO can function effectively on a demonstration basis because the leverage contained in a voluntary program—either you do it or do it right, or someone else will have the review responsibility— is lost in a permissive and optional demonstration project.

Accordingly, I plan to reintroduce the Professional Standards Review Amendment in the near future. This introduction has been delayed because I wanted to provide as much time and opportunity as possible for the subcommittee to consider the provisions of the proposal and criticism by interested organizations and individuals. In view of its approval by the Senate Finance Committee last year, as well as formal support now given to the PSRO proposal by the President's Commission on Education, Development, and Welfare, I have every hope that the amendment will become law this year. But that is not the end of the road. When PSRO becomes law, the hard work to assure successful and effective implementation will begin. And, it will take hard work and hard decisions in administration to fulfill the promise of PSRO.

It is interesting to note that HEW is having second thoughts about the PSRO, for two reasons, I have not abandoned the basic idea, but rather they are now talking about giving the Secretary a different option, that is, the effort of selecting an alternative PSRO organization in a given area—even if a fully-qualified professional mechanism was available in that same area.

This approach could thwart the effort to give the medical profession the opportunity to monitor the performance and capability of doing so. I think the Secretary's discretion should be applied to determining what a PSRO will do. If an organization, for example, is unavailable, then I urge the Secretary to undertake the effort and meets the necessary requirements. As far as I am concerned, to do less, would seriously impair our offer to organized medicine; that is, "if you are willing and capable of undertaking necessary comprehensive review in accordance with our proposal, the opportunity to protect the profession the opportunity and resources to monitor itself."

Let me give you some of the history of the PSRO amendment. During the past several years, I have become increasingly interested in medical and peer review in particular through my service as ranking minority member on the Committee on Interstate and Foreign Commerce. For nearly a decade, I have been responsible for the major Federal health care financing programs, Medicare and Medicaid. Additionally, I participated as a member of the Finance Committee's ad hoc Subcommittee on Medicare and Medicaid.

As a result of those hearings we became fully aware of the magnitude of the problem confronting the Medicare and Medicaid programs. After taking testimony from many witnesses and after reviewing many confidential audits, it became apparent that pervasive those problems were. During the course of the hearings, it became increasingly obvious that some organized mechanisms had to be developed to assure proper utilization and quality control.

The Subcommittee became convinced that, in general, present utilization review activities are just not adequate; in fact, they are characterized as ineffective. Present review activities are fragmented, retrospective, and incomplete. Numerous witnesses testified that a significant proportion of the health care dollars spent on Medicare and Medicaid were in excess of those which would be found medically necessary. We were told of hospital and nursing home care, and the costs of medical services and procedures, and the economic impact of overutilization becomes enormous. Significant savings would have your sympathy if you knew that we will have to vote this year another $240 billion in Social Security taxes simply to cover the Medicare Hospital Plan's deficit over the next 25 years. This will be on top of an enormous increase in Medicare which we had to provide in 1968. All of us, I feel, believe that enough is enough and that time to take action.

Of course, in addition to economic impact, the Subcommittee was concerned about the quality of care. Our efforts to curtail treatment upon the health of the elderly and the poor. Unnecessary hospitalization and unnecessary surgery and medical services put the economic benefit of the provider above the well being of the patient. All of this also places additional serious strain upon the Medicare budgets which we must support.

Thus, this was the background from which the Professional Standards Review Organization Amendment was developed.

Work on the PSRO amendment began immediately following the extensive series of hearings before the Subcommittee. It was the result of a recommendation which was made by the Subcommittee which convinced me that Medicare and Medicaid needed a new approach to utilization and quality control.

The representatives of the AMA came to me with their proposal for a peer review mechanism. As I have indicated, the AMA's proposal is an enthusiastic solution—PSRO— the Department of Health, Education, and Welfare subcommittee approved a provision to install a mechanism for utilization and quality control operated by the Government. Under the provision—which is also included in H.R. 1—the Subcommittee would appoint program review teams in each state to review health care services.

When Congress passed Medicare and Medicaid in 1965, we instituted a system of Government health care financing as a good part after private insurance plans, and we placed many buffers between our system and the marketplace. I do not believe that our system and the marketplace. I do not believe that the Secretary should become involved with the day-to-day running of that system. If appropriate non-governmental alternatives are available.

The provision in the House bill seems to me to deviate this principle and...
June 22, 1971

CONGRESSIONAL RECORD

21267

Voluntary control over the practice of medicine is the key to making medical care more economical, adequate, and acceptable, and the key to a less costly and more efficient medical system.

The key to making a PSRO work effectively will be a degree of motivation and sincerity of the physicians and medical organizations in each area. The stakes are too high and public concern too great to permit anyone to delude himself that a pro forma PSRO operation will be acceptable. I certainly hope that some medical organizations will recognize and will find that the PSRO approach represents the most effective mechanism for keeping fee-for-service medicine under control. And I hope that all of us will work together to provide the best hope for keeping up with the rising costs of medical care.

We must not simply accept the amount of payment for a given service but rather its necessity. And, obviously, Government cannot hand over a book of signed checks drawn on the Treasury and ask the payees to fill in the amounts.

Also, as you know, again in varying degrees, medical societies do not include all practicing physicians as members. A PSRO, in contrast, must be absolutely open to all practicing physicians with due regard to the requirements whatsoever. Conceivably, there is also the possibility that if PSRO responsiveness to the public were to be considered, it could use that power as leverage to implicitly or explicitly coerce non-members.

The key to a PSRO approach is motivation and sincerity of the physicians and medical organizations in each area. The stakes are too high, public concern is too great to permit anyone to delude himself that a pro forma PSRO operation will be acceptable. I certainly hope that some medical organizations will recognize and will find that the PSRO approach represents the most effective mechanism for keeping fee-for-service medicine under control. And I hope that all of us will work together to provide the best hope for keeping up with the rising costs of medical care.

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The key to a PSRO approach is motivation and sinc
A PROFILE STUDY OF DISSENTERS

Mr. GRAVEL. Mr. President, I ask unanimous consent to have printed in the official record the following:


There being no objection, the Clerk proceeded to read the paper which he was directed to read in the Record, as follows:

VIETNAM VETERANS AGAINST THE WAR: A Profile Study of the Dissenters

(By Hamid Mowlana and Paul H. Geffert)

We intended to throw light upon the anti-war Veteran as a person, and as a group, examining his socio-economic background, his sources of information about the world, this in general and specifically the Asian war. This survey was undertaken on April 23, 1971.

We asked the veterans to rank the media they used most while they were stationed in Vietnam. The two primary sources of information were the Army's newspapers and broadcasts, followed closely by U.S. magazines and the Veterans' hometown newspapers. Other information sources of lesser importance as listed by the veterans included: foreign newspapers and magazines, films and movies, North Vietnamese broadcasts, South Vietnamese newspapers and broadcasts, and other international broadcasts.

It is interesting to note that the respondents listed the North Vietnamese and other international broadcasts as one of their least used sources of information. This may indicate that the respondents were not as exposed to enemy mass propaganda as one would have expected.

APPENDIX

[In percent]

<table>
<thead>
<tr>
<th>Age of the veterans:</th>
<th></th>
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<tbody>
<tr>
<td>20 and under</td>
<td>4.4</td>
</tr>
<tr>
<td>21 to 25</td>
<td>41.7</td>
</tr>
<tr>
<td>26 to 29</td>
<td>19.7</td>
</tr>
<tr>
<td>30 and above</td>
<td>2.2</td>
</tr>
<tr>
<td>Total</td>
<td>100.0</td>
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</table>

<table>
<thead>
<tr>
<th>Education:</th>
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<tbody>
<tr>
<td>Did not finish high school</td>
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</tr>
<tr>
<td>High school graduate</td>
<td>19.9</td>
</tr>
<tr>
<td>Some college</td>
<td>55.8</td>
</tr>
<tr>
<td>College student</td>
<td>17.7</td>
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<tr>
<td>Total</td>
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<table>
<thead>
<tr>
<th>Spent most of his time before the service:</th>
<th></th>
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</thead>
<tbody>
<tr>
<td>Northeast</td>
<td>54.1</td>
</tr>
<tr>
<td>Midwest</td>
<td>25.3</td>
</tr>
<tr>
<td>South</td>
<td>19.9</td>
</tr>
<tr>
<td>West</td>
<td>5.5</td>
</tr>
<tr>
<td>Deep South</td>
<td>5.0</td>
</tr>
<tr>
<td>Outside United States</td>
<td>5.8</td>
</tr>
<tr>
<td>Total</td>
<td>100.0</td>
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<table>
<thead>
<tr>
<th>Marital status:</th>
<th></th>
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</thead>
<tbody>
<tr>
<td>Single</td>
<td>83.0</td>
</tr>
<tr>
<td>Married</td>
<td>9.5</td>
</tr>
<tr>
<td>Divorced</td>
<td>7.5</td>
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<tr>
<td>Total</td>
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Thank you again for giving me this opportunity to visit with you.
**June 22, 1971**

**CONGRESSIONAL RECORD — SENATE**

<table>
<thead>
<tr>
<th>Occupation</th>
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<tbody>
<tr>
<td>Veteran’s family occupation:</td>
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</tr>
<tr>
<td>Professional</td>
<td>29.4</td>
</tr>
<tr>
<td>Managerial and sales</td>
<td>15.6</td>
</tr>
<tr>
<td>Agricultural</td>
<td>2.2</td>
</tr>
<tr>
<td>Educational</td>
<td>2.8</td>
</tr>
<tr>
<td>Labor</td>
<td>48.9</td>
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<td><strong>Total</strong></td>
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<table>
<thead>
<tr>
<th>Type of work before entering service:</th>
<th>100.0</th>
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</thead>
<tbody>
<tr>
<td>Just completed school or college</td>
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</tr>
<tr>
<td>Drafted while in education</td>
<td>21.7</td>
</tr>
<tr>
<td>Professional work</td>
<td>4.4</td>
</tr>
<tr>
<td>Agnostic</td>
<td>6.7</td>
</tr>
<tr>
<td>Managerial and sales</td>
<td>6.5</td>
</tr>
<tr>
<td>Teaching</td>
<td>1.1</td>
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<tr>
<td><strong>Labor</strong></td>
<td>29.2</td>
</tr>
<tr>
<td><strong>Total</strong></td>
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<table>
<thead>
<tr>
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<tbody>
<tr>
<td>Catholic</td>
<td>24.7</td>
</tr>
<tr>
<td>Protestant</td>
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</tr>
<tr>
<td>Jewish</td>
<td>11.4</td>
</tr>
<tr>
<td>Agnostic</td>
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<tr>
<td>Atheist</td>
<td>11.0</td>
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<tr>
<td>Other</td>
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</tr>
<tr>
<td><strong>Total</strong></td>
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<table>
<thead>
<tr>
<th>Opinion toward U.S. involvement in Vietnam when entering the service:</th>
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</tr>
</thead>
<tbody>
<tr>
<td>United States was justified in being there</td>
<td>28.5</td>
</tr>
<tr>
<td>United States was not justified in being there</td>
<td>71.5</td>
</tr>
<tr>
<td><strong>Total</strong></td>
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<table>
<thead>
<tr>
<th>Entered the services:</th>
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</thead>
<tbody>
<tr>
<td>Drafted</td>
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<tr>
<td>Enlisted</td>
<td>65.7</td>
</tr>
<tr>
<td><strong>Total</strong></td>
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<table>
<thead>
<tr>
<th>Political Identity before the service:</th>
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</thead>
<tbody>
<tr>
<td>Conservative</td>
<td>29.5</td>
</tr>
<tr>
<td>Moderate</td>
<td>29.5</td>
</tr>
<tr>
<td>Liberal</td>
<td>34.0</td>
</tr>
<tr>
<td>Radical</td>
<td>7.0</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>100.0</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>When did you begin to see a drastic change in your views about U.S. involvement in Vietnam?:</th>
<th>100.0</th>
</tr>
</thead>
<tbody>
<tr>
<td>1st entered service, still in United States</td>
<td>21.7</td>
</tr>
<tr>
<td>During 1st 3 months in Vietnam</td>
<td>41.1</td>
</tr>
<tr>
<td>Time spent in Vietnam</td>
<td>29.6</td>
</tr>
<tr>
<td>Upon returning to the United States</td>
<td>16.6</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>100.0</td>
</tr>
</tbody>
</table>

**THE MILITARY SELECTIVE SERVICE ACT**

The ACTING PRESIDENT pro tem. The hours of 9:20 a.m. having arrived, the Chair lays before the Senate the unfinished business, which the clerk will state.

The legislative clerk reads as follows:

A 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 ACTING PRESIDENT pro tem. The pending question is on agreeing to amendment No. 147, offered by the Senator from Alaska (Mr. Gravel), on which there will be a time limitation of 1 hour of debate, to be equally divided between the Senator from Alaska (Mr. Gravel), and the Senator from Mississippi (Mr. Stennis).

Who yields time?

Mr. GRAVEL. Mr. President, I yield myself such time as I may require to make my presentation.

The ACTING PRESIDENT pro tem. The Senator from Alaska is recognized.

Mr. Gravel. Mr. President, there is a gross inequity in the United States Code relating to retirement pay received by retired officers of Regular components of the Armed Forces who are now employed by the Federal Government in a civilian capacity.

To illustrate this inequity, let me cite the following example:

Two men hold basically identical positions within the Federal Government, and their salaries are commensurate. Also, each man has a 20-year background with the Armed Forces. The only difference between them is that one man served his time as an officer of the Regular Forces, and the other as an officer in the Reserves. Assuming they both left the service with the same time in rank, they should both receive the same retirement pay.

However, this is not the same. Because a man retires from active duty and chooses to continue working in the service of his country as a civilian, he must take a cut in his retirement pay. The man retired from Reserves does not suffer this cut and is, therefore, drawing full retirement pay along with his full salary.

My amendment to the Selective Service Act would rectify this situation. The proposed amendment would authorize retired officers of both Active and Reserve components of the uniformed service who accept appointments in the Federal or District of Columbia civilian service, to receive their military retirement pay during their tenure as Federal employees. A reduced amount is now required by section 5532, title 5, United States Code. A similar measure has been introduced in the House by the distinguished Representative from Hawaii (Mr. Matsunaga).

Presently, a retired Regular officer, while employed as a civilian in the Government, may receive 50% of his retirement pay plus 50% of any amount in excess of that figure. Of course, whenever his retirement pay is increased, the basic amount of the exemption is increased by 10%. It is the view of the Department of Defense to make military pay an exempt pension the same as a civil service employee. As I stated earlier, retired Reserve officers, retired enlisted members, and Regular officers retired because of certain combat-connected disabilities are not similarly restricted. My proposed amendment would eliminate restrictions on retired Regular officers as well.

On February 1, 1965, the Cabinet Committee on Federal Civil Service Retirement Systems was convened by the President. The Committee’s report, issued in 1966, recognized the inconsistency and inequity of the retirement pay system of retired Regular officers who chose to continue working for the Government in a civilian capacity. It makes particular reference to the fact that the military system—

Requires its Regular officers, but not its Regular enlisted personnel, to lose a portion of their retirement pay, but not their salary, if they accept civilian employment in the Federal service, but not if they work for other employers.

The report also emphasized that—

Such difference importantly affects efforts to assure uniformity and equity in treatment of workers in each category of employment.

On April 1 of this year the General Counsel of the Department of Defense, Mr. J. Fred Bushardt, wrote to Mr. Thaburens J. Dulski, chairman of the House Committee on Post Office and Civil Service, conveying the Defense Department’s position on this matter.

It is the view of the Department of Defense that when circumstances of military service and retirement are the same, treatment in the two should also be the same. In this connection, it is pointed out that the proposal of the Civil Service Commission which eliminated the inequity in the enactment of the Dual Compensation Act of 1964 did not differentiate between Regular and Reserve officers. Under the Executive Department proposal, all retired military personnel whose condition of service and retirement were the same would have been subject to similar restrictions in the amount of retired pay which they could receive. However, the Congress elected to exempt this type of restriction from application to retired Regular and Reserve officers. In light of the congressional action to exempt Reserve of-
Miss a reconsideration in the Senate.

H.R. 6531.

The Department favors repeal of section 5532 and therefore supports Amendment No. 147 to H.R. 6531. However, it is our position that section 5532 certain unwarranted dual credit of military service for military retired pay and civil service retired pay should be eliminated.

Under section 8332c of title 5, United States Code, dual credit of military service for benefit purposes is expressly barred except under two conditions. First, dual credit for active military service is authorized for those whose military retirement is under the Reserve retirement laws. Second, in case of any person whose military retirement was based on combat or other specified reasons, military service may be credited for both military retired pay and civil service retired purposes. While there is no legislative history it is assumed that when Congress enacted this latter provision it was anticipated that this provision could apply to an individual who has completed all, or a substantial part of a full active duty career, and then be retired by reason of a disability which falls within the exception set forth above. In such cases, the service member could accept Federal civilian employment and, after completing the required 5 years of Federal civilian service, credit all of his active military service toward civil service and receive in lieu of retirement pay on account of military service his retirement pay.

Considering this inequity, I extract a heavy tax from those who have faithfully served in the uniform of the United States.

Because of this, the Government loses some of its finest potential civil servants. Certainly their experience and ability to the Armed Forces qualifies them for positions of responsibility within the civilian Government. They must not be penalized for their decision to continue serving the people of the United States. To retain this inequity would be totally out of keeping with the spirit of the volunteer army to which so many Members of this body, Mr. President, and in case of Reservists, dual credit for active military service for both Civil Service retirement and Reserve retirement under Chapter 67 of title 10, is considered unwarranted.

While the Department of Defense believes that some special provisions are warranted for those whose military service was terminated because of their combat-incurred disability, the result is not desirable, or within the original intent of Congress when enacting the legislation. The case of a Reserve retiree, dual credit for active military service for both Civil Service retirement and Reserve retirement under Chapter 67 of title 10, is considered unwarranted.

Mr. GRAVEL. Mr. President, I am adding to my prepared remarks the fact that the cost involved here would be approximately $8 million, as stated earlier, but there is sufficient slack within the present Defense budget, to accommodate this cost with no additional appropriation.

Mr. President, the amendment would bring equity in this situation and I respectfully urge the adoption of the amendment.

Mr. President, I yield the floor at this time to await the argument of opponents of my amendment.

The ACTING PRESIDENT pro tempore.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum, and ask that the time be charged.
against the time of the Senator from Mississippi.

The PRESIDING OFFICER. Without object, 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 ACTING PRESIDENT pro tempore. Is there objection to the unanimous consent request of the Senator from West Virginia? The Chair hears none, and it is so ordered.

Mr. GRAVEL. Mr. President, I with­

ter the fact that if cloture were

could...
expectation that the chairman of the Post Office and Civil Service Committee of the Senate will be here and speak about this amendment.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. GRAVEL. Mr. President, did the Senator from Mississippi yield back all his time?

Mr. STENNIS. No, I just yielded back the unused part of the part I had yielded myself.

Mr. GRAVEL. Is my understanding correct that the Senator from Wyoming (Mr. McGee) will be here to speak against the amendment?

Mr. STENNIS. That is my understanding, from his staff member who is here in the Chamber.

Mr. GRAVEL. Mr. President, I yield myself whatever time I may require to respond to the statement of the Senator from Mississippi.

I contend that this matter is just as germane here as anywhere else, even more germane, when thinking about it in the context of military retirement. This is a bill that deals with military pay. A part of pay is the retirement privilege. A person who contracts with the Government to receive regular military pay, upon retirement, and because he chooses to work for the Federal Government, is penalized while his associate who served equally with him for the same period of time as a Reserve officer is not similarly penalized, is being treated unfairly.

I find it difficult to accept the arguments of my distinguished colleague from Mississippi when he says that the House of Representatives will not accept this proposal, or that the committee will not accept it. Representative Matsunaga has offered a similar proposal on the other side, and he is a member of the House Armed Services Committee, so this is something the House is in the process of addressing.

I wish the body would not always act on the basis of hearsay as to the possibilities of what may or may not be acceptable to the House of Representatives. I would hope we would make our determinations on the basis of the merits alone; and because he chooses to work for the Federal Government, is penalized while his associate who served equally with him for the same period of time as a Reserve officer is not similarly penalized, is being treated unfairly.

So I accept that this is just as germane here as anywhere else, even more germane, when thinking about it in the context of military retirement. This is a bill that deals with military pay. A part of pay is the retirement privilege. A person who contracts with the Government to receive regular military pay, upon retirement, and because he chooses to work for the Federal Government, is penalized while his associate who served equally with him for the same period of time as a Reserve officer is not similarly penalized, is being treated unfairly.

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CONGRESSIONAL RECORD—SENATE 21273

the problem which we are attempting to deal with on this floor amendment.

Second, this is a matter wholly within the jurisdiction of the Post Office and Civil Service Committee—would, of course, not even be a part of the conference. On this basis alone, in the interests of orderly procedure, this amendment should be rejected since neither the House nor Senate committees having jurisdiction would have had the opportunity to deal with this as a committee legislative matter.

Mr. President, I am glad to yield to the Senator from Wyoming, who is the chairman of our valued Committee on Post Office and Civil Service.

Mr. Hill, as chairman, as the chairman of the Committee on Post Office and Civil Service, I rise to oppose the proposed amendment of the distinguished Senator from Alaska. As you know, in the provisions of title 5, United States Code, relating to the employment of retired officers of the armed services in civilian positions in the United States Government, there is a built-in escalator clause in the act so that the basic amount will be periodically adjusted in accordance with the Consumer Price Index. He receives all of his civilian salary. For the purposes of retention, it is not considered a preference eligible if his retirement is based on 20 or more years' service, or his disability retirement from the military service was based on an injury incurred as a direct result of combat. Thus, civilian employees of the Government, including veterans of the World Wars or the Korean or Vietnam conflicts, will not suffer an automatic disadvantage because of a recently-hired 30-year retired officer or enlisted man who is receiving a military pension in addition to his civilian salary.

To some, these discriminations may seem unreasonable. But to the more than 2 million career employees in our civilian service, about half of whom are veterans entitled to preferred hiring, these are a reasonable protection against unwarranted hirings of retired military persons seeking a second career in the Federal civil service.

If these amendments did not exist, there is considerable evidence, based on our committee studies in 1963 and 1966, that a great many retired colonels, generals, captains, and admirals would be selected for key positions in the Defense Department, thus depriving thousands of career civilian employees of opportunities for advancement and promotion. Under present law, the President is authorized to make exceptions or depart from the rule in extremely unusual cases. I believe this is adequate authority to handle emergency cases of employment.

I hope that my colleagues will agree with me that, although some changes in the dual compensation act might possibly be worth of consideration at this time, bypassing the established procedures of the Senate is the wrong way to do it. I ask that the amendment be defeated.

Mr. President, the legislative history of this issue is clear. Indeed, it has been a matter of trying not only to legislate but also to try to achieve equity. It goes back a great many years in this body, and rather than detail all that history, I will simply touch on some of the highlights.

From time to time, as we have sought a modern personnel program that would be fair to all parties concerned, we have sought to restrict the dual compensation practice.

The Senator from Alaska has well pointed out what may be even yet a continuing inequity as between Reserve officers and the regular officers.

The point really is that it required long hearings and negotiations with our colleagues on the other side of the Hill, in the House, which resulted ultimately in the best compromise that the Senate and the House could bring together to arrive at this legislation.

Our real objection to an amendment on the floor of the Senate in a bill in which this is not germane at all, is that we are bypassing the legislative committee that has not neglected this question, but has devoted a great many hours to making sure that the right of the Senate Committee on Post Office and Civil Service in this matter, we feel that it would be better procedure if the Senator from Alaska would make his proposal to the committee on the right level, and we might consider it again on it, if necessary, in the interest of updating it or correcting any inequities that may still exist.

He has the judgment of many men went into the writing of this legislation; and for us to do this now, with a single sweep of the brush, at 9:30 to 10:30 on this Tuesday morning, is no way to legislate in a matter that has required the greatest care and deliberation on the part of the appropriate legislative committees here.

The rub of it still remains, aside from the substantive issues about which there was a great deal of give and take in our hearings, in our committee markup, and with the Members of the House.

Each of those, in turn, I would think, was a judgment that we made on the basis of that legislative procedure. I would say, with all due respect to my friend, the Senator from Alaska, that this Committee would be happy to do it if I thought it would solve anything. But I see no reason why we should by-pass this Committee and try to have the collective wisdom of the Senate today, at 10 a.m. or 10:30, and that would be sufficient. We will not be bypassing any legislative procedure. It is a simple issue. It is inequitable.

The Senator has stated that there have been hearings. What have the hearings produced? What is so complex about this problem that we should have additional hearings?

Mr. McGEE. The complexity is that there was a difference of judgment in terms of testimony that was submitted to the committee. The hearings that we made in the 1964 legislation, it
may indeed require some additional testi-
mony. But there are other pros on this
question. I am prepared to yield to the
Senator from Alaska.
Mr. GRAVEL. The Senator from Wyoming. As I say,
if the Senator from Wyoming had had
his way, this would be clear sailing from
the very first. But we all learn that there
is other wisdom around that needs to be
brought to bear on it. We have collected
that wisdom and the result of that proc-
ess assesses the available evidence that a
committee procedure is necessary. A
change of that committee would have to
have it. I give my friend from Alaska that I think this is bypassing
proper committee procedure on this ques-
tion. It is not worth it.
Mr. GRAMM. Certainly my colleague is entitled to object.
Do I correctly understand that my colleague
is a member of the Armed Services Committee
also?
Mr. McGEE. No. I thank the Senator for
that compliment. I am on the Commis-
sion on Foreign Relations and on the
Committee on Appropriations, but I could not
possibly make it on the Armed Services Com-
mittee.
Mr. GRAMM. Of course, there is a
committee procedure, but there is also
the Committee on Appropriations.
Senator PASTORE. The Senator from Mississippi, I would
think, has an objection.
Mr. McGEE. The Senator from Alaska believes that to be the
simplest possible. I, and I think most of us, believe that such
procedures as have been used in the past
are a serious misdeed we do those people
who have chosen to make a professional
career of the military. They are under
a contractual obligation when they get
out, and they should receive full re-
testimony. It is not just throwing
them in the road ahead. I think that, again, it
is a procedural matter which supersedes the com-
munity at high levels. It also
remains on an active duty to
the point of retirement.
So there is no tenure, no standing, in
that respect, although many of these
men, of course, are as good as we can
find anywhere. That is the distinction
that is made in the retirement plan and
is a good basis for it.
Mr. McGEE. Until 1964 they could not
work at all for the Government. This
was one of the compromises worked out
that seemed the fairest that the commit-
tees could come up with.
Mr. GRAMM. In 1964 we should at
least have had the wisdom to begin
to employ these people and not just throw
away their expertise, which does not
mean that we cannot have that wisdom
today to take the next step forward.
We penalize or drive these people into pri-
vate industry when the Government
could get them at a much cheaper price.
In fact, we pay dearly. I am sure that the
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When we speak of dual compensa-
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Alaska (Mr. GAVREL). All time for debate on the amendment has expired. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

The BYRD of West Virginia. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Washington (Mr. JACKSON), the Senator from Minnesota (Mr. MONDALE), and the Senator from New Jersey (Mr. WILLIAMS) are necessarily absent.

I further announce that, if present and voting, the Senator from Indiana (Mr. BAYH) would vote "yea."

I further announce that, if present and voting, the Senator from Washington (Mr. JACKSON) would vote "nay."

Mr. GRIFFIN. I announce that the Senator from South Dakota (Mr. MUNDY) is absent because of illness.

The Senator from New Jersey (Mr. CASE) is absent on official business.

The Senator from Pennsylvania (Mr. SCOTTY) is absent on official business.

The Senator from Ohio (Mr. SAXE) is necessarily absent.

The Senator from Tennessee (Mr. BAKER), the Senator from Delaware (Mr. BOSOS) and the Senator from Vermont (Mr. PROUTY) are detained on official business.

Mr. President. I rise to announce that the present and voting, the Senator from South Dakota (Mr. MUNDY) would vote "nay."

On this vote, the Senator from New Jersey (Mr. CASE) is paired with the Senator from Pennsylvania (Mr. SCOTTY). If present and voting, the Senator from New Jersey would vote "yea" and the Senator from Pennsylvania would vote "nay."

The result was announced—yeas 28, nays 60, as follows:

[No. 106 Leg.]

YEAS—28

Yeates Hartke Proxmire
Bibb Hurley Ribicoff
Cannon Johnson, N.C. Spong
Chiles Kennedy Stevens
Cox Magnuson Stevenson
Granston Mathias Thurmond
Goldwater McGovern Tunney
Graeagle McMath Weicker
Hart Harris Weicker

NAYS—60

Aiken Eastland McIntyre
Allen Elmore Metcalf
Allard Bryson Miller
Anderson Fannin Montoya
Beall Fong Moskule
Bellmood Fulbright Packwood
Bennett Gannre Ponte
Brook Griffin Pearson
Brooke Gurney Percy
Burdick Hatfield Roth
Byrd, Va. Hollings Schweiker
Byrd, W. Va. Hurstus Smith
Church Inouye Sparkman
Coffman Jeffords Stevenson
Curtin Jordan, Idaho Symington
Curris Long Taft
Dole Masaonson Talmadge
Dominick Milchian Tower
Eagleton McGee Young

Mr. President, this is an amendment which was brought on by court decisions. What the amendment tries to do is to negate the court decision that, either by passing the draft or military appropriations bills, Congress has given the President an authority in conducting the war in Vietnam, over, above, or beyond whatever he otherwise has.

Let us remember, as it stands now, the President says he is depending upon his authority as Commander in Chief to liquidate a war which he found when he took office. He justifies his authority for everything, including Cambodia and Laos, on that ground. Nonetheless, Mr. President, from the very beginning it is clear to us that we have terminated the Gulf of Tonkin resolution. That resolution, however it may have been arrived at, whatever may have been the debate here, whatever may have been the representations made to the Senate at the time it was passed, was enacted and did give a broad mandate of authority to the President.

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

The PRESIDENT. I yield myself 5 additional minutes.

Now that the Gulf of Tonkin resolution is off the books, the question now is, what is the constitutional power of the President in respect to conducting the Vietnam war?

This question has been tested in two cases. The one in the Circuit Court of Appeals for the Second Circuit, the other in the U.S. District Court for the District of Massachusetts.

The difficulty which we have been put into by these court decisions, Mr. President, is that they turned on the following issue: The issue was whether or not this was a political question, so that the court would refuse jurisdiction.

The court said the method by which Congress would give the President the authority to act in respect of the Vietnam war was political, and it would not deal with it. But the court said whether or not Congress gave the President authority was a legal question, and it would deal with that.

The court decision found an implied authority given by the Congress to the President from the fact that Congress had extended the selective service law, and had appropriated the money to carry out military operations in Southeast Asia.

The opinion has already been put in the Record. It is well known. It was the subject of a very distinguished colloquy between Senator STENNIS and Senator JOHNSON. Senator STENNIS said then quite properly—I truly agree with him, and I think it is worth quoting—

When you vote for a bill, there are a lot of ingredients in it; and for the court to single out that this vote is an endorsement of the war, it seems to me misses the mark and is too broad by any standard.

Then Senator STENNIS said that he thought the lower courts were wrong—that is, the Circuit Court of Appeals and the District Court—about the decision of Germaneness has been waived for today, inasmuch as all debate is under limited time.

Mr. JAVITS. Mr. President, this is an amendment which was brought on by court decisions. What the amendment tries to do is to negate the court decision that, either by passing the draft or military appropriations bills, Congress has given the President an authority in conducting the war in Vietnam, over, above, or beyond whatever he otherwise has.
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thorization

The difficulty is that the decisions stand. Whether or not they are followed in other circuits, whether or not the U.S. Supreme Court, or any of the State High Courts, follows them or ignores them. For many of us, it is a question of real conscience. Probably, considering his own attitude on the war powers and his own very distinct

and bill, as

Senator from Mississippi knows; but I do not want any implication, when I vote for it, of the kind which is specified by the court decisions referred to.

I have no desire even to see this matter contested, because there is danger in that. It may be that if I should have a roll call vote now upon this question and it should be rejected—for any one of 30 reasons. The implication would then be that we have confirmed the court opinion and it could very well be a real barrier in the mind of many Senators who are acting in good faith and are perfectly willing to have a draft bill but who are not prepared to vote to authorize a continuation of the Vietnam war.

This question has been discussed by others. I know that other Senators are distinctly interested in it. Senator STENNIS has had a very distinguished colleague from Mississippi, Mr. Fulbright. I know that Senator STENNIS feels strongly about it. I thought it was worthwhile to present an amendment, to couch it in terms which to me would deal with a situation entirely negative in its consequences, and to see just how Senators felt about it and how the manager of the bill felt about it. As I have said, it may be that, at a later date, those decisions will be approved or overturned by other or higher courts.

In view of the implications which can be drawn from the language of such an amendment as the one I have introduced, as well as from the statement with respect to its approval, I felt that it was a proper subject to bring up in a crystallized way. That is, by actually submitting an amendment. Let us at least see what the feelings are about it in the Senate. Mr. President, I know that the Senator from Mississippi has given me a most sympathetic hearing, and I will await with very great interest his expression of his view.

I reserve the remainder of my time.

Mr. STENNIS. I yield myself 5 minutes, or so much thereof as I may use.

Mr. President, I commend the Senator from New York for the substance as well as the form of the language he has made with respect to this amendment. Frankly, it is a matter that has troubled me from the beginning. Having sat with the Senator from Arkansas, when the matter originally rose, I had a very strong hope that the amendment would not have to be voted on. Further thought on that subject has made me feel, in my present position, that my duty is to oppose it, on the whole, and I am prepared to do that, to the best of my ability, although I do not have a formal speech. I wish I did have one that was worked out formally and completely.

One reason why I would not want the amendment to come to a vote—and this is with great deference to the author—is that there is no way to word an amendment of this type to leave confusion of a different kind, because this would move in on the Constitution. With great deference to the court, I do not think amendments on this subject of the Supreme Court of the United States, or the Court of Appeals, can change the Constitution by merely a conclusion, especially one that just goes to one point that was in many bills, such as the Selective Service Act and the appropriation bills that had already been passed.

I do not think Congress can change the Constitution of the United States by implication, by merely adopting an amendment of this kind. It is not of this type, as part of a massive bill that covers many fields and many purposes. The subject of the authorization for the war in Vietnam is so many, so manifold, those many fields, and I mention some others for illustration. This bill pertains to the manpower supply for our nuclear missiles that are stationed at home, for our carriers at sea, for our Polaris submarines at sea, for our bombers and our fighter planes, and for all the rest of our military weapons and activities. So certainly only a percentage—a relatively small percentage—of all the massive things I have mentioned pertains to the war in Vietnam. There are other foreign policies we have to maintain with a potential force besides the problem in Southeast Asia.

The amendment reads, “Nothing in this act or any other act,” and that pertains to an appropriation bill. They are as broad as the world and as high as the sky in the government operations and activities they cover.

So I think it would be unfortunate for us to try to limit an act—and it is not the highest court in the land—as to the question of a war authorization. I do not think we are called on to refute them. With great deference, I think that, as a whole, they erred, that they reached the wrong conclusion, and put the cart before the horse, if I may express it that way, or magnified the question they were deciding into one affecting the entire Selective Service Act.

The Selective Service Act has been on the books since 1948, it has just been reenacted every 4 years—once during the war, of course. It is substantially the same law, just renewed. It had been in effect since 1948, before we ever had one man in Indochina much less the forces there now. I would, with great deference, say that they went overboard and gave it too much significance and merely by implication said that the war was authorized. In order to see a distinction here the other day regarding the Gulf of Tonkin resolution, when I said it was passed more or less casually but if it had been a declaration of war it would have shaken the doors of the Capitol and aroused this Nation to the utmost, so we are not passing an authorization for war, past, present, or immediate. The Selective Service Act says it is not necessary. I would oppose the amendment on that ground and would respectfully urge that it conduces the situation and brings in honest confusion.

I feel certain in my heart that we cannot change the Constitution in that way. We do not want to flirt with the war-making powers and responsibilities of the Federal Government, but we have to do so on this Selective Service bill. We disapprove of the war, and some totally disapprove of the war, but we cannot just stand dumb or numb and let the world go by. We have got to act on the legislation. We have to act on appropriation bills. We have done that for years and we will be doing it for many years to come.

The Senator from New York has expressed himself so well, even though I oppose the amendment, that it seems to me our thinking is rather much together and perhaps the thinking of this body is rather much together.

If we had to go to the final wire, I would be compelled vigorously to oppose the amendment for the reasons I have given, but if the Senator would think that this makes the record and for the time being he could withdraw the amendment, I would applaud him for a wholesome public act. It does not derogate or take away one bit from his position or any one else’s, as I see it, about the court’s decision.

Mr. President, I yield now to the distinguished Senator from New York. Mr. JAVITIS. I do not want to use any of the Senator’s time.

Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER (Mr. BEAN). The Senator from New York is recognized for 5 minutes.

Mr. JAVITIS. Mr. President, I have listened to the Senator from Mississippi with the greatest care. I believe I was right and I hope that the courts will realize, the position into which they have placed us all. If we read the Court opinion, it is as bad for the affirmative as it is bad for the negative, and if there are going to be implications from adopting something, then there will be implications from rejecting something. So that the Senator is right when he says that this is a problem of great responsibility.

In order to help us, I am going to ask the Senator the following, and I hope he will understand the sense in which I ask it.

Mr. President, I feel we should not, at this time, press it upon this measure.

As I read the colloquy which the Senator from Mississippi had with the Senator from Arkansas (Mr. Fulbright), it really does not exactly meet the point, as he phrased the question, I think it is important that we see where the Senator’s history could be made crystal clear that no implication can or should be read into the passage of the Selective Service Act which could represent an implied congressional authorization of the Vietnam war.
The colloquy had 2 parts. One was the view of the Senator from Mississippi that—

Because this is a manpower bill for all our forces, as the Senator knows, we are not proceeding as if the passage of the bill was the rendering of services particularly in this sudden transition unless we could pass the bill.

That is one quote. The other is, in response to a question from the Senator from Mississippi:

Is that the equivalent of the Senator’s saying the Court was wrong in the way it interpreted the matter?

Mr. STENNIS. No, the Senator is in reference, yes.

Neither of these deals directly with the point, though certainly it is clear what the Senator has in mind. Therefore, in the hope that perhaps it might be possible to do without such an amendment as I have described, I would like to ask the Senator this question:

Is there anything in this act, if it becomes law, which may be deemed to constitute an authorization for the conduct of military hostilities in Southeast Asia pursuant to the war powers of Congress as specified in article I, section 8 of the Constitution?

Mr. STENNIS. I can certainly say to the Senator that, in my estimation, and as I interpret the Constitution, there are no provisions in the bill that would authorize the war in Vietnam as provided in article I, section 8 of the Constitution.

Mr. JAVITS. Would the Senator let me?

Mr. STENNIS. May I add this—I think the bill as a whole is concerned, we are not trying directly to authorize or to terminate that war, not yet.

Mr. JAVITS. Or to imply any authority which has not been otherwise given?

Mr. STENNIS. No. I think it does not imply any additional authority. Now it carries with it the manpower that will be used in Vietnam in connection with the war. There is no doubt about that. And what I have said so far follows, presumably in the future, some of that money will be used for the war, as the Senator already knows. But there is no grant of authority in the bill. So far as the war is concerned, we are not doing any more than we are compelled to do, as I see it, to keep up our military forces.

Mr. JAVITS. Mr. President, if I might explain to the Senator, I believe we are entitled to a precise answer on the question of legislative intent, at least that much. I appreciate the public policy implications of this bill involved. And I have stated them very frankly myself and have stated my grave concern about deciding whether to press for a vote. However, I think, with all my respect and affection for the Senator from Mississippi, that we are entitled to a flat answer to the question whether there is anything in this act which shall be deemed to constitute an authorization for the conduct of military hostilities in Southeast Asia pursuant to the war powers of Congress and pursuant to the decision and the courts which draw such implications from the passage of a Selective Service Act.

If the answer of the Senator from Mississippi to that categorical inquiry would be no, then at least we would have the answer of the manager of the bill on record to the effect that this measure when passed should not be taken by implication to give such authority.

I appeal to the Senator on that question and would be glad the Senator would pursue the question with him. I think the question is important, not that any of us brought it up or imported it. If I had written this opinion as a lawyer, I think I would have pleaded Mr. STENNIS to give me the answer with the Senator from Mississippi. I think the courts were wrong. They are very distinguished judges. Their record is superb. However, I do not think we can stretch the doctrine of implication that broadly. I would submit to the Senator, in the common interest, a bill which does not take us beyond the point which we believe it takes us. It is at least necessary to have a categorical answer that the legislative intent of this bill cannot be stretched to that point by implication. That is why I phrased the question as I did.

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

Mr. JAVITS. Mr. President, I yield myself 2 additional minutes.

The PRESIDING OFFICER. The Senator from New York is recognized for 2 additional minutes.

Mr. JAVITS. Mr. President, I think, as I have said, that is a common question, and I think that at least to that extent people who feel as I do deserve to have an answer.

Mr. STENNIS. Mr. President, would the Senator restate the question he just asked?

Mr. JAVITS. Mr. President, I asked the Senator from Mississippi, as the manager of the bill: Is there anything in this act which could be deemed to constitute an authorization by the Congress for the conduct of military hostilities in Southeast Asia pursuant to the war powers of Congress as specified in article I, section 8 of the Constitution?

Mr. STENNIS. Mr. President, according to the interpretation of the Senator from Mississippi, section 8, Mr. STENNIS do not think there is anything in the bill that would authorize the conduct of the war in Southeast Asia.

I think further that anything the Senator from Mississippi would say could not change the court decision. I will say respectfully, that I think the court decision is in error in its conclusions. However, I have to confine my opinion as to the bill to my interpretation here of article I, section 8 of the Constitution.

Mr. JAVITS. Mr. President, I yield myself an additional 2 minutes.

The PRESIDING OFFICER. The Senator from New York is recognized for an additional 2 minutes.

Mr. JAVITS. Mr. President, could the Senator go further and say that it is not his intent, as far as he can interpret the bill, to give any authorization of the kind I have described?

Mr. STENNIS. Mr. President, I certainly know of no intent that the Senator from Mississippi has to give any additional authorization for the conduct of that war. That is about as far as I can go. The President has his position. My position is that we are already in it, and we have got to support it. We want to conclude it as quickly as we can. That is still my personal opinion. However, there is no grant of authority in this bill according to my interpretation of it or in the interpretation of any Senator that goes, to grant any additional authority.

Mr. JAVITS. When the Senator speaks of his intent, is the Senator speaking as the manager of the bill or as an individual Senator?

Mr. STENNIS. I speak as an individual Senator, of course. I am placed in the position of being the manager of the bill, I cannot speak for every Senator that is on the committee. However, I am in this position as I say, and I speak as manager of the bill to that extent, yes.

Mr. JAVITS. Mr. President, I believe this is a matter of high responsibility, and I do think we could be more precise than we have yet been in this colloquy.

Mr. STENNIS. Mr. President, if the Senate will yield there, I am not trying to avoid the Senator’s question. I am just being careful in stating my position as I see it.

Mr. JAVITS. Mr. President, I know the Senate is doing a tremendous job in answering in accordance with his conscience. As I have said, I believe that this colloquy is at least an endeavor to button up whatever can be buttoned up in respect to this measure.

I do not believe it would be fair to have the Senate vote on this particular amendment without further consideration and debate. As I say, I am not entirely satisfied that we have done the best we can with this answer.

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

Mr. JAVITS. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from New York has 7 minutes remaining.

Mr. JAVITS. Mr. President, I yield myself such time as I require.

Mr. STENNIS. Mr. President, I believe we can do better with this than we have done. The bill is by no means locked up, even if we do have cloture. Amendments may still be offered. I believe that many Members of the Senate should examine this question now that we have an amendment that is specific and the colloquy with respect to it, which I presume is the best the Senator from Mississippi feels he can offer. I would consider very seriously at this time not pressing the amendment to give us all a chance to think about the matter; especially the negative implications of presenting it, as one never knows the result of a vote. We can then finally decide before the bill is finally locked up and we have third reading whether the amendment is still necessary.

In the meantime, Mr. President, I ask unanimous consent that there be a quorum call—

Mr. STENNIS. Mr. President, will the Senator withdraw his suggestion for just a moment?

Mr. JAVITS. Mr. President, I withhold my suggestion of the absence of a quorum.
Mr. STENNIS. Mr. President, let me ask the Senator this question with reference to the withdrawal of the amendment, to which I do not object. I think it is commendable of the Senator. There is no implication here about the forthcoming cloture vote. I am in the untenable position of having to help effect cloture. I would not want this amendment on the floor in any way so as to prevent cloture from being had.

We could vote on the amendment today, if the Senator wants to. So, if the Senator would advise now that there is no objection, I think it is time that he or any of his friends do not want to try to hold off cloture in order to get this amendment.

Mr. JAVITS. Mr. President, I do not know some people may interpret myself. The only reason I mention cloture is because cloture does not mean that we cannot amend. I gather that the Senator from Missouri wanted a little time to talk to the Senator from Mississippi.

Mr. STENNIS. Time-wise, I think the amendment can be brought to a conclusion now; but it would be possible, even if cloture should be imposed, to bring it up under the cloture application.

Mr. JAVITS. Yes.

Mr. STENNIS. I would not object to that.

Mr. President, I suggest the absence of a quorum, with the time to be charged to my side.

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 be rescinded.

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

Mr. STENNIS. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Mississippi has 16 minutes remaining.

Mr. STENNIS. Mr. President, I yield myself 5 minutes and I yield to the Senator from Missouri for a question.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. EAGLETON. I thank the Senator.

I would like to address this question to the Senator from Mississippi.

Mr. JAVITS. Mr. President, I have a question. I want to ask the Senator an additional question.

I assume the Senator from Mississippi does not regard this bill, which provides for the conscription of young men to serve in the Armed Forces to provide for the national defense, as authorizing, for the President to use them in any other way than the Constitution states.

For instance, if young men are sent into Indochina, has the Congress, or at least the legislative branch of the Congress, have to authorize such hostilities? In accordance with the Constitution?

Mr. STENNIS. My answer to that question is yes. Yes, that is correct.

Mr. Eagleton. I thank the Senator. I would like to add in conclusion in the few minutes that have been allotted, I think this colloquy raises a very, very important point. In a previous exchange between the Senator from New York (Mr. JAVITS), Mr. JAVITS, Senator from Mississippi (Mr. STENNIS), and now my question to the Senator from Mississippi—no other revised version of the amendment on some other occasion before the time for consideration of amendments is up.

I withdraw the amendment.

The PRESIDING OFFICER. Is there objection to withdrawing the amendment?

Mr. STENNIS. Mr. President, I have no objection.

Mr. JAVITS. Mr. President, I believe we all certainly agree that this is a matter of such delicacy, involving a responsibility beyond that of an individual Senator, that it is prudent on this record not to press the amendment at this time. I reserve the right, based upon a reading and consideration of the whole record and any other amendment which may be offered to this bill, to urge this or some other revised version of the amendment on some other occasion before the time for consideration of amendments is up.

Mr. JAVITS. The PRESIDING OFFICER. The Senator from New York.

Mr. JAVITS. Mr. President, I believe all Senators have put in resolutions relating to war powers, Senate Joint Resolution 95, introduced by me on May 11 of this year. A provision, of course, the Senate Joint Resolution 95, introduced by me on May 11 of this year. A provision, the Senator an additional question.

Mr. JAVITS. Mr. President, I yield myself 3 additional minutes.

The PRESIDING OFFICER. The Senator is recognized for 3 minutes.

Mr. STENNIS. Mr. President, I would like to make clear this point with respect to the colloquy on the floor of the Senate. With interruptions, and the spontaneity of things, we do not always have a chance to make as clear or as deliberate a comment or an answer as we might otherwise. I mention that we are dealing with such a delicate subject, the courts, much less others, seek to capture the spontaneity of things, we do not always have a chance to make as clear or as deliberate a comment or an answer as we might otherwise. I mention that we are dealing with such a delicate subject, the courts, much less others, seek to capture the spontaneity of things, we do not always have a chance to make as clear or as deliberate a comment or an answer as we might otherwise.
waived throughout the day, I yield 1 minute to the Senator from Georgia (Mr. TALMADGE) and ask unanimous consent that the remarks come at the end of this colloquy.

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

EXTENSION AND AMENDMENT OF CHILD NUTRITION ACT AND NATIONAL SCHOOL LUNCH ACT

Mr. TALMADGE. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on the bill (H.R. 5237).

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the amendments of the Senate to the bill (H.R. 5237) entitled "An Act to amend the National School Lunch Act, as amended, to provide for the participation of the Department of Agriculture for the purpose of providing free or reduced-price meals to needy children.

Mr. TALMADGE. Mr. President. I must tell the Senate disagree to the House amendment and agree to the request of the House for a conference on the disagreeing votes of the two Houses thereon, and that the Chair be authorized to appoint the conference on the part of the Senate.

The motion was agreed to; and the President pro Tempore, Mr. HUMPHREY, Mr. MILLER, Mr. AIKEN, and Mr. CURTIS conference on the part of the Senate.

RECESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate stand in recess awaiting the call of the Chair, with the understanding that the recess not extend beyond 12 o'clock noon today.

There being no objection, at 11:32 a.m. the Chair declared the Senate to be in recess subject to the call of the Chair.

The Senate reassembled at 12 noon, when called to order by the President pro Tempore (Mr. Byrd of West Virginia).

AMENDMENT NO. 165

The PRESIDING OFFICER (Mr. Byrd of West Virginia). Under the previous agreement, the Chair now lays before the Senate amendment No. 165 of the Senator from Kentucky (Mr. COOK) which the clerk will state.

The assistant legislative clerk read the amendment as follows:

SEC. 302. (a) It is hereby declared to be the policy of the United States to terminate all involvement of the United States Armed Forces in Indochina as soon as practicable, and to withdraw, within a period not to exceed nine months, all United States military forces from South Vietnam, Laos, and Cambodia.

(b) Subject to the provisions of subsection (a) of this section, no funds authorized or appropriated under this or any other law may be expended after nine months from the date of enactment of this section, except for the deployment of United States Armed Forces in, or the conduct of United States military operations in or over, South Vietnam, Laos, Cambodia, or North Vietnam.

Mr. COOK. Mr. President, I ask unanimous consent that the agreement, the pending amendment to the section, the President has been unable to obtain the agreement of the Senate on the robust commitment of the North Vietnamese Government for the release of all United States personnel held captive by that Government and by forces allied with that Government, and for the early report such fact to the Congress in writing, and on and after the fifteen day following the date on which such report is received by the Congress the provisions of subsection (a) of this section shall have no further force and effect unless the Congress shall provide for an extension of such provisions as hereinafter provided. Within fifteen days after receiving a report from the President under this subsection, the Congress may determine under the following procedures whether the provisions of subsection (a) of this section shall be continued in effect notwithstanding the President's report:

(1) any bill or resolution providing that subsection (a) of this section shall continue in effect notwithstanding the report of the President, shall, if sponsored or cosponsored by one or more Members of the House of Representatives, or introduced into the Senate by one or more Members of the Senate, shall be considered reported from the committee to which it is reported, if it extends the period of nine months, and shall be so considered unless there be a vote to strike out the words making it subject to return to the Senate or the House, and unless a vote to strike out the words providing for the extension of such provisions as hereinafter provided. Within fifteen days after receiving a report from the President under this subsection, the Congress may decide under the following procedures whether the provisions of subsection (a) of this section shall be continued in effect notwithstanding the President's report:

(2) any bill or resolution reported pursuant to paragraph (1) of this subsection shall immediately become the pending business of the House to which it is reported, and shall be voted upon within three days after such report, unless such House shall otherwise determine by yeas and nays.

(c) Nothing in this section shall be construed to affect the authority of the President:

(1) to provide for the safety of the Armed Forces of the United States during their withdrawal from South Vietnam, Laos, and Cambodia,

(2) to arrange asylum or other means of protection for South Vietnamese, Cambodians, and Laotians who might be physically endangered by the withdrawal of United States Armed Forces from this region,

(3) to provide assistance as specified by the Congress to the nations of Indochina, in amounts approved by the Congress, consistent with the objectives of this section.

The PRESIDING OFFICER (Mr. Byrd of West Virginia). Under the previous agreement, time on consideration of amendments is limited to 4 hours, to be equally divided, with the time to be taken up by amendment No. 165 at 4 o'clock p.m. today.

Who yields time?

Mr. COOK. Mr. President, I yield myself 15 minutes.

The PRESIDING OFFICER. The Senator from Kentucky is recognized for 15 minutes.

Mr. COOK. Mr. President, I ask unanimous consent that the name of the distinguished Senator from Montana (Mr. Mansfield) be added as a cosponsor of the pending amendment.

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

Mr. EAGLETON. Mr. President, will the Senator from Kentucky yield?

Mr. COOK. Yes.

Mr. EAGLETON. I thank the Senator from Kentucky very much.

Mr. President, I ask unanimous consent that the distinguished junior Senator from Iowa (Mr. Hruska) be added as a cosponsor of the pending amendment.

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

PRIVILEGE OF THE FLOOR

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate proceed further in consideration of amendment No. 165, and including the time during the roll call vote or votes thereon, the Senator from Missouri (Mr. Eagleton), a cosponsor, be permitted to have his staff member, Steven Vossmeier, on the floor.

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

Mr. COOK. Mr. President, I ask unanimous consent that my legislative assistant, Mr. David Huber, have the privilege of the floor.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the roll call vote or votes on the amendment?

Mr. COOK. Yes.

Mr. BYRD of West Virginia. I have no objection.

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

Mr. COOK. Mr. President, I rise today to ask for Senate approval of amendment No. 165, a measure introduced by myself, Senator STEVENS, Senator Eagleton, and Senator Hartke.

Very simply, the amendment states that it is the policy of the United States to terminate our military involvement in Indochina and to withdraw all of our military forces and our equipment used for military purposes from this region within a period of 9 months from the date of enactment of H.R. 6531, the Selective Service Act. Further, it prohibits the expenditure of funds after this date for the deployment of our Armed Forces military operations in—or over—South Vietnam, Laos, Cambodia, or North Vietnam.

Equally important, if a firm commitment to release our prisoners of war is not reached with the North Vietnamese and their allies within 60 days after the date of enactment of H.R. 6531, the date
of U.S. withdrawal and cessation of all military operations is canceled. The amendment further provides that should the President be unable to obtain such a commitment in 21280 of military operations is canceled.
The amendment further provides that should the President be unable to obtain such a commitment, he shall promptly report this fact to the Congress, and within 15 days after the report the date of U.S. withdrawal and cessation of U.S. military operations shall be canceled unless the Congress should provide otherwise.

In this speech on March 14, he set forth our peace proposals in great detail.

He went on to say:

We have offered the complete withdrawal of all American forces within one year.

He then said:

We have proposed a cease-fire under international supervision.

He then said:

We have offered free elections under international supervision with the communists participating in the organization and conduct of the elections in the South Vietnamese states. The Saigon Government has pledged to accept the result of the election.

Now, Mr. President, we see that in May 1968, the United States had 54,500 American servicemen in South Vietnam and at that time we had a standing offer to withdraw all our forces within 1 year. We also offered to allow the Communists to be a viable political force in a free election. We now know that the Vietnamization has advanced to such a point that item 2, the participation of the Communists in free elections in South Vietnam, is necessary a plan to withdraw all our forces from Vietnam on a schedule in accordance with the program as the South Vietnamese become strong enough to defend their own freedom.

Mr. President, on April 12, 1971, the President reported to the Nation on Southeast Asia. On that occasion he said, "Consequently, reports that Vietnamization has succeeded." Later in the same speech he went on further to say that it is time for Hanoi to end the barbaric use of our prisoners of war for political purposes, and to join us in a humane act that will free their men as well as ours.

In the same April speech, we will recall that the President announced an increase in the rate of withdrawal and reported that the withdrawal started in June 1969, with 25,000 men; in September 1969, another 40,000 men; in December 1969, 130,000 men; and in April 1970, another 150,000 men.

"By the first of next month," said the President, "May 1, we will have brought home more than 265,000 Americans, almost half of the troops in Vietnam when I took office."

Later in the speech he said that between May 1 and December 1 of this year 100,000 more Americans will be brought home from South Vietnam, and this will bring the total number of American troops withdrawn from South Vietnam to 365,000.

Mr. President, this represents two-thirds of all the troops in South Vietnam from the 1969 high. It had the approval of the South Vietnamese Government. This leaves less than 1,175,000 American troops remaining.

Let us look for a moment, Mr. President, if we may, at the history of the entire South Vietnam situation and our part in it. From 1945 to 1951 the United States aid to France totaled $3.5 billion. Without this, the French position would have been entirely untenable. By 1951, the United States was paying about 40 percent of the cost of the Indo-China war.

In 1954 it is estimated that the U.S. economic and technical assistance amounted to $763 million, and the military aid totaled almost $2 billion. This added up to almost 80 percent of the total cost of the French in their operations in Indo-China.

From 1955 to 1961 the U.S. military aid averaged $230 million a year. By 1963, South Vietnam ranked first in military assistance and economic assistance, following India and Pakistan. Overall the United States has invested $120 billion in South Vietnam. We have invested enough, therefore, to the point that any agreement on our POW's, let us leave. This amendment emphatically backs the President in our withdrawal and says to North Vietnam: "We give you 60 days in which to solve the problems of our POW's and come to an absolute commitment with this country on a release of all our prisoners of war. If you do not, then all holds are barred, as the saying goes. If you do come to this agreement, we will totally withdraw."

We now say that the less than 250,000 troops can be removed in the period of 9 months. In view of the President's U.N. speech that 541,000 troops could be removed in 12 months, the 9-month period is entirely feasible.

Mr. President, it was said to me not too long ago that this would hamper the negotiation process. In his negotiation, I believe, we could get agreement if we withdrew. To the contrary, we feel that it would say to the President of the United States, "Mr. President, we back you completely on the statements you have repeatedly made as the result of our agreement on our prisoners of war and the time necessary to withdraw all our troops."

It will say to the administration, "We back what the Secretary of State has said."

It will say to the administration and to the North Vietnamese, "We back what the Secretary of Defense has said and has repeated over and over and over again, that the real problem is the prisoner-of-war question."

"If this could be resolved," said Mr. Laird, "we would be through in Southeast Asia."

"Yes. That is why we were there. If it could be resolved, yes, we would no longer be there."

So, I can only say this is the import of the amendment. This amendment puts the onus of the solution of this problem not on the President of the United States, but on the North Vietnamese where it should be.
Vietnamese in the amendment "We will give you a 60-day period in which to come to a conclusion with us about what will be done in respect to the prisoners of war. And if this is, in fact, concluded within that 60 days, the U.S. military forces will be out within a period of 9 months." The

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

Mr. COOK. Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. STENNIS. Mr. President, I yield 6 minutes to the Senator from South Carolina.

Mr. President, if the Chair will indulge me a moment, I ask unanimous consent that we may have a brief quorum call, the time to be equally divided between both sides.

The PRESIDING OFFICER. Is there objection to the request of the Senator from South Carolina?

Mr. STENNIS. Mr. President, it may be charged to my time.

Mr. COOK. Mr. President, I ask unanimous consent that the time for the quorum call be charged to either side.

The PRESIDING OFFICER. The time has to be charged.

Mr. STENNIS. Mr. President, I ask unanimous consent that the time be 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. COOK. 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 6 minutes to the Senator from South Carolina.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. THURMOND. Mr. President, the pending amendment No. 165, offered by the distinguished Senator from Kentucky (Mr. Cook) is another attempt to deny the President of the United States his constitutional power to command and control the disposition of U.S. military forces in war zones.

This amendment, like the McGovern-Hatfield and other similar amendments, implies that President Richard Nixon will not keep his word and disengage U.S. forces from Vietnam on a speedy but safe schedule with the consent of the Congress.

President Nixon has kept his promises regarding the reduction of U.S. troops in Vietnam. In fact, he has accelerated withdrawal of American forces faster than he promised in his campaign.

The Senate must realize that no one man in the world would gain more politically and otherwise through a speedy disengagement than would President Nixon. In fact, it is a reasonable policy to continue his policy of a gradual and safe disengagement in Vietnam by rejecting the pending amendment.

(Thelong following proceedings occurred during the course of Mr. Thurmond's address and are printed at this point in the Record by unanimous consent.)

Mr. THURMOND. Mr. President, will the Senate yield for one-half minute?

Mr. THURMOND. I am pleased to yield to the Senator from Michigan.

Mr. THURMOND. I thank the Senator.

Mr. President, have the yeas and nays been ordered on the pending amendment?

The PRESIDING OFFICER (Mr. McIRRAY). They have not been ordered.

Mr. GRiffin. Mr. President, I ask for the yeas and nays.

Mr. EAGLETON. Mr. President, reserving the right to object, can an objection be raised to a request for the yeas and nays?

The PRESIDING OFFICER. No.

Is there a sufficient second? There is not a sufficient second.

Mr. STEVENS. Mr. President, will the Senator yield to me?

Mr. THURMOND. Mr. President, the Senator from South Carolina has the floor.

Mr. THURMOND. Mr. President, I yield to the Senator from Alaska.

Mr. GRiffin. Mr. President, will the Senator yield to me first for one-half minute?

Mr. THURMOND. Mr. President, I would like to be able to yield to the Senator from Michigan, but I had already yielded to the Senator from Alaska.

Mr. STEVENS. Mr. President, the sponsors of this amendment have made representations to Senators who have suggested language changes that we would not ask for the yeas and nays until they have an opportunity to give us that language.

I urge the acting minority leader not to ask for the yeas and nays at this time in order to give us a chance to live up to our commitment to the Senate.

We had a series of negotiations this morning and we are trying to show our flexibility. We could have asked for the yeas and nays at any time and we are doing this to live up to our representations and not to cut off anyone. We made commitments based on language they are discussing.

I urge that this courtesy be accorded.

We will ask for the yeas and nays shortly if they do not produce the language, I ask that the Senator recognize our position.

Mr. GRiffin. We are trying to respect the Senator's wishes, but we are having a policy luncheon and it would be a great convenience to Senators to know if the yeas and nays will be requested. It is your judgment.

Mr. MANSFIELD. Mr. President, will the Senator yield to me for 1 minute?

Mr. THURMOND. Mr. President, I yield 1 minute to the Senator from Montana.

Mr. MANSFIELD. Mr. President, I think the request made by the distinguished Senator is most reasonable. I
had no idea, as a matter of fact, that this was in the offing. I am certain the acting minority leader would not have made the request he did if he had been aware of the situation.

Mr. GRIFFIN. The Senator is correct. I am glad to cooperate within reasonable limits.

Mr. MANSFIELD. Because there will be a yea-and-nay vote. There is no question about it. The Senator can tell the Senate that he can cooperate.

The PRESIDING OFFICER. The Senator from Alaska should be informed it will take unanimous consent to modify the amendment because a time certain is involved. The Senator from Alaska should be informed it will take unanimous consent to modify the amendment because a time certain is involved and the amendment will not be bound to our part of the arrangements.

The amendment...
which the senior Senator from Montana offered yesterday to add a title V to the Military Selective Service Act. When it is officially before us as the pending business, I will vote "aye" on the Mansfield amendment.

I am in agreement with the majority leader's proposal which would have Congress declare it to be the policy of the United States to terminate at the earliest practicable date all military operations of the United States in Indochina, and to provide for the prompt and orderly withdrawal of all U.S. military forces and their allies from the territory of Vietnam, with the date of enactment of the proposed Mansfield amendment. And I am in agreement with and especially emphasize my support of the proviso in the amendment that withdrawal stipulation be subject to the release of all prisoners of war by the Government of North Vietnam and its allies. The Mansfield amendment would add the proviso that Congress declare in the amendment that the President be urged and requested to implement the expressed policy by initiating immediately the following actions, to include: (a) unconditionally subscribe to the date of enactment of the proposed Mansfield amendment, contingent on the release of American prisoners.

Enter into negotiations with the Government of North Vietnam for an agreement which would provide for a series of phased and rapid withdrawals of U.S. military forces in Indochina in exchange for a corresponding series of phased releases of American prisoners of war, and for the release of the remaining American prisoners of war concurrent with the withdrawal of all remaining military forces and phased releases by both parties; (b) being sound policy and to which I believe the President should react affirmatively: Publicly proclaim a final date for the withdrawal from Indochina, but such date to be no later than a year after the date of enactment of the Mansfield amendment, contingent on the release of American prisoners.

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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 active duty strengths for fiscal 1972; and for other purposes.

The PRESIDING OFFICER. Who yields time?

Mr. COOK. Mr. President, I yield 5 minutes to the distinguished majority leader.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. MANSFIELD. Mr. President, first I wish to correct my own amendment to H.R. 6531 which is before the Senate today.

On line 6, page 2, after (1) eliminate the words "publicly proclaiming" and substitute "establishing."

The PRESIDING OFFICER. The Senator has the right to so modify his amendment.

Mr. MANSFIELD. Mr. President, I listened with interest to the Senator from South Carolina talking about a blood bath. It is foolish to say that when I received the latest figures from the Department of Defense which indicates just how much of a blood bath has occurred as far as this country and its citizens and soldiers are concerned.

As of June 12, 1971, 300,123 Americans have been wounded. As of June 12, 1971, 64,671 Americans are dead. The total casualties up to June 12, 1971, amount to 354,994 Americans.

That, I submit to the Senate, is a blood bath in its own right, and a blood bath which is long overdue for consideration and conclusion.

Mr. President, in a short time, the Senate will be voting on the Cook-Stevens-Hartke-Eagleton amendment. It is my intention to vote for this amendment. I do so because the amendment would make clear that the Senate desires an end to the involvement in Vietnam. Moreover, it would underscore the point by providing for a cutoff of funds within 9 months of enactment. As I read it, only a Presidential override would be sufficient to release the U.S. prisoners of war would forestall the fund cutoff. As one Senator, I am ready to join in voting for Cook-Stevens-Hartke-Eagleton.

In the event Cook-Stevens-Hartke-Eagleton is adopted, the Senate would be on record on the question of Vietnamese withdrawal, especially as it relates to the question of the prisoners of war. Insofar as I am concerned, it would then be my intention not—I repeat, not—to call up the amendment which I introduced yesterday and which provides for phased withdrawal of U.S. forces and phased releases of prisoners. Passage of Cook-Stevens-Hartke-Eagleton would have given voice to the intent of my amendment and, for all practical purposes, superceded it.

However, I think we have to face the fact that a Senate which has rejected the Hatfield-McGovern amendment, may also find difficulty with the provision for a cutoff of appropriations which is provided in Cook-Stevens-Hartke-Eagleton. In that event, the amendment which I offered yesterday may possibly be a closer reflection of the sentiments of the Senate. The proposed amendment is in the nature of a statement of policy which, if enacted and signed by the President, would set forth a common position for the Government of the United States. The position would include: First, immediate negotiations with North Vietnam for a cease-fire; and, second, negotiation of a withdrawal of U.S. forces from Vietnam in phased stages which would be coincidental with phased releases of prisoners of war, culminating in total withdrawal of forces and total release of prisoners in 9 months. In sum, the two proposals go together.

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

Mr. COOK. Mr. President, I yield 1 minute to the Senator from Montana.

Mr. MANSFIELD. My own procedural position in this situation should be clear. It is, in short, that I am for Cook-Stevens-Hartke-Eagleton. If Senate refuses to pass it, I will vote for it and withdraw my amendment if Cook-Stevens-Hartke-Eagleton is adopted by the Senate. It is my intention to press my amendment later only in the event that Cook-Stevens-Hartke-Eagleton is not acceptable to the Senate at this time.

Mr. COOK. Mr. President, I reserve the balance of my time.

The PRESIDING OFFICER. Who yields time?

Mr. HARTKE. Mr. President, will the Senate from Kentucky yield me 10 minutes?

Mr. COOK. Mr. President, I yield 10 minutes to the Senator from Indiana.

THERE IS STILL TIME

Mr. HARTKE. Mr. President, 2 days ago we celebrated Father's Day in this Nation—a day which honors the state of parenthesis. As a father of seven, I know the joy and the sorrow, the pride and the suffering, that children can bring; I have watched them across the gulf of years and paths that inevitably divide a father from his children.

And on that day of celebration, I could not but think of those fathers who are not as fortunate as I.

I am speaking of the fathers of over 50,000 American war dead in Vietnam—and the thousands more who have had their children taken from them as a limb or an eye or possibly sanity itself.

And for what—to perpetuate a deadly folly and a willful blindness to decency—a folly and a blindness of leaders more concerned with popular approval than with the national ideals they had sworn to uphold—leaders more concerned with their own place in history than with the welfare of those for whose sake every man of this nation is fighting and dying?

Is it not 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 Americans in the deeply cynical expectation that lower casualties incurred for the purpose of the living dead will heal. Instead, the infection which we have paid—and must continue to pay—a hemorrhage for. But it is its poison have now spread into every community and into every school. Our cities, our children, are dying. And we are only just now being offered a policy—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 that the victory—that this wound will ever, under this policy, be healed. Instead, the infection which it carries will continue to grow—towards American intervention and into every country that the people who elected them do. And the people know, too, the price that we have paid: they are hurting the world that we have honored our commitments to, thereby bringing an end at last 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 of every foreign prisoner 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 condone the treatment of prisoners 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 we were 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 of suspension of fire and making threats for our withdrawal from Indochina.

The amendment before us today provides the best possible opportunity to end the war. 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 unless 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 clear as they possibly could—short of offering a signed contract—that they have no interest whatsoever in keeping our prisoners a day longer than is necessary. Any implication the President has made that 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 politically as well as militarily. With the presidential elections taking place on October 3, our adoption of the amendment before us would indicate to the people of South Vietnam that the time has come for them to assume full responsibility for their country's future.

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 America continue to countenance a policy of mass murder for an 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 millions.

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

Mr. HARTKE. Mr. President, I ask for 2 more minutes.

Mr. COOK. I yield the Senator 2 additional minutes.

Mr. HARTKE. 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 colonization. For we have not made any test of 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 a future destruction.

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 caused 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.

No longer are we willing to accept myths as reality; no longer are we willing to accept pretense as a guide for policy.

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 their families. We can no longer stand—today we can end this unwanted war and bring all of our boys home.

For the sake of all who have lived and all who are yet condemned to die, I urge my colleagues to join me in support of this amendment.

The PRESIDING OFFICER. Who yields time?

Mr. COOK. Mr. President, I reserve the remainder of my time.

Mr. STENNIS. I yield myself 10 minutes.

Mr. President, we are back where we were the other day, when, after a very fine debate on the Hatfield-McGovern amendment, for which we set aside, I believe, at least a week, the Senate indicated its will by the vote on the Chiles modified amendment, which was a new version that came in near the last. Now we are back to substantially the same subject matter, after 7 weeks of debate on this bill.

It is all right for us to be thorough and exhaustive, but I do not believe that we are helping our side in this Indochina situation by going over and over the same thing. The same proposals, almost, and then, when we dispose of this one today, we may have another one, and who knows how many more? I simply do not believe, as I say, that that helps our side. I think it probably hurts our side, in spite of the very fine good faith of those who sponsor these resolutions.

Mr. President, whether intended or not, I think one day that this is not an attack upon the President of the United States and his handling of this unfortunate war. Of course it is a restriction. Of course it is a barrier. And of course it is a barrier in one sense which ties his hands. Of course it makes him the underdog in his efforts to negotiate with our enemies, and it certainly lowers his day. I am talking about the Chief Executive, now, and not the man named Nixon—even with our friends, our direct allies, and our diplomatic sympathizers.

It is noticed—and I speak with all deference here—by our adversaries, that this resolution came primarily from two of the members of the President's party. This is not a partisan matter. We do not look upon it as partisan. But other people, our enemies also look upon this thing. They are measuring now where we are left, and where we are when this debate is over. Our enemies look upon where these resolutions are coming from, and I am telling you right now, if I pursue the position of our Chief Executive down greatly, in size and in influence.

Mr. STEVENS. Mr. President, will the Senator yield at that point? I am happy to ask the Senator if I can take my inquiry on his time, if the Senator prefers.

Mr. STENNIS. I yield briefly for a question, under the rules of the Senate.

Mr. STEVENS. I ask the Senator, in view of his comments that this reflects on the President, if he has examined the impact of this amendment from the point of view of the disposition of the prisoners of war first in the negotiations, and making the time limit entirely conditioned upon a firm commitment to release those prisoners?

As I understood it—and as the Senator has said, I have been one of the President's most firm supporters in this body.

Mr. STEVENS. That is right.

Mr. STEVENS. As I see it, we are supporting the President's purpose and trying to get the Senate and the House of Representatives to say they agree with the President, that the Vietnamese will release our prisoners of war, then we will withdraw within a time certain.

How is that reflecting upon the Office of the Chief Executive, if we arm him with this power?

Mr. STEVENS. Yes, Mr. President, the President wants to be "armed" in this way, I am sure. The word is just the contrary, totally contrary to what the Senator has suggested.

He is out front. He is our Chief Executive. I am not arguing for him. I am not interested in Richard Nixon as an individual, any more than I am interested in the Senator from Alaska, of course. But he is the chosen Chief Executive of this Nation, so known around the world and so interpreted, under our form of government, by our adversaries and those allied with them.

Of course, powerful nations are allied with North Vietnam. They know our system of government. They know where the opposition to his position is coming from. They notice it. I mean. The proponents of this proposal are not strengthening him in that fight. They are weakening him, and that is why he is so vitally concerned and interested about this.

This is a matter of national prestige and national survival for the future of our country for years to come.

Mention has been made about what this amendment would do. On page 2, line 7, it reads:

If, after the expiration of sixty days following the date of enactment of this section, the President has been unable to obtain a firm commitment from any government for the release of all United States personnel held captive...

What is a firm commitment? What is a firm commitment by the Communist nations we have been fighting? What does "firm commitment" mean in any kind of language, regardless of whom we are dealing with? What is the purpose? What is a firm commitment? Does that mean a commitment to leave, a commitment to give the prisoners to us after we are helpless? Or is it after we have promised not to give South Vietnam any more economic aid, not even give them any advice, no kind of support whatever, but just leave them there to wither and die, to turn us into a nation? What is a firm commitment?

We are walking around in the dark and are in danger of going over an abyss. I do not believe the Senate will adopt an amendment such as this.

I raise the question: What is a firm commitment? When will the commitment have to be carried out? What does the word _firm_ mean in a commitment accepting a firm commitment? He will not be in a position to make any demands if this amendment becomes part of the law.

How could a President of the United States sign a bill that has a provision such as this? We are already at war, unfortunately. Men are dying every day, unfortunately. It is not a question of arguing about his power to be there, how he got there, or anything else. I was here when these men went. They are there, and they are carrying the flag of the United States. Each Senator has an opportunity to help the situation by limiting the only man, under our Constitution, who can be the Nation's representative.

Another thing, Mr. President—this amendment would cut off the funds. It refers to cutting off the money after a certain day. Every Senator is capable of making up his own mind, and I have no counsel or advice to give, especially. But I think a man has to think a long, long time before he announces in advance, "Your money is going to be cut off. We are not going to let you turn a wheel after a certain date.

We are trying to determine now—not knowing what may develop—a time when no money will be available. Well, it might be that we are not in a situation where we would make that money available, with the machinery here. But once a date is announced on which the money is going to be cut off, the Government's hands are tied behind its back, and the President's hands are tied behind his back. He cannot originate money, appropriate funds, and he cannot originate the advice nor the way to go.

I will say right now that in the eyes of our enemy, if there could be a capitulation just short of a surrender, whoever put this amendment together has almost approached finality in capitulating, and I think already has found a way to do so, so far as leaving the President with any effective authority to proceed is concerned.

My position in this matter is and has been this: Keep the responsibility where it belongs. Keep the responsibility on the President of the United States. He is the one who can carry the burden. That is well known. When we tamper with his power, we show signs of weak-
ness, and that is well known by our ad-
versary. So keep the responsibility on the
President of the United States. This
President has said that that is his belief.
That was part of his platform. He ran on
that ticket, so to speak, and said to the
American people, in frankness and can-
dor, "I have a plan, and I am going to
end the war." That is the substance of what he said.
The PRESIDING OFFICER. The 10
minutes of the Senator have expired.
MR. COOK. I yield myself 3 addi-
tional minutes.
Let us not give the President a ready-
made excuse.
Before I said that, I should have reit-
erated what I have said here many times.
I believe he is trying. I know something
about the problems. If I did not have
any confidence in him, in his ability, in
his endurance—he is not a weaseling
man; he has shown tremendous courage
several times in connection with this
war—and if I did not believe he was
doubling every effort and pulling with all
his strength through ordinary channels and through
extraordinary channels, I would not be
standing in this position on this amend-
ment. But I am satisfied that he is do-
ing his very best by just giving more time. I do not
do that; do not do this; do not do that.
Mr. President, sometimes we can serve
best by just giving more time. I do not
know very well what kind of headway or assurances
or commitments.
I think it is time for us now to draw a
halt here on ourselves, unless we have
something that is more effective and
more important.
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June 22, 1971

CONGRESSIONAL RECORD — SENATE 21287

Gives the President a face-saving "out"—if the North Vietnamese are unwilling to release our POWs; and

Provides the mechanism by which Congress is the final judge.

Mr. President, will the Senator from Missouri yield?

Mr. EAGLETON. I yield.

Mr. DOLE, Mr. President, some of us are more reluctant to leave that determined front in the North Vietnamese, than is the Senator from Missouri.

Mr. EAGLETON. The pending amendment, if I may say so, in response to the Senator from Missouri, makes complete discretion—one word, total discretion—to the President of the United States, without tying his hands one iota.

It gives him a complete range of latitude in terms of negotiation as to whether, within 60 days, he has received a satisfactory, final settlement—a firm commitment—insofar as our prisoners of war are concerned.

If the President has any reservations whatsoever, if he says, "We have called those fellows on the telephone and they will not accept our collect telephone calls. We have sent them cables and they are simply lying on the table."

We have sent emissaries to knock on the door and they will not even answer a knock on the door. We have talked to them but we cannot get anything out of them. But in terms of facts like that, returns to Congress within 60 days, says, "Men and women of Congress, we have been unable to achieve any kind of firm commitment." then all bets are off and under the wording of amendment No. 165, it is automatically canceled and of no force or effect.

Mr. DOLE. Could the Senator from Missouri define "firm commitment" to the Senator from Kansas?

Mr. EAGLETON. A firm commitment?

Mr. DOLE. As would apply to the Hanoi government?

Mr. EAGLETON. A firm commitment would be giving complete discretion to the President of the United States, Richard Milhous Nixon, insofar as he determines it. He would be responsible for any agreement, any compromise, and he would be able to settle the prisoner question as he saw fit.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. DOLE. Mr. President, I yield myself 12 minutes.

The PRESIDING OFFICER. The Senator from Kansas is recognized for 12 minutes.

Mr. DOLE, Mr. President, I thank the Senator from Missouri for yielding on his time to respond to my questions. Perhaps after a brief statement, we can pursue his points further. The Senator from Missouri just said the President is a good negotiator. I do not know why we do not want to let him do the negotiating. I do not know why we want to deny him that opportunity.

Some of the wording of the amendment sounds like wording from the Hatfield-McGovern amendment. Much of the wording is borrowed from the amendment adopted by the Senator from Kentucky (Mr. Cook), the Senator from Alaska (Mr. Stevens), the Senator from Indiana (Mr. Hartke), and the Senator from Missouri (Mr. Eagleton) from the Hatfield-McGovern amendment.

This is a cutoff amendment. It comes from the Hatfield-McGovern amendment. It contains the same language. The amendment puts the 60 days in front instead of behind asprin the prisoners of war are concerned.

I am speaking now as a Senator from Kansas, and I am speaking as a Senator from Missouri, and the Senator from Indiana. As the distinguished majority leader, it ought to be the President's prerogative to set a date.

The distinguished majority leader said at that time:

I agree. If the Senator will recall, in my remarks I did not say that a final date for withdrawal had to be established. But I did agree that it should be the President's prerogative, and I thought I had worded it in such a way as to make it clear.

That was in December 1970, less than 6 months ago. I realize the right each of us has to have his mind made up. I also realize that is the intent of some Senators somehow to vote to have no confidence vote in the President. Perhaps it will not come tomorrow. Perhaps it will be next week or next month. If that is what the Senator wants to have a vote of no confidence in President Nixon, I hope that those who want do so will not succeed.

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

Mr. DOLE, I yield.

Mr. STEVENS. Mr. President, this will be a vote of no confidence if you and the people who are in the position you are in make it so. Many of us who will vote for the amendment support the President and have supported the President a great many more times than many of those who are criticising the amendment.

Unfortunately, I have tried to call the attention of my friend to the fact that this is a statement which substantiates the President's position and puts Congress in a position of saying that the settlement of the prisoner-of-war question is foremost in the minds of all Americans.

If that question is not solved, we set to the United Nations, we set to the Russians, we set to the Vietnameses, but I do not seem to me to be contrary to the President's position.

I respectfully urge the Senator as he addresses this question to keep in mind that he is not only, not only to avoid being a traitor to us, but to avoid being a traitor to America.

Mr. President, will the Senator from Missouri yield?
been said by the press. If we want to do that, that is fine, let us say so.

But let me discuss that question and the conduct of war. According to the Senator, that seems to be the sole objective that remains. No longer should we be concerned about other objectives in Southeast Asia. In the view of the Senator from Alaska and many other Senators.

There has been much discussion in recent days about the war. There has been much discussion about whom we should fault for the war in Southeast Asia. I supported President Nixon, and I am not ashamed of it. I supported President Johnson, and I am not ashamed of it. I am proud of it. Perhaps I should not have done so. Perhaps I was deceived; however, there comes a time when we must rely on our President.

I believe President Nixon is negotiating. I see this amendment as a signal to the enemy that we are not serious, that we are going to set a date and in 9 months ask the President what we should find in the allowed 60 days that he cannot obtain any commitment.

I hope that someone who sponsors this amendment will be in advance. He should know in advance. Mr. President, I say with all sincerity that since the initiation of the Paris talks in January 1969, our Government—and I am certain it was so before then under President Johnson—has consistently placed American prisoners of war and Americans missing in action issue on top of the matters to be settled.

We have repeatedly raised in Paris and elsewhere the question of adherence to the provisions of the Geneva Conventions Relative to Prisoners of War and pointed out that such adherence was necessary under the terms of international law. We have had no response from the North Vietnamese.

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

Mr. DOLE. When I finish, I will yield. Mr. President, as I have said before on the floor, that humanitarian, legally sound position has been totally ignored by the North Vietnamese. They repeatedly say,

Withdraw all American troops by a certain date; remove the top officials from the South Vietnamese Government.

In that same interview they say, "We want some economic aid." They expect other things to happen. What will be their next demand?

They say they will discuss the release of prisoners of war, not that they will release them.

The amendment says that there shall be a firm commitment on the release of prisoners.

I happen to have faith in the President. Any Senator who believes the President is undertaking negotiations. I am certain that negotiations are going on concerning the release of prisoners of war and those missing in action. I think that everyone knows there must be negotiations.

Perhaps the Senator from Alaska can answer this question. If his amendment should be adopted and if a firm commitment is made, can prisoners of war, can the Senator tell me how many there are? Are we willing to accept any figure they give us—339, 429, or what figure should we have?

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

Mr. DOLE. I shall yield when I finish.

Mr. President, we have been able, through great efforts of Members of this body from both parties and the efforts of private individuals, wives, mothers, and children, to muster a great deal of public sentiment and American opinion for the prisoners of war and those missing in action. This sentiment had some impact on the North Vietnamese, but those prisoners are still held captive. I do not know how many there are. Do I know what figure to use.

They said in 1968 that if we would just stop the bombing they would be willing to negotiate a peace settlement. Where are we today? Are we closer to peace? Have any prisoners been released? Perhaps there have been one or two, but how many have been released?

We have been talking in Paris for 2 years. I believe Ambassador Bruce best summed it up when he said:

We have made it abundantly clear that we are prepared to agree on terms for complete withdrawals as part of an overall settlement. That agreed timetable should function as a basis for negotiations. The settlement must also encompass resolution of the question of North Vietnamese troop withdrawals from South Vietnam, Cambodia, and Laos as well as U.S. troop withdrawals from South Vietnam.

Mr. President, I think, and I say with all respect to my colleagues that we are all concerned about the prisoners. The Communists are fully aware of this many opportunities to show "good faith" in regard to the POW–MIA issue. In October 1970, President Nixon proposed the immediate and unconditional release of all prisoners of war held by both sides. On December 10, 1970, the United States–South Vietnam delegation repeated this proposal in even more specific language. The proposal offered to release 8,200 North Vietnamese POWs in camps operated by South Vietnam in exchange for the release of the POW’s held by the Communists, which, although the number if it has been at refusal to identify them, we assume is no more than 800. This is a 10-to-1 ratio, as generous a prisoner release proposal as history has ever known.

The PRESIDING OFFICER. The Senator for the release of the minutes have expired.

Mr. DOLE. Mr. President, I yield myself 3 additional minutes.

The PRESIDING OFFICER. The Senator for the release of the minutes have expired.

Mr. DOLE. When the exchange proposal was rejected, the President then suggested that all prisoners be detained in a neutral country and the release of an agreement on the issue be reached. This proposal gained no response either. The Communists have not displayed one shred of evidence to lead any reasonable person to assume that they have any humanitarian consideration for the prisoners and their families. Some may dismiss this as typical of the pain and sorrow of a war we should never have entered. It is true that war is hell; no one, least of all the men who fight and often die in wars, could deny that.

I have before me the Evening Star. This newspaper printed the statement, "Vietnam War started in 1961." We all have doubts about the war but the fact is we are there and the fact is that President Nixon is getting us out. No one likes war; no one can deny that.

I ask Senators to put themselves in the position of the families, mothers, wives, or children of missing men. They are in a complete state of limbo; they have been in that state for 4, 5, or 6 years, and have not even been allowed the opportunity to know of their loved ones' captivity or death and to adjust their lives accordingly. To me that is un­speakably cruel, even for war.

The fault is not ours. The fault is not President Nixon's, it is not President Johnson's, and it is not President Kennedy's. The fault rests with the North Vietnamese.

The reason we had the Geneva accords on prisoners in the first instance—and there were signed by the North Vietnam­ese—that throughout history, even in war, it has been recognized that we had to adhere to some rules of humanity. Even in the long, bitter, emotional struggle between Israel and the Arab states, both sides have respected the laws with respect to prisoners of war.

At this point, the United States clearly has two alternatives in regard to the POW–MIA issue.

First, either to continue to demand, both through official channels and through the pressure of world public opinion, that the Communists live up to the Geneva Conventions most importantly by accounting for the prisoners via a neutral international organization such as the International Red Cross; or, second, to bow to their blackmail demands and set a date for complete unconditional withdrawal and hope that they will then keep their promise of talk about the 336 prisoners that they admit are holding.

But this Senator is not willing to write off 500 or 600 or 700 or 1,000 prisoners.

These are some of the aspects of this amendment. I do not think that any Senator is aware of before they ask us to pass judgment on it.
We now have had 11 versions of the McGovern-Hatfield amendment. This is the 11th version. The provisions of that amendment have been on the floor 10 times to date, but still some want to impose a definite date on our President. I have been in Congress for 11 years, and we have never adjourned on any agreement without a definite date. We may, however, impose a specific date on the President.

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

Mr. STENNIS. Mr. President, I yield 2 additional minutes to the Senator from Kansas.

Mr. DOLE. Mr. President, in considering the first course of action in regard to our prisoners, it is only fair to point out that we are dealing with an enemy who has shown no conscience about the humane treatment of prisoners or the need to abide by an agreement which they signed. Therefore, we must assume that all the humanitarian considerations in the world from whatever source would fall on deaf ears. It has been proven, however, that they do respond to public pressure for propaganda reasons.

For 6 years fewer than 100 men were allowed to write a total of 600 letters. Hanoi had no qualms about holding men for all those years without allowing them to notify their families that they were alive. As soon as the American public became aware of the situation and public pressure and indignation began to build, Hanoi responded by allowing more than 200 additional men to write more than 3,000 additional letters in 18 months. Obviously, they were not ready to allow world indignation to destroy all their years of propaganda. We feel their response was in reaction to public pressure. It certainly was not a sufficient response but it was a start. It is believed by many who have been active on behalf of the prisoners and missing men that as more Americans and eventually people throughout the world display their concern, Hanoi would be forced into greater response.

The negative is one with which our country has had some experience. In our eagerness for peace in Korea, which was not as long, frustrating or agonizing a war as Vietnam, we neglected to demand a commitment. As soon as the American public became aware of the situation and public pressure and indignation began to build, Hanoi responded by allowing more than 200 additional men to write more than 3,000 additional letters in 18 months. Obviously, they were not ready to allow world indignation to destroy all their years of propaganda. We feel their response was in reaction to public pressure. It certainly was not a sufficient response but it was a start. It is believed by many who have been active on behalf of the prisoners and missing men that as more Americans and eventually people throughout the world display their concern, Hanoi would be forced into greater response.

The objective under President Kennedy, President Johnson, and President Nixon has been to give the South Vietnamese a reasonable opportunity for self-determination, but under this amendment, that would be gone. We would take the men and equipment and focus on the American prisoners of war. It is a very emotional issue. I am deeply involved with it. But I have faith in the President. I have faith he is reaching some accord.

It is my opinion this amendment will do nothing to aid the President; it will only hinder the President, and I say that with all sincerity.

I yield to the Senator from Alaska.

Mr. STEVENS. Mr. President, I wish to ask my friend one question before seeking the floor in my own right.

The PRESIDING OFFICER. The 2 minutes of the Senator from Kansas have expired.

Mr. DOLE. Mr. President, will ask the question on my own time.

Mr. COOK. Mr. President, I yield 10 minutes to the Senator from Alaska.

Mr. STEVENS. Mr. President, I ask in all sincerity one question here in regard to Paris and that is: Do we not seek in Paris a commitment? Is that not what Ambassador Bruce has been seeking? In the SALT talks have we not sought a commitment? Suddenly, when we use the word "commitment" in the broadest sense of Presidential interpretation, it is looked upon as inhibiting the President's power. What difference is there in our wording "a firm commitment" from the North Vietnamese Government for the release of all U.S. personnel held captive by that Government?

Mr. DOLE. There is a very basic difference. What is said in this resolution is that we have to make the President do it, that he will not do it unless we force him into it.

Let me quote from the National League of Families:

We do not want the prisoners to be the only reason why we remain in Vietnam, nor do we want them to be the only reason why we leave.

That is the gist of the message from a wife whose husband has been missing 4½ years. She has children. She is concerned about her husband more than we are. She is also concerned about many other things.

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

Mr. STEVENS. I yield.

Mr. COOK. I would like to repeat what I quoted from what Secretary Laird said on March 16:

We will maintain a U.S. presence in South Vietnam just as long as the North Vietnamese hold a single American prisoner, either in Laos, Cambodia, South Vietnam, or in North Vietnam, so, we will maintain a presence in South Vietnam until this POW question is resolved.

On that same day Senator Rogers asked the following questions and made the following answers:

Are the prisoners the only reason we would be leaving troops there?

Yes.

So if the prisoners are released or the North Vietnamese agree to release them, we will get out?

Yes.

I just give those quotations in reply to the distinguished Senator from Kansas.

Mr. DOLE. They made all those statements without any resolutions by the Senate.

Mr. STEVENS. I believe the President has been able to accomplish a great deal with our help, as a matter of fact. Those of us who originally put in the Cook-Stevens resolution several months ago were seeking a way to cut through the problems that are involved in the negotiations and trying to pick out the single issue that could unite the American Congress and the American people behind the President, and that issue, as far as I am concerned, must be the prisoners-of-war issue. They sit over there and our people say, "If you release our prisoners, we will talk about when we go home." That is what the Vietnamese say, "If you go home, we will then talk about releasing your prisoners of war."

We tried to find a way to have a common ground, to seek a commitment by the President in this regard, that would agree in this area with the conclusions...
of the Secretary of Defense, in which we say we will set the policy of the United States unless Congress has a role in setting the policy over there. I wish people would stop calling this a war. It is no war. No Congress has declared it a war. No Congress has authorized the President to use troops in Vietnam to protect the safety of the troops in Southeast Asia. We are not limiting that.

Mr. DOLE. Mr. President, will the Senator yield for a brief question?

Mr. STEVENS. In just a second. That is the authority the President decided to use in Cambodia to protect the safety of the troops in Southeast Asia. We are not limiting that.

(2) arrange asylum or other means of protection for South Vietnamese, Cambodians, and Laotians who might be physically endangered by the withdrawal of Armed Forces of the United States.

The President could set up enclaves—which were suggested by some—to protect those persons.

(3) provide assistance as specified by the Congress to the nations of Indochina, in amounts approved by the Congress, consistent with the objectives of this section.

That means he can give them any kind of assistance, military or economic, that Congress provides in any other law.

To me, what is there to do other than to say we are committed, the Nation is committed, to withdraw from Indochina if we can get our prisoners of war out of the hands of the enemy? I think that is the significant issue left—to become committed to a complete withdrawal contingent upon a firm commitment to release our prisoners.

I will yield to my friend in a moment, but I will say to my friend, if we do not do this, the time is going to come, if we continue withdrawal—and I see them as they come home every week; I see the men coming through from Vietnam in increasing numbers—when we get down to the figures, they are now over the 550,000—then we will have the residual force because we still have prisoners of war there. At that time the Senator is going to wish he had supported this amendment, because it would put Con­gress in the position of saying there will be a residual force in Southeast Asia so long as we have those prisoners of war there. That is my interpretation of the amendment. I am glad to yield to my friend.

EMERGENCY
U.S. FOREIGN POLICY

(Reprinted from U.S. Congress, Senate, Congressional Record, June 22, 1971)

Mr. STEVENS. Mr. President, in every single statement I pointed out what President Johnson had done and that I was proud of what he had done as President. I am still proud of it. The only thing I am trying to say is that I have reached the conclusion—I think many people have reached the conclusion—that it is time for the South Vietnamese to go it alone, and, if we get our men back, we can leave that place with honor. I think we can leave it with honor and they can defend themselves if they have the will to defend themselves.

What the Senator is saying is that he wants us to guarantee them to have the will to defend themselves. He is saying the children how to fight. One buys them all the things to make them strong and then he says, "Do not want you to go out on the street because the kid over there is going to beat the devil out of you." Some time we have to trust the people of Vietnam. We trusted them when we went into Cambodia. I defended that. We trusted them when they went into Laos. I defended that.

If there is a solution to the prisoners of war agreement, some of us are prepared to say that 9 months' time—based upon extremely good advice by those in Government, I might say—is a significant period of time in which to do this. It is 9 months from the time of the enactment of the bill.

Let me point out what it says in subsection (c):

Nothing in this section shall be construed to affect the authority of the President to:

(1) provide for the safety of the Armed Forces of the United States during their withdrawal from South Vietnam, Laos, and Cambodia.

Mr. DOLE. Mr. President, will the Senator yield for a brief question?

Mr. STEVENS. In just a second. That is the authority the President decided to use in Cambodia to protect the safety of the troops in Southeast Asia. We are not limiting that.

(2) arrange asylum or other means of protection for South Vietnamese, Cambodians, and Laotians who might be physically endangered by the withdrawal of Armed Forces of the United States.

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Mr. STEVENS. When I finish, I shall give the Senator from Oklahoma the floor.

Mr. COOK. Mr. President, may we have order?

The PRESIDING OFFICER. There will be order in the galleries.

Mr. STEVENS. Mr. President, I ask unanimous consent to have printed in the Congressional Record the speech made by Senator仅代表ed the President on the Vietnam policy.

I visited Vietnam twice. I went there once with the Senator from Oklahoma. Mr. Bell was with me. We were guarded over there every minute. I point out that now there is relative security in Vietnam almost everywhere. They have 1,100,000 armed people there. They have 4 million people in the home guard. They have 1,300,000 people with automatic rifles in their homes. If they can defend themselves, I do not know that our leaving will make any difference if they have the ability to defend themselves. The President has said Vietnamese has worked. That was my conclusion, and I am happy in cosponsoring this amendment.

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

Mr. STEVENS. When I finish, I give Senator Bell the floor.

Mr. COOK. Mr. President, may we have order?

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June 22, 1971

CONGRESSIONAL RECORD—SENATE

21291

He did it quietly.

When old friendships had been re-establish­

ing, Mr. Hatfield began to work on a new course. Both Congress and the Executive moved quietly to meet the major American and foreign problems facing the Nation: Viet Nam.

On a bi-partisan basis, we sought a new approach that would end the war in Viet Nam. The hope was that the Vietnamese themselves would be able to enter the Common Market itself. That was a real chance for peace in Viet Nam.

We supported the idea that the Vietnamese would have the power to end the war. It is a concept that might be able to attract the Senate to agree on a new policy for Viet Nam.

Mr. DOLE. To get back to the amend­ment—and that is what we are debat­ing.

Senator Bellman last year.

Our combat troops are deployed. They are left in Viet Nam. The tide will continue to swell as the Vietnamese after we leave. We must be optimistic. It may be too early even to hope that the war is over.

Mr. STEVENS. That is what I was reading from.

Mr. DOLE. It is not identical with the Hatfield-McGovern amendment.

Mr. STEVENS. It is not identical with the Hatfield-McGovern amendment.

Mr. DOLE. How are they different?

Mr. STEVENS. The changes were made in the amendment. I do not recall the precise changes, but we have made some changes.

Mr. DOLE. The language providing for safety, asylum, and assistance is the same.

Mr. STEVENS. The same principle is involved.

Mr. DOLE. There is a cutoff section in the Hatfield-McGovern amendment.

Mr. STEVENS. There is no arbitrary date, because we cannot tell how long it will take.

The Hatfield-McGovern amendment did not make an advance commitment on the release of prisoners of war. I voted against that amendment.

Mr. DOLE. The paragraph the Senator just cited is identical with the Hatfield-McGovern amendment; is it not?

Mr. STEVENS. That is what I was reading from.

Mr. DOLE. Do you agree?

Mr. STEVENS. There is no arbitrary date, because we cannot tell how long it will take.

The Hatfield-McGovern amendment did not make an advance commitment on the release of prisoners of war. I voted against that amendment.

Mr. DOLE. How many prisoners of war are being held in the amendment?

Mr. STEVENS. I will be glad to tell the Senator. My friend and I occupied the floor in July 1970, when we talked about the prisoners of war. Congressional research indicates that 1,630 men are missing in action in Southeast Asia and 430 of those are believed to be captured. The Department of Defense Armed Services Public Affairs says that, as of June 5, 465 were captured or interned, 51 returned, and 17 died in captivity.

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

Mr. STEVENS. May I have 5 minutes more?

Mr. COOK. I yield 5 minutes to the Senator from Alaska.

Mr. STEVENS. They also say 291 died without being listed as missing, 1,057 and 1,027 they list as currently missing.

The Congressional Quarterly research says that the total captured are 483 and the total missing are 1,067.

Mr. STEVENS. I have told my friend that as far as I am concerned, it is about a brigade. We are missing a brigade. If they were in the highlands instead of captured,
The senator seems to think the amendment endorses the proposal of saying we will leave without an agreement. He just does not look at the part that says if there is a commitment to release our prisoners of war, then in 9 months we will withdraw.

Mr. Dole. But, speaking of the prisoners, how many do the Communists say they have? It is a very vital point. Since we have been standing so much time discussing this issue, let us clarify what they say. If we are going to accept their demand for a fixed withdrawal date, are we going to accept their number on the prisoners?

Mr. Stevens. Let me say to my friend most respectively that I do not think we are accepting any demand from anybody. What we are trying to do is find a common ground. If we can negotiate with them in the SALT talks, if we can seek—we think we can seek—a new rapport with the Chinese people, why can we not seek agreement with these people?

We are negotiating all over the world with Communists. We are negotiating with the Russians, we are negotiating with the Rumanians, we are negotiating with the North Vietnamese in Paris, and we are negotiating with Chinese. What is the difference with this one?

We have got to get down to the point, somehow or other, whether the Senator from Missouri trusts the President. I trust him. We say that if the President can get a commitment, we do not tell him what that commitment has to be, but if the President can get a commitment, Congress stands behind the concept that we are willing to withdraw within 9 months.

Mr. Stevens. Mr. President, this reminds me of my father, now deceased, who lived in Oklahoma. When I went down there to see him, he used to have to get a friend to bring him over a mile to get the liquor.

Mr. Dole. Let me read what the Senator from Missouri says the amendment does. He says it "breaks the negotiating deadlock by meeting the North Vietnamese demand that the United States set a firm, final, and fixed date for withdrawal now."

Mr. Stevens. Mr. President, this is a commitment to withdraw within 9 months. It has been stated that we are weakening Presidential power. I do not quite understand that concept. From people who vote daily to limit what the President can do in terms of expenditure of funds, or to override what the President says in terms of the amount of money we can afford, for example, to increase the pay of our military services. I sat here last fall and missed my vacation with my family because we were arguing over the President's bill which I supported, but many Senators on this side of the aisle did not.

I do not quite see how it suddenly becomes a reflection on the President for us to seek to sustain his position as we understand it.

This is the message I hope the Senator is getting: Some of us want to be involved in terms of trying to sustain the President. Just because the Senator says we are against the President does not change my opinion that I am supporting the President. The President has stated—

Mr. Dole. Will the Senator yield at that point?

Mr. Stevens. I am happy to yield. Mr. Dole. Can the Senator from Alaska tell me how this helps the President?

Mr. Stevens. It helps the President because it announces in advance the policy of the United States that if the North Vietnamese will agree to the release of our prisoners, this country is prepared to make a commitment to withdraw in 9 months from the date of enactment of this bill.

I think that helps the President, because if the North Vietnamese do not agree, then it helps the President because the day may come when he will need support to keep troops in South Vietnam if there are still prisoners of war there, and I will be there to help him at that time, if that happens.

But I remind my friend that this would be a commitment of Congress, of the Senate in particular to the view that the prisoner-of-war issue is related and definitely linked to total withdrawal. That is what the amendment has been saying, and I think the Senator from Kentucky has adequately quoted his comments concerning that issue.

Mr. Dole. Does the Senator wish further time?

Mr. Stevens. No; I shall take time later. I thank the Senator. Mr. Dole. The President's time has expired.

Mr. Cook. Does the Senator wish further time?

Mr. Stevens. No; I shall take time later. I thank the Senator.

Mr. Dole. The President's OFFICER. Who yields time?

Mr. Stevens. Mr. President, I yield myself 10 minutes.

We have listened on many occasions to specific requests that the Senate yield time today to the President. I wish to say at this time, with all due deference to my distinguished colleague, the Senator from Kentucky, that the amendment did say that if the President of the United States has done a phenomenal job in telling the American people exactly what the facts are with regard to Southeast Asia. He has also really President who has withdrawn U.S. troops from South Vietnam. I would remind my colleague that on December 28, 1968, there were 555,800 men in South Vietnam. On June 17, 1971, there were 244,400, which means that 290,000 have been brought home by President Nixon.

I would remind my colleagues that from December 28, 1968, when there were 555,800 men in South Vietnam, the present schedule, on December 1, 1971, there will be 175,000, the President of the United States will have fulfilled his promise to the American people and will have withdrawn 360,500.

But, Mr. President, I am a little bit disturbed when I hear the comments made by the distinguished Senator from MissourI, who stated that it is impossible to remove some 200,000 men in 9 months. If an agreement is reached in 60 days on the disposal of the prisoner-of-war situation, the President said in 1969, when there were 200,000 there, that we have made a firm commitment that we could withdraw all of our troops in 1 year, and all of the troops of every other nation allied with us, having a half a million can be withdrawn in 12 months, surely it is possible to withdraw 175,000 or less in 9 months.

So I think it comes as a rather strange remark that logically this is impossible. I would also have to say, Mr. President, that when we talk about no confidence in the President, I have stood beside the Senator from Alaska, the Senator from Kansas, the Senator from Pennsylvania, and the majority of those on this side with my President on Hatfield-McGovern and on all of the other amendments that dealt with this issue. My constituents that logistically it is impossible to remove some 200,000 men in 9 months. But, I reject the premise that this is another Hatfield-McGovern amendment, because there was no 60-day provision in the Hatfield-McGovern amendment. It offered a withdrawal date, but that date was not automatically canceled if an agreement on POW's was not reached as is the case with the Cook, Stevens, Eagle amendment.

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

Mr. Cook. I am delighted to yield.

Mr. Dole. Just to keep the record clear, when I recall the Hatfield-McGovern amendment did say that if, after 60 days, they still hold our prisoners, it could be scrapped, but theirs is on the
end and this one is on the front. That is the difference between the two, as I see it.

Mr. COOK. They had no caveat. The deadline was established anyway. This amendment establishes no deadline unless those agreements are made, with respect, that the President has in mind a veto of this bill.

Let us turn to the phrase "firm commitment." I think, with all respect to the junior Senator from Kansas, that it is rather amazing that we sit around here, when a resolution is introduced, and try to water it down enough and get enough flimsy-flammy words in it so that it means nothing, and there is no authority anywhere around the horn by which it can be interpreted any way other than the way somebody wants to interpret it, and anybody else can disagree with it. To me, "firm commitment" means in the context of giving authority to the President of the United States for the widest latitude he can exercise in determining what constitutes a firm commitment for the American people in relation to the question of principle and policy.

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

Mr. COOK. I yield.

Mr. DOLE. The Senator is saying, in effect, that the President has in mind a veto of this bill.

Mr. COOK. I think he absolutely does.

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

Mr. COOK. I yield for a question. We are in a very controlled time, I might say to the Senator.

Mr. PROUTY. Basically, it will be a question.

Mr. COOK. All right.

Mr. PROUTY. First, I should like to refer to one paragraph of a letter I received from the distinguished Senator from Kentucky and the other cosponsors of the amendment:

Mr. COOK. That is correct.

Mr. PROUTY. That is what I thought the amendment was.

Mr. COOK. That is correct.

Mr. PROUTY. It goes much further, does it not? It is not canceled, because Congress has 15 days to override that cancellation if it so desires. Is that correct?

Mr. COOK. I might say to the Senator that Congress can do that, anyway. This language does not depreciate any congressional action. If the Senator wishes to take that language out, I am not sure that I would have any serious objection. But I think we ought to understand and realize what Congress specifically authorizes the President to do.

By the same token, as the Senator has pointed out, if there are those who disagree with the President and they can get one-third of the membership of both bodies to introduce a bill, they, too, would have access to the floor to have a determination of whether there is an agreement in Congress with regard to what happened in terms of negotiations concerning the prisoners of war.

It is a protective amendment. It is a procedural device to assist both sides to get an early determination. I am sure that this is what the Senator wished when he put it in his war powers resolution, and I think it is a very good device.

Incidentally, Congress could at any time by a two-thirds vote of both houses disapprove such agreements, adopted, if the Hatfield-McGovern people could get sufficient support for their amendment, set a date. We cannot bind Congress not to act again.

The Senator should realize that we are very amenable to a change that might make the amendment more acceptable to the Senator.

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

Mr. COOK. At this stage of the game, I may say to the Senator that our time is running short, and the manager of the bill has a great deal of time remaining.

Mr. President, do I have any time remaining under my 5 minutes?

The PRESIDING OFFICER. The Senator has 2 minutes remaining, to which he has yielded.

Mr. COOK. I yield for a question, within the 2 minutes.

Mr. PROUTY. It seems to me a very bad precedent to have the running of this war on such tenuous procedures as mere cosponsorship. The President is now considering that bill privileged status as pending business on the Senate floor and then having Congress overriding the negotiations it would have instructed the President to carry out.

I should like to refer to section 2, page 3, but I will not transgress on the Senator's time. I think this is a dangerous precedent.

Mr. President, it seems to me that amendment No. 185 is a sincere attempt by its proponents to arrive at an acceptable solution to this very great problem with which we have grappled for so many days.

As I have done with all of the other proposals relating to prisoners of war and withdrawal from Indochina, I have read the terms of the particular provisions with considerable care.

Mr. President, it was my understanding that this amendment required a firm commitment from the North Vietnamese Government for release of prisoners in order to require the withdrawal deadline to remain in effect.

Mr. President, I have read the amendment very carefully and have discussed it with several of my colleagues and other persons fully acquainted both with our military situation and with the parliamentary implications of this amendment.

It is my understanding now and I think the language of the amendment clearly shows that the Congress through a complex system of procedures can still require the stated deadline for withdrawal from Indochina even though the President has been unable to obtain a firm commitment for release of prisoners.

Mr. President, the first and very unfortunate consequence of these provisions seems to me to be that Congress, through cosponsoring resolutions and voting through yeas and nays, would, in effect, be sitting in judgment on the President while he is negotiating, and be

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sitting as a constant and permanent threat of veto on that negotiation. In my judgment, this would greatly hamper the potential weight of negotiation and would not be of any assistance at all to American prisoners of war.

A second criticism which I find with the pending amendment is also related to the absolute character of negotiation and would not be of any assistance at all to American prisoners of war.

The pending amendment I examined for having the Congress, in effect, continue for us to be responsible for establishing the absolute date for withdrawal, this amendment would, in my opinion, make permanent the withdrawal date, even though prisoner release negotiations have not resulted in a commitment.

This criticism specifically goes to what amounts to making permanent the withdrawal date, in the rule of procedure of the Senate, where the simple expedient of cospending bills and resolutions is sufficient to force the substance of those bills and resolutions to become the pending business of the Senate. I cannot imagine, Mr. President, that this could be a change of any value at all. I can envision it only as a very bad precedent for us to be responsible for establishing the absolute character.

Mr. President, I have been informed that the procedures set out in this bill for having the Congress, in effect, continue for us to be responsible for establishing the absolute date for withdrawal, has been taken from, and is identical with, language in the War Powers Act. I have understood, also, that that language was authored by the present chairman of the Armed Services Committee. I have been informed, and I think the chairman will agree, that the situation involved under the War Powers Act was entirely different from the pending one, and that the concept involved there was not the same.

I have also understood that the present distinguished chairman of the Armed Services Committee has indicated that he does not consider it applicable to these circumstances.

Turning to the specifics involved with this procedure, I am not at all sure that the idea of cospending legislation deser­ted the attention which is of late it has come to enjoy. As I understand it, a bill or resolution can be amended to become quite a different thing from that which one recognized when he cosponsored it.

As said and done, cospersonship of a resolution or a bill to accomplish any purpose whatsoever should not be reason enough to permit the substance of that bill or resolution to take absolute precedence over every other matter which could be appropriately before the Senate.

Mr. President, I am very much concerned, as, of course, are all of our colleagues, for the prisoners-of-war held by the North Vietnamese Government and its allied forces. I am concerned, also, that the first opportunity for our prisoners-of-war to be released with their families be arranged as quickly as possible. I happen to be firmly convinced that the future of the prisoners and their families cannot be helped until after the negotiation process which this amendment continues to make.

The pending amendment I examined as closely as I could and I found that it does not do what I at first thought it might. Even if the proposed withdrawal date were irrevocably canceled if the President was unable to negotiate a commitment, this amendment would, in my own personal assessment of it, have been found wanting.

I found it necessary to speak at this time, because I wanted to make my position clear and to demonstrate that I had examined the matter and found that it lacks the “absolute character” which had first been indicated to me.

Mr. President, before we all want very much to have our prisoners assured of release and adequately taken care of, I am concerned that we should have with these various efforts which we continue to consider on the Senate floor. I do not think we are helping either the cause of the prisoners or the negotiations.

It seems to me that, over the years, statements made by various Members of Congress and others in our country have led the North Vietnamese to the conclusion that we as a nation are so divided in other efforts that we cannot, perhaps, effectively deal with it.

Indeed, serious reservations about this matter have been expressed, both among our colleagues and among sources close to the administration.

Mr. President, is it my feeling that any action at this point similar to what we are debating would do much to jeopardize, if not destroy, any efforts at all toward negotiation.

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

Mr. MILLER. At this time, it is not called a war, because it is not declared.

I can only say to the Senator from Vermont that I should like him to find after this body almost unanimously—and I think did unanimously—overturned the Gulf of Tonkin Resolution some time ago, on what basis there is any present form today, under the statutes, for the operation of our present involvement in Southeast Asia, and to find how we would have a conclusion that would be presented to Congress for its acceptance, without language of this kind or some other kind—how we could make with my colleagues.

Mr. MILLER. Mr. President, a parlia­mentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. MILLER. How much time remains on each side?

The PRESIDING OFFICER. The Senator from Mississippi has 77 minutes, and the Senator from Kentucky has 45 minutes.

Mr. MILLER. Will the Senator yield a minute or 2, so that I could make a point?

Mr. MILLER. I thank the Senator.

Mr. MILLER. I yield 2 minutes to the Senator.

Mr. MILLER. I thank the Senator.

I do believe that the Senator from Vermont has made a cogent observation. I must say that the concept of an automatic cancellation of this bill if there is no firm commitment within 60 days has a great amount of appeal. I would suggest, however, that instead of just abolishing the language which provides for the sentencing with which Senator from Vermont is troubled—and I might add by which I am troubled—it might be better not just to say that after 60 days, if there is no firm commitment, forget about the whole thing; and, instead of doing that, to provide for an automatic extension of the 60-month period for which the bill provides.

Now, I think basically what we are concerned about here is not the action of the President but the North Vietnamese. If the North Vietnamese say that they could just delay in negotiating a firm commitment for 30 days or 60 days, the operative language of the bill would be extended another 60 days, which would transfer the incentive to negotiating a firm commitment to the President.

It would be my suggestion that, instead of dropping the language Senator from Vermont is concerned about, we provide for an automatic extension of the time period in the amount of the time beyond the first 60 days in which no agreement or firm commitment is really and factually made. I wanted to make with my colleagues.

Mr. MILLER. I yield the floor.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had passed the following bills, which it requested the concurrence of the Senate:

H.R. 3146. An act to authorize the Secretary of Agriculture to cooperate with the States and subdivisions thereof in the enforcement of State and local laws, rules, and regulations within the national forest system.

H.R. 4363. An act to add California-grown peaches as a commodity eligible for any form of price support under the Agricultural Adjustment Act of 1938, and for other purposes.

H.R. 5068. An act to amend the General Gas Pipeline Safety Act of 1968 to provide for an automatic extension of the time period in the amount of the time beyond the first 60 days in which no agreement or firm commitment is really and factually made.


H.R. 7588. An act to amend the act of December 30, 1969, establishing the Cabinet Committee on Opportunities for Span­ish-Speaking People, to authorize appropriations for 2 additional years.

H.R. 8548. An act to authorize the mailing of certain articles which present a hazard to postal employees or mail processing ma­chines by imposing restrictions on certain advertising and promotional matter in the mails, and for other purposes.

H.R. 8549. An act to amend title 10, United States Code, to broaden the authority of the Secretary of Defense to settle certain admiralty claims adminis­tratively.

H.R. 8712. An act to amend the act entitled “An act to authorize any executive department to enter into an independent establishment of the Government, or any bureau or office thereof, to make appropriate accounting adjustment or reimbursement between the respective executive departments and establishments, or any bureau or office thereof,” approved June 29, 1966, so as to substitute “the District of Columbia and the National School Lunch Act.”

HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred, as indicated:

[List of bills referred, if applicable]
of communications, that times have changed and weapons have changed, and
that since the devastating attack in 1941 on Pearl Harbor we have entered the
nuclear age. So we made an outright exception there for the need for a decla-
ration of war in case of the probable im-
mutable, sudden attack of some kind, and so forth, that the President thought possibly might
come. I remember that the attack on Pearl Harbor occurred on a Sunday, and a
declaration of war was forthcoming the next day, on a Monday. But should there
be an occasion where there was a delay, or opposition, or getting entangled in
parliamentary procedures, particularly the Senate rules, there was a way quickly
to meet that situation.
I imagine that the Senator from Alas-
ka had something in mind along that
time. I did not get to hear all of his
statement.
Mr. STEVENS. If the Senator would
yield, I would be happy.
Mr. STEVENS. I am glad to yield brief-
ly to the distinguished Senator from Alaska.
Mr. STEVENS. The question of what
provision was not of my origin but is one
that I believe I understand, taking the
rational of the war powers resolution,
which I think is very good. It was thought
that two contingencies might arise.
One, the President might come back
and say that we did not reach a con-
clusion, but the 9 months’ provision
would still be there and we might make
time to negotiate, whereas to extend this
thing not 60 days or 30 days, or whatever
it might be, and if the President comes
back and says, ‘If Congress would
demonstrate the position of the United
States and support my position in this
manner, I think we can succeed,’ that
could get to the floor without any prob-
lem, and he might yield to me.
Two, it might be that the President
would come back and say, ‘I have been
unable to obtain a commitment. Our
people have been unable to negotiate and
we must rely on the precedent here.’
There might be people on the floor
who would indicate they would like to
have the question of withdrawal on the
floor again. Mind you, Mr. President, that
time limitation would have expired
then—the 9 months would have expired
before that 15-day period runs; but with-
in the 15-day period the President would
report and say, ‘We are unable to get a
commitment,’ so that there might be
people here on the floor, in either House,
who would like to have it back on the
floor again in its own right, without pro-
cedural barriers, and that provision
would protect them also. We have lifted
the provision seeking the concept of
fairness for both sides and I believe it
would work, although I can not speak for
the other cosponsors. For myself, it would
make no difference, if it bothers anyone,
if it came out then, but I believe we could
take it out if it bothers anyone. I hope
the President will think of the matter.
It is a procedural, protective device which
comes about after the time limitation has
expired. Further, it would never come
into effect if agreement was made and
there was no report made by the Presi-
dent that the situation had changed. If it
did come into effect, the time limitation has expired by the terms of this amendment.
The PRESIDING OFFICER. The time
of the Senator from Mississippi has expired.
Mr. STENNIS, Mr. President, I yield
myself 3 additional minutes to suggest to
the Senator that this is the reverse of
what Senator McGovern had in mind, that
I introduced, giving Congress a way quickly to respond to an emergency. Here we have
a situation where the matter has failed.
The President has been restricted and
restrained, and all of that, and still we
are going to keep subsection (a). The
President would not know where he was.
Mr. STEVENS. I fail to understand
the Senator’s comment with respect to that.
It does not restrain the President in
this amendment.
Mr. STENNIS. The 9 months do. It
cuts off the money. That is certainly a
result.
Mr. STEVENS. Only if he gets an
agreement on the prisoners of war. If he
does not get an agreement, it is not ef-
effective at all.
Mr. STENNIS. Well, my point is this:
That when he comes back to Congress, as
I understand it, after this time has ex-
pired, we have a provision in here that
subsection (a) will no longer be in ef-
fect. That is where the reference is about
the withdrawal, and so forth; but the
President would not know where he was
until he came back, and all this opera-
tion was going through to see whether Congress was going to sustain
him or not. All of this time he was ne-
gotiating, trying to get an agreement, he
would have this uncertain field of opera-
tions within which to work and, as I see
it, he would be that much more hindered.
Mr. EAGLETON. Mr. President, will
the Senator from Mississippi yield? Could
Mr. President, the pro-

The PRESIDING OFFICER. The
Senator from Mississippi is recognized for 5
minutes.
Mr. STEVENS. Mr. President, I yield
myself 5 minutes.
Mr. STEVENS. Mr. President, reference
has been made to the Senator from Alaska, in a very fine way, to the lan-
guage providing for procedural matters. He pointed out that similar language
was contained in a resolution I had intro-
duced with reference to a declaration of
war. There is a similarity in the lan-
guage, that is correct. The language in
the resolution I introduced on May 11,
1971, was put in there to provide a means
to meet a situation such as a Pearl Har-
or attack. I have heard arguments made
here for many years that a declaration of
war was not practical any more, because
believe that some approach like this one here, on the McGovern-Hatfield amendment, would hasten the end of our involvement in Indochina.

I leave this thought with the Senator. If Congress by passing an amendment or a resolution or a law can change the minds and hearts of the aggressors and make it possible for this war to come to an end, why did we not do it 4, 5, or 6 years ago?

If there is no issue involved concerning the security and future of the United States, why did we wage war? Why pass an act that says, "Nine months from now, we are going to do something or other." Why should we not support the program that is bringing our boys home? More than half of the combat forces have been withdrawn from Vietnam. Very shortly we will have two-thirds of them returned home.

That system is working. Does anyone doubt the sincerity of the President and his desire and efforts to have our prisoners released? Yet this amendment says, "If the President is unable to bring about certain procedures shall be set in motion."

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

Mr. CURTIS. I will be happy to yield in 5 minutes.

Mr. President, it is the opinion of the Senator now speaking that the decisions that have prevented the return of our prisoners have not been made by the present President of the United States nor by any past President of the United States.

Those decisions have been made by the enemy. The decisions not to observe the international law and the existing treaties with regard to the treatment of prisoners have not been made by any American official. They have been made by the enemy.

Does anyone doubt who will be responsible for the decisions concerning the return of the prisoners in the future? Of course, those decisions will be made by the enemy.

We should permit the head of this Government to operate so that objectives can be worked upon from every possible angle.

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

Mr. DOLIE. Mr. President, I yield 2 additional minutes to the Senator from Nebraska.

The PRESIDING OFFICER. The Senator from Nebraska is recognized for an additional 2 minutes.

Mr. CURTIS. Mr. President, we should never permit the head of this Government in a straitjacket and say, "This is the procedure. Follow this procedure." This procedure is totally untried. The procedure that is now being followed is not under any work. It has been successful. It is bringing boys back this month. It brought them back last month. It will bring them back next month.

In effect to transfer the direction of these efforts from the present authority to 535 people—435 Members of the House of Representatives and 100 Members of the Senate. I would like to see this war end. I would be the happiest person in the world if it would end today. One casualty is too many. But the proponents of these amendments—and the amendments are all based on the same philosophy—are offering us an untried course as a substitute for a course of action that having involved us in Indochina and bringing our boys home.

There are many other things that might be said about this. Certainly it is signaling all of our actions to the enemy. It is changing a course that is hard and fixed by law.

I agree with the objective, but I disagree with the manner in which it would be carried out.

The PRESIDING OFFICER. The time of the Senator has expired. Who yields time?

Mr. COOK. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from Kentucky is recognized for 5 minutes.

Mr. COOK. Mr. President, we have been talking about the authority of Congress and whether Congress has the authority to do this.

I would like to refer to article I, section 8 of the Constitution of the United States. The man of constitutional law is quite emphatic in stating that there is a distribution of power to the executive and the legislative with regard to military matters.

The executive power of the Commander in Chief is balanced by the language in article I, section 8, which gives Congress the power to declare war, the power to raise and support armies.

I think this is a very important point: the power to raise and support armies. That is qualified by the injunction that "no appropriation of money to that use shall be for a longer term than 2 years."

No other power of the Congress is restricted in language as the Constitution of the United States. The restriction, interestingly, does not apply to the provision giving Congress the power to provide and maintain a Navy.

The 2-year restriction necessarily means that Congress was supposed to exercise surveillance over the Army in operations and, inevitably, over the President's stewardship in his capacity as Commander in Chief.

Congress, for instance, would not be able at the commencement of a President's term to appropriate funds for the Army during the term of his office. Nor could one Congress bind another Congress to appropriate funds for the support of the Army.

If this measure does not go into effect until 1 year and 2 months from now, and 9 months run from that time, we run into the end of the fiscal year. We run into the fact that appropriations must be provided for the Army. At the end of the fiscal year, when we say that funds will be cut off, we are merely saying that another budget bill must come up for the military.

We sit here and somehow or other, as the Senator from Nebraska has said, this is not done. The Senator asked why we have not done this before. Heaven only knows. I do not know why we have not acted in this matter. I only say that I read a book the other day entitled "The United States in Vietnam." I wish to read one paragraph which I think is extremely important and which I will try to recall.

The distinguished Chief of Staff, Gen. Matthew Ridgway, convinced President Eisenhower not to get deeply involved with combat troops in Indochina. When he wrote his memoirs he said:

...When the day comes for me to face my Maker and account for my actions, the thing I would be most humbly proud of was the fact that I fought against, and perhaps contributed to preventing, the carrying out of some hardearned tactical schemes which would have cost the lives of some thousands of men. To that list of tragic accidents that fortunately never happened I would add the Indochina intervention.

Unfortunately, that never came to pass. Unfortunately for Gen. Matthew Ridgway he may never got to realize the effect of it.

Mr. STEVENS. Mr. President, I want to make sure the record is clear. I agree with the Senator from Mississippi (Mr. Stennis) about his interpretation of that section of the bill, as relates to his war power amendment. We recognized there is a different issue involved in respect of the emergency measure and procedural advice, and we have sought to solve the problem. It was the procedural matter we referred to.

Mr. STEVENS. Mr. President, I would like to go back to what we were talking about when we referred to preserving the viability of the Government of South Vietnam. The thing we agree upon is that they have the ability to defend themselves and the record is clear they do.

Mr. President, I ask unanimous consent to have printed in the Record a historical summary of U.S. troop strengths worldwide, and South Vietnamese troop activities, along with evaluations and conclusions as a result of my trip to Southeast Asia.

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

U.S. TROOP STRENGTHS, WORLDWIDE
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U.S. troop strengths, Vietnam

South Vietnamese troop strengths


Number 305,000 346,000 338,000 467,000 415,000 354,000 395,000 536,000 1,300,000 1,480,000

* Total strengths for the Army of the Republic of Vietnam (ARVN) include the Regional Forces and Popular Forces, although breakdowns for these two are available.

† In February 1968, after the Tet offensive, the voluntary People's Self-Defense Forces were created to serve protective functions and gather intelligence in the hamlet areas. Present strength includes 4 million men, a figure that is not incorporated into the total army strengths.

‡ As of the end of calendar 1970, the percentage of Selective Service inductees serving in Vietnam was estimated at 25 percent.

STATEMENT BY MR. STEVENS, JULY 14, 1969

OBSERVATIONS AND CONCLUSIONS

The rapid growth of the volunteer, nonregular, defense forces—PSDF, RP, and PF—has doubled the regular Army and Air Force of Vietnam to become more mobile and to replace our American combat forces. The success of the Guerilla war had sapped the confidence of South Vietnam. But, according to South Vietnamese leaders, the Cambodians and the Laotians, the public engagement of United States forces has given a new impetus to the confidence of Vietnam. There are now over 4 million men in the PSDF—it is really a home guard. It is armed with automatic weapons and has been trained to use automatic weapons. And, another 1.7 million PSDF men have been trained to support combat troops. In addition, the regular forces and popular forces number in excess of 550,000 men. These are the South Vietnamese National Guard forces. They, too, are trained and armed. And, significantly, volunteer, up-paid forces, now number about four-fifths of the casualties inflicted upon South Vietnam by North Vietnamese attacks. These volunteers are the people who guard the villages, hamlets, and district capitals. Their casualties come from ambushes and assassinations. But, as the "land to the tiller"—land reform—program evolves, they will truly be guarding their own homes on their own land.

It is the growth of these forces that also gives stability to the Vietnamization program as we withdraw our troops. There is now a minimum reliance on free world forces by South Vietnam, except for air power. Even then, we have trained more pilots, who have turned over several helicopter squadrons to the South Vietnamese, and are training their maintenance people as fast as possible.

There are now about 45,000 Koreans, 7,000 Australians, 10,000 Thaiadens, and about 11,000 left in South Vietnam. In addition, the South Vietnamese have now trained 110,000 national police. Using experienced people in all these forces, the South Vietnamese now have almost 13,000 men in what they call Key Inner Teams who travel throughout the country training more PF men, and PF officers.

My conclusions from this trip are:

First. Prisoner-of-war question.—I remain convinced that the North Vietnamese will withdraw a complete and orderly withdrawal of our forces from South Vietnam lies in the prisoner-of-war issue. It is my firm belief that since the North Vietnamese that this is the key to our complete withdrawal. Senator MARLOW COOK, of Kentucky, and I have introduced a resolution to express the sentiment of the Congress that if the North Vietnamese will agree to release our prisoners of war we will withdraw completely by within 9 months. From what I saw on this, my second visit to South Vietnam, we could do this—honorably, safely, and with the knowledge that the men who survived this war are home.

Second. Vietnamization program.—It is my conviction that the Vietnamization has worked. South Vietnam should be able to survive the continued attacks from the north Vietnamese military operations have been assumed, almost completely, by South Vietnamese forces. These operations are now supported by U.S. airpower. The training now being given seems to be the greatest reason for delay in Vietnamization of airpower.

Third. National commitment.—We have committed our Nation to a withdrawal of our forces and the South Vietnamese know and acknowledge this decision.

Fourth. Safety a must.—Our withdrawal program is being carefully worked out with the safety and security of our troops being the first priority. President Nixon, I've told the Congress, has told me that one of the key reasons for redeployment based upon Vietnamization and resorts based upon immediate withdrawal without regard to the South Vietnamese can hold back the attacking North Vietnamese is the difference between an honorable termination of our assistance to South Vietnam and defeat for all free world forces in South Vietnam.

Fifth. Outlook for Cambodia.—The Khmer Republic, I think, has a reasonable chance to succeed. They do not ask for our combat troop support. They do want military aid to equip their volunteers. They are at a crossroad. If they decide to accept more Viet­namese armed assistance, they are insured some degree of security. However, increased Vietnamese participation could cost the Cambodians some loss of control of their own affairs. On the other hand, if they fail to align closely with these South Vietnamese Forces during the vulnerable expansion and training phase now being experienced by the Cambodian Army, the Communists might defeat Cambodia's newly organized forces and take over the country.

Sixth. Final observations.—The lessening of tensions between China and the United States gives me hope that there is a chance that the Chinese will lend their support of the South Vietnamese to South Vietnam. This is only a hope, but one which holds great promise for peace in all Southeast Asia.

The PRESIDING OFFICER. Who yields time?

Mr. DOLE. Will the Senator from Miss­issippi yield to me for 5 minutes?

Mr. STENNIS. I am very glad to yield 5 minutes to the Senator from Alabama.

The PRESIDING OFFICER. The Senator from Kansas is recognized for 5 minutes.

Mr. DOLE. Mr. President, it is important that we understand just what the amendment would do and what it would not do and what it may or may be similar to.

As I said to my friends earlier, I find many parallels between their amendment and the so-called McGovern-Hatfield amendment. To make that clear I will first read a section from the McGovern-Hatfield amendment and then a section from the Cook-Stevens-Eagleton-Hartke amendment.

First, I will read section 302 of the McGovern-Hatfield amendment:

Subject to the provisions of subsection (c) of this section, no funds authorized or appropriated under this Act or any other law may be expended after December 31, 1971, to support the deployment of U.S. Armed Forces in or the conduct of U.S. military operations in or over, South Vietnam, Laos, Cambodia, or North Vietnam.

Mr. President, the date in the McGovern amendment which I read was December 31, 1971; the date in the Cook amendment which I just read would be March 1972. They are almost identical.

The provisions in the so-called Cook-Stevens-Eagleton-Hartke amendment are almost identical to the McGovern-Hatfield amendment.

I say again with all the emphasis that I can muster that they are all identical. This is an amendment to cut off funds. That is what it would do.

Then, the Cook-Stevens amendment follows with a 60-day provision which states that unless there has been a firm commitment determined by the Presi­dent—I assume the President would determine that in any event, with or without amendment. If there is no firm commitment that section, in effect, is extended until Congress takes some action.

That is followed by the other language which the Senator from Alaska read, and concurred with me that it is similar to the Hatfield amendment, with regard to the safety of American forces. It is almost identical.

The only difference is that everything in the McGovern-Hatfield amendment is in the Cook-Stevens amendment with the exception that in the Cook-Stevens amendment the PSDF are not cut off, and it comes after in the McGovern-Hatfield amend­ment.

The Senate is now being asked to vote on the 11th version of the McGovern-Hatfield amendment. We do seek to tie the President's hands in this amendment. Honest men can differ on whether we would help the President or not. I say we would not help the President in this matter. I say it is the 11th version of the McGovern-Hatfield amendment. Mr. President, call it what you will, a rose is still a rose. This is still McGovern-Hatfield.

The amendment refers to a date to cut off funds. That is also true of the Mc­Govern-Hatfield amendment. The situation has been complicated and not made easier for the President. If the President said that this is a firm commit­ment and if one-third of the Members of a House of Congress did not agree with the President, they would come in and say so.

That much does not want anyone to misunderstand what we are doing. We would be voting again on the McGovern-Hatfield amendment. If we want to vote again on
the McGovern-Hatfield amendment we now have the opportunity to do so. Everything that is in the Cook-Stevens amendment is in the McGovern-Hatfield amendment, except for the 60-day provision on prisoners. Otherwise, they are almost identical.

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

Mr. DOLE. I yield. 

Mr. STEVENS. Is the Senator saying the Cooper-Church amendment, which the Senator and I voted for, is the same as the Senator's amendment? 

Mr. DOLE. Is the Senator going to amend his amendment? 

Mr. STEVENS. There have been gestations in which the Senator is seeking to prove something that may be to his detriment. 

Mr. DOLE. To respond to the Senator, through his efforts, primarily, we amended the Cooper-Church amendment, and I voted for it because of the great persuasion of the Senator from Alaska. But the gestation has gone the other way on the McGovern-Hatfield amendment which the Senator voted against last year. The Senator is saying that they are essentially the same. There should be no question about it. Was that the Senator's language I read? 

Mr. STEVENS. Mine was just read. 

Mr. DOLE. Yes. 

Mr. STEVENS. I am very pleased with the language just read. Primarily the same safeguards were built into Cooper-Church amendment as to where we had a provision to protect the constitutional right of the President. 

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

Mr. DOLE. I yield. 

Mr. COOK. The Senator did not vote against McGovern-Hatfield because it provided for safety of the Armed Forces during withdrawal from South Vietnam or because it arranged solemn or other protection for Cambodia, Laos, or others that might be endangered, provide economic assistance in South Vietnam. That was not the basis for the Senator's vote. 

Mr. DOLE. The Senator from Kansas voted against the McGovern-Hatfield proposal on two counts. First, it fixed a date and, second, it cut off funds, the same as the Senator's amendment. I do not quarrel with the last part of the language but with the cutoff provision and the fixed-date provision. They are the same. We can discuss it all day long, but there is a cutoff provision. That is why I say this is the 11th version of the McGovern-Hatfield amendment. This would tie the President's hands. I do not think we are being overly consistent. 

The PRESIDING OFFICER. Who yields time? 

Mr. COOK. Mr. President, I suggest the absence of a quorum, the time to be charged to Mr. Cooper. 

The PRESIDING OFFICER. The clerk will call the roll. The second assistant legislative clerk proceeded to call the roll. 

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

The PRESIDING OFFICER. Without objection. 

Mr. PEARSON. Mr. President, will the Senator yield for a question? Mr. COOK. I yield. 

Mr. PEARSON. Under this amendment it is provided, as has been said very many times in the past, that if within 60 days following the enactment of this amendment, the President has been unable to obtain a firm commitment for the release of American prisoners of war, he shall report to Congress, and in 15 days subsection (a) will have no force and effect. 

Then it goes on to provide that Congress may take action in one of two ways, which those who favor the Senator's amendment are saying is a very complicated procedural arrangement, with certain conditions precedent, and so forth. 

I just wonder why the Senator feels these provisions essential for Congress to then act to continue the effectiveness of this particular procedure. I think it might be well if the Senator could explain them. 

As I read them, if a bill is introduced and sponsored by one-third of either House, on the next day it becomes the pending business unless there is a yeas-and-nays vote to the contrary. Then, if it passes one House, that after 60 days following the enactment of this amendment, the President has been unable to obtain a firm commitment for the release of American prisoners of war, he shall report to Congress, and in 15 days subsection (a) will have no force and effect. 

I think we are being very consistent. As a parliamentary inquiry. Is it proper now, under the unanimous-consent agreement, for a Member of the Senate to offer an amendment to the pending amendment? 

The PRESIDING OFFICER. An amendment to the pending amendment is in order. 

Mr. PEARSON. Mr. President, a further parliamentary inquiry. What is the time restriction upon that amendment? 

The PRESIDING OFFICER. The time restriction will be one-half hour. 

Mr. PEARSON. That is to be taken out of the existing time? 

The PRESIDING OFFICER. That is correct. 

Mr. COOK. Mr. President, I yield the Senator from Missouri 1 minute. I am about to run out of time. 

Mr. EAGLETON. Mr. President, I have been recognized for 1 minute. 

I wish to say to the Senator that the purpose of the amendment would be served. At the appropriate time, I may offer such an amendment. 

Mr. COOK. Mr. President, I yield 5 minutes to the Senator from Kentucky (Mr. Cooper). 

Mr. COOPER. Mr. President, I support the amendment of Senators Cook, Stennis, Eagleton, and Hartke. I congratulate my colleague Senator Cook, and his associates upon their skill and care in drafting the amendment. 

I now speak to the argument just made by my good friend, the Senator from Kansas, with respect to the Hatfield-McGovern amendment. 

I voted against the Hatfield-McGovern amendment and the substitute offered by the junior Senator from Florida, Senator Chiles. I did so because of the fixing of a specific date for the withdrawal of our forces, which I have believed would prevent any effective negotiations with North Vietnam and the Vietcong upon a peaceful settlement of the war in Indochina, did not assure the release of American prisoners of war and constitutionally, I have believed the imposision of a date does touch upon the constitutional powers of the President as Commander in Chief. 

As such, I say to the Senator that I have doubt that any legislative enactment, or for that matter, the administration's policy of Vietization, will secure the release of American prisoners of war.
June 22, 1971

CONGRESSIONAL RECORD—SENATE

The Cook-Stevens-Eagleton-Hartke amendment does provide a date which would be fixed on a day 9 months after enactment of the bill before us. But the date is only the conclusion of a period of time only after the President has received a “firm commitment” for the release of U.S. prisoners of war. The President would determine the validity of the commitment, and he would determine whether immediate release, or as Senator Mansfield has suggested, phased releases concurrent with the withdrawal of U.S. forces.

Now I would like to respond to this proposal, if it should become law, as it has to other U.S. initiatives, that it is spurious, a trick, a diversion—but in the face of a proposal made by the Congress of the United States, providing for the withdrawal of all U.S. forces, such a response by North Vietnam would itself be spurious and have a hollow ring before world opinion.

The Cook-Stevens proposal, if enacted, if successful, would, unlike the Hattfield-McGovern amendment, bring about the release of our American prisoners of war in full, or staggered withdrawals of our forces, which I believe the American people desire. With the exception of the unresolved issue of U.S. residuary forces, it is consistent with the policy of the President. At this point, I would like to say that it is the President who has completely reversed past Vietnam policy, who is with all fighting.

I would say that my legislation of this amendment leaves me with the conviction that it makes an effort toward these ends, that there is nothing wrong with its purposes, that it does not infringe on the authority of the American people, who have the political settlement and, of course, for the release of our prisoners of war.

I would say I do not contend that the Cook-Stevens amendment would as not to infringe on the constitutional powers of the President, for some solution which would obtain the withdrawal of all our forces in Indochina, which would induce negotiations for a political settlement and, of course, for the release of our prisoners of war.

I would say that the President must express itself upon this issue. I would hope that we could move to its immediate consideration, and reach some judgment by the Senate on this amendment. I have 14 minutes which I would be glad to yield back.

Mr. COOK. Mr. President, a parliamentary inquiry. The PRESIDING OFFICER. The time of the Senator has expired.

Mr. JAVITS. Mr. President, will the Senator from Kentucky yield me 1 minute?

Mr. COOK. I yield the Senator 1 minute.

Mr. JAVITS. Mr. President, I wish to identify myself with the views of the senior Senator from Kentucky, for precisely the reasons that he has just stated. I too will support the amendment of Senators Cook, Stevens, Eagleton, and Hartke. I believe the Senate must express itself on this issue, that it is an absolutely essential ingredient to get the bone out of the throat of the United States which is Vietnam, and I hope very much the amendment will be agreed to.

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

Mr. COOK. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator has expired.

Mr. JAVITS. Are we at a position where an amendment can be accepted to the amendment, or must we wait until the time has expired?

The PRESIDING OFFICER. An amendment to the amendment is in order, but it requires unanimous consent to modify the amendment.

Mr. PEARSON. Mr. President, will the Senator yield 1 minute for that purpose?

Mr. COOK. I yield.

Mr. PEARSON. Mr. President, I send to the desk an amendment to the amendment, and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. On the amendment to the amendment, the Senator from Kansas has 15 minutes and the Senator from Kentucky has 16 minutes.

Mr. PEARSON. Mr. President, this amendment to the amendment merely strikes out the procedural arrangements whereby section 8 would have no force and effect, and it would permit Congress, then, to act under its existing rules and regulations.

Mr. COOK. May I say, Mr. President, that I have no objection to the amendment, nor do any of the other cosponsors of the amendment.

Mr. PEARSON. Mr. President, I move the adoption of the amendment.

Mr. STEVENS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. STEVENS. What is the division of time for the Senator to reply to this amendment?

The PRESIDING OFFICER. Fifteen minutes to each side, as the Chair was saying.

Mr. STEVENS. Mr. President, I yield.

Mr. COOK. Mr. President, is not the amendment to the amendment presently pending before the Senate? I ask unanimous consent that the amendment be adopted as a modification.

Mr. STEVENS. Mr. President, I object. The PRESIDING OFFICER. Objection is heard. The question is on agreeing to the amendment of the Senator from Kansas to amendment No. 165. Who yields time?

Mr. PEARSON. Mr. President, I am not prepared to speak at length. I yield my time.

I think this amendment is clearly understood by all of those who have been on the floor working on this matter. I would hope that we could move to its immediate consideration, and reach some judgment by the Senate on this amendment. I have 14 minutes which I would be glad to yield back.

Mr. STEVENS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator has expired.

Mr. STEVENS. Is the time chargeable as far as the amendment is concerned? We have a set time for voting at 4 p.m., as I understand.

The PRESIDING OFFICER. Will the Senator restate his inquiry?

Mr. STEVENS. Does the Senator from Kansas have any time allotted to him on his amendment?

Mr. PEARSON. Fifteen minutes.

The PRESIDING OFFICER. Fifteen minutes has been allotted to the Senator from Kansas, and 15 minutes to the Senator from Mississippi.

Mr. STEVENS. Does this come out of the full time allotted and chargeable to either side on amendment No. 165?

The PRESIDING OFFICER. The Senator is correct.

Mr. STEVENS. Mr. President, I yield the Senator from Colorado 7 minutes.

Mr. ALLOTT. Mr. President, I was among those who objected to the unanimous consent request that the amendment be adopted, and I hope before I am through, before we get to a vote this afternoon, that I shall have an opportunity to ask some questions about it.

Mr. President, the junior Senator from Kansas (Mr. Dole) very adequately expressed the situation awhile ago. One of the Senators who spoke a few moments ago said the Senate must express itself upon this issue.

We have expressed ourselves on this issue, I believe, 11 times. And, of course, the classical procedure of weakening and weakening and weakening until finally you get some kind of amendment, no
matter how weak, is now being pursued, first with this amendment, then with the Mansfield amendment, and then with whatever other amendment may come after that.

First of all, Mr. President, I wish to discuss amendment No. 165 itself. I refer to line 9 on page 2.

What this does is put upon the President the onus of obtaining a firm commitment. How anyone can obtain a firm commitment from the North Vietnamese, the Vietcong and/or the Vietcong I am not aware. I do not think that it is possible. And I think, once you have put a date in any amendment, the President of the United States, you are not going to see a commitment, and we might as well make up our minds to that.

Second, I raise the question—

Mr. STENNIS. Mr. President, may we have it quiet?

The PRESIDING OFFICER. The Senate will be in order.

Mr. ALLOT. Whom do we get a firm commitment from? For many years we have gone along with this fairy tale, between the North Vietnamese and the Vietcong, that they are two separate organizations, that they are not entangled together. We have even gone along upon the theory some people have that the President going to do it? No one can do it. And what time remains on the basic amendment to the Senate from Kentucky?

Mr. BYRD of West Virginia. Mr. President, that request will not require unanimous consent.

Mr. STENNIS. I yield 2 additional minutes to the Senator.

Mr. ALLOT. We are now at the end, and the greatest danger this country could face and the greatest mistake the Senate could make would be now to start backtracking upon the numerous—

Mr. President, I suggest the absence of a quorum. The clerk will call the roll.

The second assistant legislative clerk proceeds to call the roll.

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

Mr. STENNIS. Mr. President, on behalf of the Senator from Kentucky (Mr. STEVENS), the Senator from Indiana (Mr. HARKRE) and myself, I am authorized to announce that we will support the amendment of the Senator from Kansas.

Mr. EAGLETON. Mr. President, on behalf of the Senator from Alaska (Mr. STEVENS), the Senator from Indiana (Mr. HARKRE) and myself, I am authorized to announce that we will support the amendment of the Senator from Kansas.

Mr. EAGLETON. Mr. President, reserving the right to object, the time under the previous quorum call was assigned to the Senator from Mississippi. It is he who desires to confer. Therefore I object to the time being equally charged to both sides.

Mr. BYRD of West Virginia. Mr. President, the time under the control of the Senator from Mississippi on the amendment in the second degree has been consumed.

Therefore, again ask unanimous consent that the time for a quorum call now be charged against both sides on the basic amendment.

Mr. EAGLETON. Mr. President, reserving the right to object, how much time remains on the basic amendment to the Senator from Kentucky?

Mr. EAGLETON. Mr. President, I object. I ask unanimous consent that the time for a quorum call be charged exclusively to the time remaining to the Senator from Mississippi.

Mr. EAGLETON. Mr. President, I yield 24 minutes to the Senator from Kansas.

Mr. BYRD of West Virginia. Mr. President, that request will not require unanimous consent.

Mr. STENNIS. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order.

Mr. STENNIS. Mr. President, I call this matter to the special attention of the Senator from Kansas. As I understand the amendment of the Senator from Kansas, starting on page 2, line 16, it would strike out the word "unless" and add the words 'thereafter' on page 2 down to and including line 17 on page 3.

Mr. PEARSON. The Senator is correct.

Mr. STENNIS. Mr. President, did the Senator ask unanimous consent that the
amendment be modified to strike out that language?

Mr. STENNIS. There will be no objection from the Senator from Mississippi to a modification to that effect.

Mr. PEARSON. Mr. President, in accordance with the consent of the distinguished Senator from Mississippi, I ask unanimous consent that the amendment to the amendment be adopted.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

Mr. EAGLETON. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. EAGLETON. Mr. President, is the amendment to the amendment now agreed to? Has the language aforeaid been stricken?

The PRESIDING OFFICER. The Senator from Missouri is correct.

Mr. STENNIS. Mr. President, I call the attention of the Senator from Kentucky and the Senator from Alaska. Due to circumstances here and in order that the matter may be handled by a vote, I ask unanimous consent of the Senate to this effect: that the time of 4 o'clock previously agreed to as the time to vote on agreeing to the amendment be extended to 5 o'clock.

Mr. EAGLETON. Mr. President, reserving the right to object, may I inquire concerning the time of 4 o'clock that has already been agreed to in the unanimous-consent agreement. The Senator seeks to prolong the time to the 5 o'clock previously agreed to as the time to vote on agreeing to the amendment be extended to 5 o'clock?

Mr. EAGLETON. I understand the Senator from Mississippi is trying to abrogate the unanimous-consent agreement for the vote which is scheduled for 4 p.m.

The PRESIDING OFFICER. The Chair would advise the Senator that under the unanimous-consent agreement time on amendments to amendments is to be extended to 5 p.m.

Mr. EAGLETON. I understand the Senator from Mississippi is trying to abrogate the unanimous-consent agreement for the vote which is scheduled for 4 p.m.

The PRESIDING OFFICER. The request of the Senator from Mississippi is to extend the time.

Mr. EAGLETON. Would the Senator amend his request so that if an amendment to the amendment is offered, the vote on the amendment to the amendment would not occur before 4 p.m.? My reason for that request is that there are some Senators in transit who have geared their participation in today's endeavor to 4 p.m.

Mr. STENNIS. I adopt that as part of my request.

The PRESIDING OFFICER. Does the Senator ask that the additional hour be equally divided?

Mr. STENNIS. Yes, with controlling time.

Mr. HARTKE. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. STENNIS. Mr. President, I yield myself 1 minute, and I yield to the Senator from Kentucky the remainder of my time.

Mr. DOLE. Mr. President, I think we have made some improvement in the Cook-Stevens-Eagleaton-Hartke amendment. I hope the unanimous-consent request of the Senator from Mississippi is agreed to, because I think the Senator from Mississippi, the chairman of the committee, has other modifications which would add to and not detract from the Cook-Stevens-Eagleaton-Hartke amendment.

I yield the floor.

The PRESIDING OFFICER. Who yields the floor, Mr. President?

Mr. EAGLETON. Mr. President, I suggest the absence of a quorum with time to be equally divided to both sides.

Mr. BYRD of West Virginia. Mr. President, I object.

The PRESIDING OFFICER. Who yields time?

Mr. STENNIS. Mr. President, I yield myself 1 additional minute.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. STENNIS. Mr. President, I wish to say to the Senate, as manager of the firm, I have worked out amendment that I can say I am going to propose. This matter is down to a question of time.

My own request was that the time be moved forward 1 hour. That is all. The time would be divided the same, with time on amendments the same. If I could propose an amendment there would not have any definite, firm, written agreement to vote at 4 o'clock. The amendment is agreed to.

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

Mr. STENNIS. Mr. President, I yield myself 1 additional minute.

The PRESIDING OFFICER. The Senator is recognized for 1 additional minute.

Mr. STENNIS. I appeal to every Senator. Everything here is above the table. It is just a matter of trying to get an opportunity to formulate the final phase of an amendment that I hope I can propose.

I hope the Senator withdraws his objection.

Mr. HARTKE. It is not my intention to hold up any amendments, but I have no idea what is in the amendment, the substance of it, or the intentions. I might not object, but until I find out what is intended to be pursued by the Senator from Mississippi I feel there has been an agreement to vote at 4 o'clock and I see no reason not to keep the agreement.

Mr. STENNIS. Mr. President, I agree to the request for a quorum.

Mr. EAGLETON. 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. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, will the Senator from Kentucky yield to me for 1 minute?

Mr. COOK. I yield 1 minute to the Senator from Alaska.

Mr. STEVENS. Mr. President, I failed to comment on the statement of the Senator from Kentucky. I think his remarks are most pertinent, particularly in regard to his statement expressing the hope for further negotiations in Paris in the event this one point agreement could be realized. This has been the express hope of the Junior Senator from Kentucky and myself.

I do believe that this is the one ray of hope that exists in Paris—that if we could get one agreement on one point, perhaps the rest of the negotiations in Paris will bring about true peace in Indochina.

As one who has great respect for the Senator from Kentucky, I really thank him for his remarks.

Mr. EAGLETON. Mr. President, I suggest the absence of a quorum, with the time to be charged to both sides.

The PRESIDING OFFICER. Is there objection?

Mr. COOK. Mr. President, I yield the floor.

The PRESIDING OFFICER. Is there objection to the request of the Senator for Missouri?

Mr. STEVENS. Mr. President, we see no reason why the time should be continued to be charged to us.

Mr. DOLE. Mr. President, I yield myself 2 minutes.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

Mr. DOLE. Mr. President, with reference to subsection (b) on page 2, we have discussed the term "firm commitment." If we are concerned, as I know we are, about American prisoners of war and Americans missing in action, then, possibly, the rest of the negotiations in Paris, the better part of wisdom would be to change that language from "firm commitment" to "release," so it would read—"If the President has been unable to obtain from the North Vietnamese Government release of our prisoners, then, in effect, the rest of the provision is null and void.

We must recognize that the United States has between 1,200 and 1,600 prisoners of war and missing men there. The North Vietnamese say they have only 339. If the North Vietnamese are untrue to their agreements, and the prisoners can be release [sic], we should insist on not just a "firm commitment," but on a release of those prisoners, either by having them repatriated to some neutral country or by having them released to the United States. This is the American prisoners of war, if we are truly concerned about Americans missing in action, let us no longer talk about
the “commitment” of the North Vietnamese, which I do not think means much. Let us talk about release of those prisoners of war and accounting for those missing in action. That would be a long way toward making this entire amendment palatable, but I am concerned about American prisoners of war and I am concerned about American personnel held captive by the North Vietnamese, whether they be in Laos, Cambodia, North Vietnam, or South Vietnam.

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

Mr. DOLE. I yield myself 1 additional minute.

I am concerned that it should be, not a “commitment,” but a release of American prisoners.

Let me make it clear, as I tried to make it clear earlier, that the North Vietnamese acknowledge the existence of 339 American prisoners of war. That is all they will account for. They say they hold 339 in North Vietnam, 19 in South Vietnam, one in Laos. We believe that there are at least 90 POWs that the North Vietnamese do not acknowledge. We have reason to believe that there are some 1,200 to 1,600 prisoners of war or missing in action in Indochina.

Recent evidence have a “firm commitment,” I would rather that we require release. If we have a firm commitment to release American prisoners of war and Americans missing in action, as I know it is of everyone in this body, then we should insist that the provision not be effective if “the President has been unable to obtain a release from the North Vietnamese Government of all U.S. personnel held captive by that Government and by forces allied with that Government.”

To me, that goes to the very heart of the amendment. If this is, in effect, an amendment to release American prisoners of war, let us say so. If it requires only a firm commitment which may be meaningless, if it leaves the option with the Government of all U.S. personnel held captive by the North Vietnamese, as far as the junior Senator from Kansas is concerned, it means very little. It brings very little hope to American POW’s, Americans missing in action, their families. We are truly concerned as we have said time after time, Democrats and Republicans alike—

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

Mr. DOLE. I yield myself 1 additional minute.

Then I would hope the sponsors of the amendment would agree to this. If the Senator from Missouri and the Senator from Kentucky in the 30 seconds I have remaining, if they would agree to such a change if the Senator from Kansas made a request to modify the amendment in that way.

Mr. COOK. Mr. President, I object.

Mr. DOLE. The Senator from Kansas asks unanimous consent to modify the amendment to strike the words “a firm commitment” and to insert the words “obtain the release.”

Mr. COOK. Mr. President, I object.

Mr. EAGLETON. Mr. President, I object.

Mr. President, will the Senator yield me 30 seconds?

Mr. COOK. I am sure I have the floor.

The PRESIDING OFFICER. The Senate from Kansas has the floor.

Mr. DOLE. Mr. President, I yield the floor.

Mr. COOK. Mr. President, I yield myself 5 minutes, and I yield to the Senator from Mississippi.

Mr. EAGLETON. Mr. President, so that it may be clear to the Members of the Senate in the Chamber, it will be necessary for me or the Senator from Indiana and any one of the sponsors to object to the prolongation of the time after 4 o’clock, since we are informed that Senators who had counted on being here at 4 o’clock will be here at 4 o’clock and must depart the city of Washington soon thereafter. Therefore, much as we would like to oblige, we would object to any prolongation of the time.

Mr. COOK. Mr. President, relative to the question of the junior Senator from Kansas, I would only remind him of the earlier colloquy when he said, let us not fool the families of the prisoners of war, let us not make a mockery of the wives and the children, in his dissertation on making this amendment what it was not.

Certainly the greatest hoax that could ever be told on the Congress of the United States.

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out, if perchance the North Vietnamese do not keep their word.

I think this is a reasonable, practical, sensible amendment, and I hope it will be agreed to.

Mr. COOK. Mr. President, I reserve the remainder of my time.

Mr. MILLER. Mr. President, will the Senator from Mississippi yield me 1 minute?

Mr. STENNIS. Mr. President, I yield myself 3 minutes now and call the particular attention of the authors of the amendment to this proposal.

On page 2, if Senators will put the bill before them, I offer an amendment as follows:

On page 2, line 9, strike out the words “a firm commitment” and on line 10, strike out the word “for”.

I offer that as an amendment to the amendment, Mr. President, so as to make the parent amendment read:

If . . . . the President has been unable to obtain from the North Vietnamese Government the release of all United States personnel held captive by that Government and by forces allied with that Government

The PRESIDING OFFICER. The Senator from Mississippi has 6 remaining minutes.

Mr. STENNIS. Mr. President, I regret that I cannot yield any time. I wish to propose an amendment.

Mr. President, I yield myself 3 minutes now and call the particular attention of the authors of the amendment to this proposal.

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Mr. STENNIS. Mr. President, in a spirit of amity—and I ask the Senator from Indiana to pay particular attention to this request—I ask unanimous consent

On page 2, line 9, strike out the words “a firm commitment”, and on page 2, line 10 strike the word “for”.

Mr. STENNIS. Mr. President, in a spirit of amity—and I ask the Senator from Indiana to pay particular attention to this request—I ask unanimous consent

that the time for the final vote be moved forward from 4 o’clock to 5 o’clock.

Mr. EAGLETON. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. COOK. Mr. President, what is the unanimous consent now?

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Mississippi.

Mr. COOK. I object to agreeing to the amendment by unanimous consent, Mr. President.

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 4 minutes remaining.

Mr. STENNIS. Mr. President, I yield myself 2 minutes.

I say to my fellow Senators that, as to this language here about the President being unable to obtain a firm commitment from the North Vietnamese Government on the release, the objective of that, anyone’s objective, would seem to me to be not to obtain a commitment, but to obtain the release of the prisoners.

Actually, in this field, that is the only thing that would help, and if they have good faith about it, North Vietnam can make arrangements very rapidly and effect a release, and there would be the answer, there would be the out, there would be the prime objective of this amendment. Then there would be time after that for consideration of other matters.

But with great respect, I think these words “a firm commitment” put the President in a hole that he cannot possibly survive, at a disadvantage he cannot overcome, and it would be disturbing and greatly upsetting to the American people for us to go in and actually legislate vague, uncertain open end word such as that.

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

Mr. STENNIS. Mr. President, I yield the floor.

Mr. COOK. Mr. President, I yield myself 1 minute.

If what the distinguished Senator from Mississippi is saying is that the administration is in a position to negotiate an immediate release of all prisoners of war within 60 days, then we will be there 10 years from now. This is the same objection that I have raised to the request by the Senator from Kansas.

Let us not fool the wives, let us not fool the children, let us not fool the mothers and fathers of prisoners of war by saying that we are going to pass something today that will give the President of the United States no more than 60 days to secure the release of all prisoners of war. We have been fooling around in Southeast Asia since we first helped the French back in the early 40’s, and we are still there. All of a sudden, the distinguished Senator from Mississippi has said that the most arduous problem of all must be resolved, and the President must secure release of all prisoners of war within 60 days.

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

Mr. COOK. I yield a question.

Mr. DOLE. I think the President is working on the release right now, so it is not a matter of 60 days.

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

Mr. COOK. I yield myself 1 minute. I thought the Senator from Kansas was going to ask a question.

Mr. STEVENS. Mr. President, will the Senator yield for a question?

Mr. COOK. I yield.

Mr. STEVENS. Does the Senator intend to ask for the yeas and nays?

Mr. COOK. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. COOK. Do I have some time remaining of my 1 minute?

Mr. STEVENS. The Senator’s time has expired.

Mr. COOK. I reserve the remainder of my time.

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

Mr. COOK. And I again reiterate my objection that, at a disadvantage to the amendment of the Senator from Mississippi.

The PRESIDING OFFICER. Who yields time?

Mr. STENNIS. The Senator from Mississippi has 2 minutes remaining; the Senator from Kentucky has 10 minutes.

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

Mr. STENNIS. I do not yield any time, Mr. President.

Mr. COOK. Mr. President, I yield myself 2 minutes at this stage.

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

Mr. COOK. I wind up by saying, Mr. President, that the entire point of raising the prisoner-of-war issue is based on the fact that the President said in his speech to the Nation on April 14, 1971:

Consequently, I can report that Vietnamization has succeeded.

Therefore, Mr. President, our remaining objective is the release of our prisoners.

I would say again, Mr. President, we have heard the language of the Secretary of State, who made it very plain that this is the reason that we are remaining in Southeast Asia.

He was asked, on March 16, “Are the prisoners the only reason we would be leaving troops there?” His answer was “Yes.”

The next question was, “So if the prisoners are released, will the North Vietnamese agree to release them, will we get out?”

The Secretary of State’s answer to that question was, “No.”

In our amendment—unlike previous ones—we have put the 60 days where it belongs. We have given tremendous latitude and discretion to the President of the United States to determine what a firm commitment is. This is what we want to give to the President. We do not want to tie the President’s hands. We want the President to have to be in a position of having to solve the problem of securing the release of the POW’s within 60 days.

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

Mr. COOK. I yield myself 1 additional minute, and I yield to the Senator from Minnesota for a question.

Mr. HUMPHREY. I want, once again, to put a question, and there will be no doubt about this record.

Lines 8 to 9 read “the President has been unable to obtain a firm commitment from the North Vietnamese Government.”

Is it not a fact that the language of this amendment permits the President to define on his terms what is a firm commitment? In other words, the President possesses the discretion and the authority to define what he believes to be a firm commitment, so that the risk of a double deal or the risk of some kind of deception on the part of the North Vietnamese is minimized, because the President has the ultimate decision as to what is a firm commitment.

Mr. COOK. The Senator is correct.

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

Mr. EAGLETON. Mr. President, will the Senator yield me 1 minute?

Mr. COOK. I yield to the Senator.

Mr. EAGLETON. Mr. President, I wish to take up the thought of the Senator from Minnesota, and he is precisely correct. He who decides what is a firm commitment is the President of the United States, President Nixon. No strings attached. No things imposed upon him.
against his will. He decides within 60
days what he wishes, a firm, solid commitment, and he so reports to
the Senate within 60 days.

I implore Senators who are in support
of the Cook-Stevens-Eagleton-Hartke
amendment to vote against the Stennis-Eagleton-Hartke amendment.

It will strike from beneath the whole
foundation of what we are trying to do; to put the
onus on the North Vietnamese to re-
lease our prisoners by setting a final date
for U.S. withdrawal. We will be saying to the
people of Vietnam, "Just do it!"

You said you would agree to talk about the
release of prisoners and make an agreement
when and if we set a date. The date has been
set, and we throw the ball back to you.

The President of the United States de-
cides whether that is a good, solid com-
mittance. I believe as the Senator from
Kansas does in the negotiating capabil-
ities of the President. He will be a shrewd
negotiator. He will get a solid, firm
commitment or none at all.

Finally, Mr. President, the Senate and
the country are witnessing the end of an
era in American history regardless of
what happens with this particular amend-
ment. Hopefully today, but certainly in
the coming weeks or coming months, a
new consensus—which has so slowly
taken shape during our Vietnam de-
cade—will prevail.

The country is becoming ever more
cognizant that, as Max Frankel of the
New York Times recently wrote:

"The American commitments to cold and
not war override at every stage every con-
ventional consideration of domestic and
international law, of the rights of Congress,
the Constitution, the sensibilities of allies, the fate of individual
personalities, the rights of American citi-
zens, and the most elementary standards
of truth.

Nearly 10 years ago "hawks" and "doves" returned to our political lexicon
during the Cuban missile crisis. These
words were used to symbolize the
divisions that have polarized our people
during the past decade.

Today that polarization is on the wane
and "hawks" and "doves" are working
together to end this war and the di-
visions left in its wake.

This amendment is one example of this
new spirit.

Senators from different parties, with
different philosophies, perhaps for differ-
ent reasons, have joined together to say
"enough."

"Time," we have been told in the past,
"just a little more time and the night-
mare will end." But time for Vietnam is
not measured in minutes or hours or days
or weeks—it is measured in shattered
lives and limbs and dreams. The legacy
of the time we have bought for Vietnam
comes to the United States in the form of hate between the American people
and distrust for the institutions of our gov-
ernment.

Time has run out for the Indochina
war. Within little more than a year
out last week that the "sacred pledges" of five
American Presidents were exposed to be
unthinking at worst and confused at best.

What had been sold to Americans as a
quest for the Holy Grail has been exposed
as sham.

Americans are now asking:
Are our sons dying to "contain China"
or to illustrate to the world that our lead-
ners are determined to "prevail against
war's first dominoes with our real dominoes?

Did the United States rain destruction
large areas of Vietnam and the people
who inhabit them to "assist our friends in
determining their own future" or was it
done to preserve our "national prestige?"

Did America's leaders secretly bet our
national future on the gamesmanship of
"dominoes" without understanding the
rules or our chances of success?

Or have we continued because no
American President thought that he
could survive politically if he "lost Indo-
china?"

But there are no answers.
The PRESIDING OFFICER.
The time of the Senator has expired.

Mr. STENNIS. I yield myself 2 min-
utes.

Mr. COOK. Mr. President, how much
time do I have remaining?

The PRESIDING OFFICER. The
Senator has 2 minutes remaining.

Mr. BYRD of West Virginia. Mr. Presi-
dent, will the Senator yield?

Mr. STENNIS. I yield.

Mr. BYRD of West Virginia. Mr. Presi-
dent, I believe that the Senator from
Kentucky thought he was asking for
the yeas and nays on amendment No. 165
and on amendment No. 165, a moment
ago, the yeas and nays instead have been ordered on
the amendment in the second
degree. The PRESIDING OFFICER. The
Senator from West Virginia is correct.

Mr. BYRD of West Virginia. Then, I
ask for the yeas and nays on amend-
ment No. 165.

The yeas and nays were ordered.
Mr. COOK. Mr. President, will the
Chairman yield me 1 minute?

The PRESIDING OFFICER. Mr.
President, will the Senator yield?

Mr. COOK. Mr. President, I dislike to
reiterate how long we have been in
Southeast Asia. But, perhaps for the
record I should recall that when we
started supporting the French in 1945,
and here we are in 1971, and all of a sud-
in it is the desire of the distinguished
manager of this bill that the President of
the United States be given 60 days in
which to secure the entire release of all
American prisoners of war. I do not
know, in terms of the Senator from Kan-
sas, whether that means
as he said, 342 of them, or 419. But I do
know that the proposed amendment is
a mockery. I do know that to impose this
obligation on the President, and to pub-
lize it throughout the press of the
country that this body voted to give the
President 60 days to secure the release
of all POW's, is a travesty of the first
degree.

Mr. DOLE. Mr. President, will the Sen-
ator yield for a question?

Mr. COOK. I have only a certain
amount of time remaining. I am sorry.

I would remind the distinguished Senator
from Kansas, who wants me to yield, that when
we were discussing the amendment in
the first place, he talked about that fact
that we should not fool the children, we
should not fool the parents. This amend-
ment to my amendment would be the biggest
foolish thing the Senate could do. Noth-
ing more could come out of this body
than to tell the American people that we
have passed something to move the nego-
tiations along, when in fact what we
have passed is for the President to be
under a condition to secure the absolute
release of all POW's in 60 days.

Mr. President, I yield 1 minute to the
Senator from Montana.

Mr. MANSFIELD. Mr. President, I
thank the distinguished Senator.

Mr. EAGLETON. Mr. President, may
we have order, so that we may hear the
Senator from Montana?

Mr. MANSFIELD. Mr. President, I
think we all realize.

The PRESIDING OFFICER (Mr.
Tarr). The Senator will state it.

Mr. MANSFIELD. Does the Senator
from Montana correctly understand that
the first vote will be on the Stennis amend-
ment. The second vote will be on the
"a firm commitment" on page 2, line 9, and
the word "for" on line 10 of the same
page?

The PRESIDING OFFICER. The Sen-
ator is correct.

Mr. MANSFIELD. And that following
the disposition of the Stennis amendment,
the vote then will be on the Cook-
Nuclear Test Ban Treaty, as good as the
objectives of SALT talks, as good as
the objectives we seek throughout
the world in dealing with the Com-
munists.

Mr. DOLE. Mr. President, will the Sen-
ator yield me 1 minute?

Mr. COOK. No; I will not yield.

Mr. President, how much time do I
have remaining?

The PRESIDING OFFICER. The Sen-
ator from Kentucky has 5 minutes.

Mr. COOK. Mr. President, I dislike to
reiterate how long we have been in
Southeast Asia. But, perhaps for the
record I should recall that when we
started supporting the French in 1945,
and here we are in 1971, and all of a sud-
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Stevens-Eagleton-Hartke amendment itself?

The PRESIDING OFFICER. The Senator is correct.

Mr. STENNIS, Mr. President, will the Senator yield for a question?

Mr. MANSFIELD. I yield.

Mr. STENNIS. The Senator from Montana has explained it more fully than I could.

Mr. MANSFIELD. Yes.

Mr. STENNIS. But I am against the amendment as a whole and will vote against it.

Mr. MANSFIELD. Yes. The Senator has explained it more fully than I could.

Mr. HARTKE. Is it true that if the Senate adopted the Stevens amendment, the effect of the Stevens amendment would be destroyed in its entirety?

Mr. COOK. I yield.

Mr. HARTKE. Is it true that if the Senator from Mississippi (Mr. STENNIS) had time to sort out its thoughts, there is no doubt in his mind that the Senate as a whole wishes this Nation to engage itself from the tragic morass of Southeast Asia. What this war is doing morally and physically to the youth that serve on the battlefields is too well documented. What is it doing to our resources is clear beyond question. The Senator from Mississippi (Mr. STENNIS) has said clearly that we can see that both our moral and our physical resources are threatened. What is it doing to our moral fiber of our Nation, each one of us senses with ourselves. Each one of us, if we are wise, has made amply clear our own positions to our constituents back home. But I suggest it is not enough that our positions be made clear to our constituents. Our constitutional responsibility requires more. Our obligations require that we assume as well the responsibility for helping to determine and even set the policy of this Government on the broad issues of national importance. Ours is a coequal branch and it is patently unfair and unwise that we yield to the President the full obligation to assume the burden of these decisions.

Open contributions by Congress to the Nation's most important decisions can no longer be avoided or neglected. A generation of American leadership. The Constitution intended an independent filter by this body in deciding national policy. We are obligated to have a viewpoint. We do have it on this issue. We should insist upon it. We should assert it. Our failure to do so results at best in the tragic unfolding history of the recent past demonstrates the need for our fuller and more open participation. Too often buck-passing under the "but the President has all the facts" umbrella has been the practice of Congress.

As to the issue before the Senate, I suggest it is fair to say: "Let the President work out his own timetable." It is fair neither to him, nor to the people, nor to the Constitution.

In the debate thus far, it has become apparent that the Senate is not yet willing to use the remedy of a precipitous cutoff of funds to end the war. I would hope it could be done so on the basis suggested by Governors COOK, STEVENS, EAGLETON, and HARTKE. But if the Senate is not ready to use this ultimate remedy in this fashion, then it has a distinct obligation to set forth a national policy for Indochina. That is precisely what is proposed in the amendment I submitted yesterday afternoon.

At the inception the Senate initiated the repeal of the Gulf of Tonkin resolution. That resolution had been passed by the previous administration as the functional equivalent of a congressional declaration of war for years of escalation and endorsement of a policy of escalation in Vietnam. Many of us were aghast at the broad interpretation put on that resolution by the Administration. However, whatever it is—war or escalation—it is gone. It is no longer a justification for anything. But with its demise has gone the only expressed Government policy—openly participated in by the Congress—with respect to its involvement in Indochina. There is no longer an expressed policy with regard to that involvement.

The amendment I propose seeks to fill that void: it declares a national policy for Indochina. It is a policy without a threat but it is nevertheless an affirmative statement of policy that, upon enactment by a bicameral Congress, will be a truly governmental policy, not for Indochina. It fills the gap between the simple sense of the Senate or sense of Congress resolution which attempts only to curve what one has in mind and the present merely suggests as a wise policy. It provides instead a framework wherein both branches can work together to set the basic policy of this Government. If this amendment is adopted, I believe it provides the proper policy should be for our Government, let it be amended to state what the Senate as a whole considers as its best judgment and wisest course on this issue. No better course for any to do the same. But let us not neglect our responsibilities by doing nothing. Nothing may be the most politically safe thing to do, but our constituents did not send us here to remain politically safe.

Should the Senate not be given an opportunity to vote on the Cook-Stevens-Eagleton-Hartke proposal—unencumbered by weakening language—then it merely suggests as a wise policy. It provides instead a framework wherein both branches can work together to set the basic policy of this Government. If this amendment is adopted, I believe it provides the proper policy should be for our Government, let it be amended to state what the Senate as a whole considers as its best judgment and wisest course on this issue. No better course for any to do the same. But let us not neglect our responsibilities by doing nothing. Nothing may be the most politically safe thing to do, but our constituents did not send us here to remain politically safe.

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fighting men, the return of our prisoners, and hopefully will set the stage for the rebuilding process that is needed for the fulfillment of American hope and confidence. It could be the first step in that building process; it is not much to ask. I hope the Senate chooses to take this step. To this end, if the amendment of the Senator from Mississippi [Mr. Sengwam] is agreed to, I shall offer my amendment No. 214 as a substitute for the amendment of the bill, after the time set has passed for the yeas and nays on the motion to reconsider.

THE PRESIDING OFFICER. The Senate is not in order.

Mr. GRIFFIN. Mr. President, a point of order. The Senate is not in order.

Mr. ALLEN. Mr. President, having been ordered, and the clerk will call the roll.

The legislative clerk called the roll and Mr. ALLEN, Mr. President, the rollcall is already in process. The rollcall has been started. The Senate will be in order.

Mr. MANSFIELD. Start the vote over again.

The legislative clerk called the roll.

Mr. GRIFFIN, I announce that the Senator from Mississippi [Mr. Musgrove] is absent because of illness, and if present and voting, would vote "yes."

The result was announced—yeas 48, nays 50, as follows:

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The PRESIDING OFFICER. The Senate will be in order. The clerk will suspend until the roll is called.

The roll call was concluded. Mr. GRiffin. I announce that the Senator from South Dakota (Mr. MRuSER) is absent because of illness, and if present and voting, would vote "yes."

The result was announced—yeas 50, nays 49, as follows:

[No. 112 Leg.]

YEAS—50

Allen
Allott
Baker
Bell
Bellmont
Bennett
Bentzen
Bible
Boggs
Brock
Buckley
Bullard
Byrd, W. Va.
Byrd, Va.
Cannon
Cotton
Curts
Dole

Aiken
Allred
Anderson
Baker
Bell
Bellmont
Bentzen
Bible
Boggs
Brock
Buckley
Bullard
Byrd, W. Va.
Byrd, Va.
Cannon
Cotton
Curts
Dole

McConnell
McCollin
McKim
Pannin
Pony
Gambrill
Goldwater
Griffin
Gurney
Hansen
Harkle
Hart
Hartke

Mackenzie
McGee
Miller
Frouty
Roth
Saxbe
Scott
Smith
Spartman
Spong
Nelson

NAYs—49

Allen
Allott
Baker
Bell
Bellmont
Bennett
Bentzen
Bible
Boggs
Brock
Buckley
Bullard
Byrd, W. Va.
Byrd, Va.
Cannon
Cotton
Curts
Dole

Aiken
Allred
Anderson
Baker
Bell
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Bentzen
Bible
Boggs
Brock
Buckley
Bullard
Byrd, W. Va.
Byrd, Va.
Cannon
Cotton
Curts
Dole

McConnell
McCollin
McKim
Pannin
Pony
Gambrill
Goldwater
Griffin
Gurney
Hansen
Harkle
Hart
Hartke

NOT VOTING—1

Mundt

So Mr. STENNIS's amendment to amendment No. 165 was agreed to.

AMENDMENT NO. 114

Mr. Mansfield. Mr. President, I send to the desk an amendment in the nature of a substitute on behalf of myself and the distinguished Senator from Pennsylvania (Mr. Schweiker), the distinguished Senator from Rhode Island (Mr. Pastore), the distinguished Senator from Virginia (Mr. Stongs), the distinguished Senator from West Virginia (Mr. Randolph), the distinguished Senator from New Hampshire (Mr. McIntyre), the distinguished Senator from Missouri (Mr. Eagleton), the distinguished Senator from Indiana (Mr. Hartke), the distinguished Senator from Minnesota (Mr. Humphrey), and others, and ask that it be read.

The PRESIDING OFFICER. The amendment will be stated.

Mr. Pastore. Mr. President, may we have order in the Senate and will Senators be seated?

The PRESIDING OFFICER. The Senate will be in order.

The amendment was read, as follows:

TITLE V—TERMINATION OF HOSTILITIES IN INDOCHINA

Sec. 302. It is hereby declared to be the policy of the United States to terminate at the earliest date consistent with the maintenance of the military operations of the United States in Indochina, and to provide for the prompt and orderly withdrawal of all United States military forces not later than nine months after the date of enactment of this section subject to the release of all American prisoners of war held by the Government of North Vietnam and forces allied with such Government. The Congress hereby urges and requests the President pursuant to paragraph (1) hereof that if this substitute, or amendment, be agreed upon by the negotiating parties, it may be agreed upon by the negotiating parties.

Mr. Mansfield. Mr. President, I ask for the yea and nays.

The yeas and nays were ordered.

Mr. Griffin. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. Griffin. Mr. President, is there any time available for debating this amendment?

The PRESIDING OFFICER. There is no time for debate.

Mr. Griffin. Are any amendments to the substitute in order?

The PRESIDING OFFICER. Not to the substitute.

Mr. Javits. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. Javits. Mr. President, is it correct that if this substitute, or amendment, in the nature of a substitute, is agreed upon, the vote will then recur on the Cook-Stevens amendment, as amended?

The PRESIDING OFFICER. The Senator is correct.

Mr. Stennis. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. Stennis. Mr. President, the Chair has stated there is no time for debate. Would I be in order to ask unanimous consent for an extension of time for debate, to be divided?

Mr. Eagleton. I object.

Mr. Mansfield. No. The Chair should rule.

The PRESIDING OFFICER. The Chair will entertain such a unanimous-consent request.

Mr. Stennis. Mr. President, I ask unanimous consent that on this substitute, not having been debated, an hour for further debate be allowed, to be controlled as usual.

Mr. Mansfield. Mr. President, I object. The Stennis amendment was not debated, either, and I think all amendments should be treated alike, and I ask for a vote.

Mr. Symington. Mr. President, a parliamentary inquiry. According to the logic of this amendment, it is in order for me to ask that I be included in the amendment.

The PRESIDING OFFICER. Without objection, the Senator will be included.

Mr. Scott. Mr. President, regular order.

Mr. Cooper. Mr. President—

The PRESIDING OFFICER. The Senator rom Kentucky.

Mr. Cooper. Mr. President, I ask unanimous consent that 2 minutes be allotted for the purpose of asking a question of the majority leader to interpret one section of his amendment.

Mr. Goldwater. Mr. President, I object.
The PRESIDING OFFICER. Objection is heard.

Mr. DOLE. Mr. President, a parliamentary inquiry.

Mr. HUMPHREY. Mr. President, regular order.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Montana. The yeas and nays have been ordered, regular order has been called for, and the clerk will call the roll.

The legislative clerk proceeded to call the roll and Mr. ANAX voted in the affirmative.

Mr. BYRD of West Virginia. Mr. President, may we have order?

The rollcall was resumed.

Mr. BYRD of West Virginia. Mr. President, the yeas and nays have been ordered, regular order has been called for, and the clerk will call the roll.

The clerk will call the roll.

The rollcall was resumed.

Mr. BYRD of West Virginia. Mr. President, the Senate is not in order and the galleries are not in order.

Mr. ALLEN. Mr. President, I suggest that there be a recess.

Mr. MANSFIELD. Mr. President, regular order. I would hope the Chair would observe it.

The PRESIDING OFFICER. The rollcall is ordered.

Mr. BYRD of West Virginia. Mr. President, the rollcall is in process.

Mr. ALLEN. Mr. President, a rollcall is not in process.

Mr. MANSFIELD. Mr. President, the rollcall is in process. Answers have been made to the rollcall. I ask for the regular order.

The PRESIDING OFFICER. Regular order has been called for. The rollcall is in progress.

The clerk will continue to call the roll.

The rollcall was resumed.

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.”

Mr. BYRD of West Virginia. Mr. President, will the Chair be sure to maintain order in the galleries when the vote is announced?

The PRESIDING OFFICER. Before announcing the vote, the Chair reminds persons in the galleries to maintain order. Demonstrations or indications of approval or disapproval will not be permitted.

The result was announced—yeas 61, nays 38, as follows:

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So Mr. Cook’s amendment, as amended (No. 173), was agreed to.

Mr. EAGLETON. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. JAVITS. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.
sonnel as may be designated by the Commission shall immediately thereafter be sent to South Vietnam to observe the election campaign and the activities of United States agencies, officials, and citizens and shall remain in that country for such period of time as the Commission deems appropriate.

3. The Commission shall make its first interim report to the Congress not later than July 1, 1971. The Commission shall thereafter submit regular interim reports to the Congress and shall submit a final report not later than November 30, 1971. Each report shall contain findings, conclusions, and recommendations with respect to the duty imposed upon the Commission and with respect to the matter as the Commission considers appropriate.

4. The Commission shall cease to exist 30 days after submission of its final report.

For purposes of this title, the Commission is authorized, in its discretion, to (a) make expenditures from the contingent funds of the Senate and the House of Representatives, (b) to hold hearings, (c) to sit anywhere or at any time or place, (d) to employ personnel, (e) to subpoena witnesses and documents, (f) with the prior consent of the appropriate department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel, information, and facilities of any such department or agency, (g) to procure the temporary services of individuals, (h) to make recommendations with respect to the duty imposed upon the Commission and with respect to the matter as the Commission considers appropriate. (i) The Commission shall cease to exist 30 days after submission of its final report.

The assistant legislative clerk read as follows:

THE PRESIDING OFFICER. The Senator from Illinois yield to me for the floor."

Mr. STEVENSON. Mr. President, I ask unanimous consent to modify my amendment. I send to the desk the modifications. The PRESIDING OFFICER. The modifications will be stated.

The assistant legislative clerk read as follows:

On page 4, line 5, after (c) insert "supporting." On page 4, line 6, after the word "personal," strike out all down to and including "of South Vietnam," on line 6—

Mr. DOMINICK. Mr. President, I object.

Mr. MILLER. Mr. President, may we have it read again, please.

Mr. DOMINICK. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. HUMPHREY. Mr. President, is it not possible for the author of the amendment to modify his amendment?

The PRESIDING OFFICER. It would take unanimous consent.

Mr. JAVITS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from New York.

Mr. JAVITS. Mr. President, as I understand it, the unanimous-consent agreement allows for amendments to the Stevenson amendment in the first degree. I would propose such an amendment. Is there any objection to that, procedurally speaking?

The PRESIDING OFFICER. If the Senator is recognized, he may do that.

Mr. JAVITS. Is there no time for amendments to the unanimous-consent agreement?

The PRESIDING OFFICER. There is. Mr. JAVITS. I thank the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. HANSEN. Mr. President, I ask for the years and nays.

Mr. HUMPHREY. Mr. President, the years and nays on what?

The PRESIDING OFFICER. The years and nays on the amendment of the Senator from Illinois. Is there a sufficient second?

The years and nays were ordered.

PROGRAM FOR TONIGHT

Mr. GRIFFIN. Mr. President, would the Senator from Illinois yield to me for a moment so that I might inquire of the distinguished majority whip the program for the rest of today?

Mr. GRIFFIN. Mr. President, I do so inquire of the distinguished majority whip.

Mr. BYRD of West Virginia. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order. Attachés will return to the rear of the Chamber. Senators will go to their seats.

The Senator from West Virginia may proceed.

Mr. BYRD of West Virginia. I thank the Chair for securing order.

In response to the query from the distinguished assistant minority leader, I state that time on the pending amendment is limited to 2 hours under the previous agreement.

There will be an amendment called up—No. 126, by the Senator from Alaska. Mr. Gavitt, I trust limitation thereon being 1 hour—following the action on the pending amendment.

So there will be action on two amendments, yet today, under the unanimous-consent agreement.

It is hoped that the distinguished mover of the amendment, the distinguished manager of the bill would be agreeable—if not at this moment, certainly a little later—to yielding back time on the amendment or agreeing to a lesser time than was originally instituted under the agreement.

Mr. GRIFFIN. Mr. President, I thank the Senator from Illinois.

Mr. BYRD of West Virginia. Mr. President, I hope that the cloakrooms will get the word out on both sides of the aisle that this two-hour limitation is to be disposed of today and rollcall votes may occur thereon.

Mr. STEVENSON. Mr. President, I yield the floor so the Senator from New York may have an OFFICER.

Mr. JAVITS. Mr. President, I am not quite ready.

Mr. STEVENSON. Mr. President, I yield myself 15 minutes.

The PRESIDING OFFICER. The Senator from Illinois is recognized for 15 minutes.

Mr. STEVENSON. Mr. President, the pending amendment is cosponsored by Senators Humphrey, Packwood, Moss, Gravel, and Mathias.

Mr. President, the pending amendment clarifies a policy of strict U.S. neutrality in the forthcoming South Vietnamese elections. It seeks to implement such a policy and keep the Congress informed through a congressional commission.

Throughout our involvement in Indochina, we have injected ourselves into the internal politics of Vietnam, all the while paying lip-service to the ideal of self-determination.

Chalmers Roberts writes:

In 1954 the Eisenhower administration, fearful that elections throughout North and South Vietnam would be an apparent violation of the non-aggression pact, decided to support a government of anti-communist exiles which would be crowned with a rigged election and the one government that was voted into power.

The administration lost at the Geneva Conference, but the elections still did not take place.

In 1963, a coup backed by the United States resulted in the ouster of President Ngo Dinh Diem. A year later, France had given up on the Geneva settlements and President Johnson had been quoted as saying that he hoped it might "create the climate" for the coup.

Out of the 1963 coup emerged a succession of military governments, all pro-U.S., which continues to this day.

In 1966, one such government, headed by Nguyen Cao Ky, faced a massive upris ing of Buddhists in Hue and Da Nang. The United States government, acting as anti-Communist, as well as anti-Ky, saw a fit to transport South Vietnamese troops in American planes from Saigon to Da Nang to put down the Buddhist uprising.

A State Department spokesman explained our decision with the following statement:

"The United States cooperates with the South Vietnamese Government. One of the ways we cooperate is to supply them with military assistance against anti-Communist groups."

During President Thieu's administration, one U.S. agency—CORDS—has conducted political polls for Thieu, while another—USIA—has helped prepare and disseminate government propaganda in anti-communist areas.

The United Nations and the United States have signed an Information and Exchange Act of 1948.

Scarcely a day passes without more such evidence of U.S. partiality for the Thieu government. This morning's Washington Post had a story about a provincial chief: campaigning for President Thieu in an American plane with an American adviser. In the last paragraph of the story, a Senator Viet Cong was asked to chauffeur an American official was quoted as saying "Well, don't tell (the American official) but 80 percent of us in my militia unit are going to vote for General Minh. We think he's the one who will bring peace."

The pattern of U.S. political involvement makes it easy to understand why the people of South Vietnam have doubts about their impartiality in the forthcoming elections.

But the last chapter in the history of our involvement in South Vietnam has yet to be written. No Member of the Senate has said that the South Vietnamese were crowned with a rigged election and a government of South Vietnam chosen by the United States, not by the people.
of South Vietnam. After 10 years of war in the name of self-determination, the people of South Vietnam deserve a free choice. Once they exercise that choice and select their own government, we will be in the best possible position to depart swiftly and honorably, our purpose at long last fulfilled.

We deserve to believe that we fought for a decent cause—that our young have fallen and our billions been spent to give the people of South Vietnam something of value.

That chance is now approaching. It will be our last chance. The South Vietnamese elections—for the House of Representatives in August and the Presidency in October—will be the last election during our military involvement.

It is our hope, the administration has on several occasions enunciated a policy of impartiality toward those elections. On April 23, Secretary Rogers stated:

We are going to do everything humanly possible to be impartial and fair so that the people of South Vietnam can express their will.

Only 6 days ago, Mr. Rogers released a memorandum from Ambassador Bunker to all U.S. military and civilian personnel. The memorandum states clearly that:

U.S. military and civilian personnel must not offer or give support to any candidate or group of candidates, political party or organization.

And that—

The activities receiving U.S. government support must be clearly government functions as differentiated from political campaign or election activities.

Mr. President, I applaud this strong and clear statement of policy by Ambassador Bunker, and I ask unanimous consent that the full text of Ambassador Bunker's memo be printed at this point in the Record.

There being no objection, the memorandum was ordered to be printed in the Record, as follows:

MEMORANDUM
To: All U.S. Military and Civilian Personnel.
From: Ambassador to Vietnam.
Subject: Viet-Nam Elections.

The Republic of Viet-Nam will be holding a presidential election on October 6 and an election for the Lower House of the National Assembly some weeks prior to that time, probably on August 29. The fact that these elections are being held in the midst of the present war reflects great credit upon the institutions and the people of the Republic of Viet-Nam. In his recent report to the Congress on foreign policy, President Nixon reaffirmed our commitment to Vietnam as being to "seek the opportunity for the South Vietnamese people to determine their own political future without outside interference." This statement of U.S. policy requires absolute respect for the free and genuine expression of the Vietnamese people's will. Because of that, we consider it is of the greatest importance that the coming elections be conducted honestly and fairly.

U.S. military and civilian personnel must not offer or give support to any candidate or group of candidates, political party or organization. They must avoid implying by word, deed or acts of presence that the United States supports any individual candidate, political party or group for elected office. No American-controlled equipment, supplies, transportation or other facilities may be used in behalf of such candidates or in connection with the campaigning of such candidates.

Support for Government of Viet-Nam programs will continue through election campaigns, but Government support must be carefully administered so it will not be misconstrued as U.S. Government support for, or opposition to, any candidate or political party. If an election is an option for office. The activities receiving U.S. Government support must be clearly government functions as differentiated from political campaign or election activities.

Mr. STEVENSON. Now that our policy has been announced, it must be implemented, and it must be communicated to the people of South Vietnam. This gives them the chance to cooperate with the President in the implementation and communication of our policy of neutrality.

It is still not too late to fulfill our professed purpose—to let the people of South Vietnam choose their own government. But the elections are fast approaching. And press censorship, political arrest, laws to keep candidates off the ballot—all must be avoided and managed not on election day, but months before.

If the Congress wants to assure that the United States is not involved in irregularities, it must want to discourage such irregularities and wants to convince the South Vietnamese that we are committed to a policy of political neutrality in the forthcoming elections, the time to do so is now.

The executive branch recognizes, as I believe the Congress does, that the rate of our withdrawal, the progress of negotiations and the return of U.S. prisoners, the survival of a free and independent country in South Vietnam, to say nothing of our national conscience, all depend upon these elections. Everything depends upon a government capable of existing with South Vietnamese support, instead of continuing American support.

Given a chance, the war weary people of South Vietnam might elect candidates committed not to war, instead of war.

The point of this amendment is that the choice should be theirs—not ours. Any government supported by the South Vietnamese, instead of by the United States, would have a better chance of surviving without us. Hanoi, which has never had to deal with a majority government in South Vietnam, would be forced to take notice.

Whoever wins the presidential election, the broader his base of popular support, the better able he will be to govern—and to deal with the north.

The United States cannot afford to internationalize the elections of any South Vietnamese presidential candidate. And yet the United States is perceived as supporting the reelection of Mr. Thieu.

So long as the appearance of support has been unavoidable. The United States subsidizes the Armed Forces, the intelligence network of the United States is perceived as dictating the policy of the Vietnamese people and not the candidates of the American Government. The presence of U.S. intelligence personnel in Vietnam might legitimize the reelection of Mr. Thieu.

Hence, the amendment is an act of noninterference, an act of nonrecognition of any South Vietnamese government which allows an illegitimate government fight a proxy war.

The Congress can assert its authority by declaring U.S. neutrality. It can help the executive branch implement that policy, and it can keep itself informed about the elections through its own commission in South Vietnam. It can assure the people of South Vietnam that we are in fact neutral and that they really do have at long last a chance to choose their own government.

That is all this amendment seeks to do. It is the only amendment that might legitimatize the reelection of Mr. Thieu. It is also argued that, if adopted, it would repudiate him. It does neither. It simply says that we do not support, approve, or give any support to any government however wins. Mr. Thieu, whatever wins will win as the candidate of the Vietnamese people and not the candidates of the American Government.

The amendment that I have introduced is designed only to discourage fraud in these elections.

I know of no better way of doing that than by putting everyone on notice that we do not support, approve or give any support to any South Vietnamese government.
Mr. STENNIS. The Senator would strike all of paragraph (c) on page 4? Mr. JAVITS. That is correct, and the purpose I have stated to my colleague.

Mr. President, I have just been in Vietnam and I reported to the Senate on it. I am sorry that objection was made to the amendment because I think it is really absolutely essential to the purposes which the Senator from Illinois (Mr. Stevenson) seeks to achieve and I think all of us would seek to serve.

There is little question about the suspensions and anxieties which are rife in Saigon. One hears all kinds of explanations about the situation which is going on. There is another, the United States Government, through its Ambassador, favors President Thieu's reelection and is going to do everything possible to help him.

It is my deep belief—and I have had it confirmed in every way that is open to me—that the United States intends to be strictly neutral, and that is the feeling and the conduct of the Ambassador; but to ever convince anyone in Saigon, is a very tough job.

At the same time, we all realize that support by the United States of the Government in Vietnam is heavily premised upon the concept that there is freedom of choice. As the euphemistic saying goes, by Asian standards at least, for the Vietnamese people.

It will be remembered that last time out we did send Members of the House and the Senate and that President Johnson established an ad hoc commission for Vietnam in a few days and made observations on the elections which, interestingly, happened to coincide with those of the mass of foreign observers that it was a reasonably fair election by Asian standards. Five million voters cast their votes, which is a very, very respectable showing.

Here is an effort by congressional action as a culmination of what is going on and some effort to give a report to the Congress which will indicate the nature of the process by which a new president was elected. I think that is desirable and hopeful. No matter how we operate, we at least ought to have the facts as to whether it is a representative government and, if so, to what extent, and as the President has such tremendous power in Vietnam in a nation at war, this is the key function there as far as future U.S. policy is concerned.

So I agree with the Senator from Illinois (Mr. Stevenson) that we ought to do something to show our cognizance of the problem and to have a reasonably authoritative report to the Congress on this subject.

The only reason why I offered my amendment was to avoid the implication which I think exists, and I am sure it was unwritten by the Senator from Illinois in case he has it in the final paragraph (c) which referred to personnel in the language, "including persons speaking the language of South Vietnam."

I have stricken those words in my amendment and put in a separate sentence.

Then the language in the provision of the Senator from Illinois continues:

Such personnel as may be designated by the Commission shall immediately thereafter be sent to South Vietnam to observe the election campaign and the activities of United States agencies and representatives there and shall remain in that country for such period of time as the Commission considers appropriate.

That language I have stricken. The reason why I have stricken it is that it would represent our United States positions in South Vietnam of an official character, other than that of the U.S. Ambassador, and, second, would, in my judgment, charge us with a particularity for what went on there because of the rather activist role of the Commission, which would be highly undesirable.

So, by omitting the language, we leave it to the Commission, which I think has a very balanced form of organization. It will be noted that the Commission suggested by the Senator from Illinois consists of Members of the Senate of both parties and Members of the House of both parties. It would leave this balanced representation to decide how best it can amass whatever facts it can either before or after the event, which will be helpful to the Congress in its own future policy in judging whether or not it was a reasonably fair election, looking into the electoral law which has violated or objected to—and I think quite properly—violations of conditions of approval by Members of the National Assembly or by local legislators on the municipal and local level before a man can stand and make other practices like the continued imprisonment of President Thieu's principal opponent in the last election, which goes on to this day. All these facts should be looked into.

There has been a great frasch there which has come about with respect to members of the assembly. On one occasion a member of the assembly was ar rested for what went on there because of the Vietnamese election campaign and the activities of United States agencies and representatives there and shall remain in that country for such period of time as the Commission considers appropriate.
and that we may go ahead and deal with the substantive issue.

Mr. TOWER. I yield myself 5 minutes.

Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. TOWER. Is the amendment offered to the amendment by the Senator from New York in order, in the absence of an unanimous-consent agreement?

The PRESIDING OFFICER. It is in order to offer an unanimous-consent amendment previously entered into permits amendments to the amendment.

Mr. TOWER. Mr. President, I think this is an extraordinary and important amendment. I think it sets a very bad precedent indeed. I think it smacks of American intervention in an election of what we might call a friendly country, and I think it could be a precedent for our country, perhaps, trying to intervene in the electoral processes of other countries that receive military assistance from the United States. There are many such countries.

The purpose of that this Commission is to be made up of congressional members, specifying three members of the majority party and two members of the minority party, give it, to me, to my campaign chairman and to other apparatus of foreign affairs, to prevent any appearance of being a fishing expedition, or perhaps a political forum. I would certainly be loath to see such a commission appointed that had been established, built-in partisan bias to it.

I think perhaps we would be on much firmer ground if we provided for a commission to be appointed by the President, members of the majority and minority, rather than Members of Congress. But even in that event, I think this is a very unwise thing that the Senator from Illinois proposes here, in getting the United States involved in a foreign election. We might as well involve ourselves in elections in Thailand, in Taiwan, or in Korea. Or perhaps in the elections of our Western敌人, or in any other area, with military assistance in the form of our American forces there.

Also, I think we have to recognize that obviously there are elements in South Vietnam that are friendly to the United States, and there are elements that are somewhat less friendly. I think we should not give the appearance of sending there a commission that might, on the one hand, be accused of whitewashing the Thieu government, in the event it is re-elected, or a commission that might be accused of trying to protect American interests in the event the Thieu government is defeated.

Mr. President, I had in mind the proposing of another amendment to the pending amendment. It would provide for a new section 406, that would allow the Secretary of State to determine whether or not there had been any corrupt electoral practices in Cook County, Ill., over the past decade, and perhaps broach, for the denial of government aid or direct Federal assistance to Cook County, Ill., or any of its political subdivisions, in the event a determination was made by the Secretary of State that there had been such corrupt practices.

I hasten to add, Mr. President, that I have my tongue in cheek in suggesting that, but what I am saying is that we have corrupt election practices in this country. They exist in the State of the Senator from Illinois; they exist in my own State. In fact, I remember, one evening on my campaign chairman in a south Texas county calling me and saying, "You are doing great in the county!"

I said, "I can hardly imagine that. Last time I lost there 13 to 1."

He said, "You are only losing 13 to 1 this time."

We know that corrupt election practices exist in this country. I do not think we can expect a country with the lack of political maturity such as South Vietnam not to have some foibles and weaknesses in its electoral system.

We must remember that not only did the French not develop any native leadership in South Vietnam, they discouraged the development of native leadership. We have been trying to help leadership development. I think that we did previously intervene in South Vietnam, not in trying to promote an election, but in promoting a coup d'etat which threw out the Diem regime. I would just hope that the elections in South Vietnam could be made up of congressional representatives.

Mr. STEVENSON. Mr. President, will the Senator from New York yield to me?

Mr. JAVITS. Very well, I yield 2 minutes to the Senator from Illinois.

Mr. STEVENSON. Mr. President, I would hope that the Senator from Texas would support free, fair elections in South Vietnam, just as we do in Illinois. We have a Voting Rights Act in this country. Congress is on record as promoting free elections in the United States.

The problem is that there have not been free elections in Indochina. The Japanese did not permit free elections in South Vietnam; the French did not permit free elections in South Vietnam; and our own Government has not done so. I think it could to promote free elections in South Vietnam, I say it is time to end that. Surely, there will be irregularities in South Vietnam. All we can do is our best, in this last chance we will have to stay neutral and to give to the people of South Vietnam a chance to choose their own government.

That, I had thought, was our purpose in South Vietnam. I thought it was to insure self-determination and a free choice for the people of South Vietnam.

These are the last elections that will take place in South Vietnam during our military involvement there. It is our last chance to make that purpose good. Besides, I would remind the Senator from Texas that this amendment does not propose that we supervise the conduct of the elections in South Vietnam by the Vietnamese. It is not an act of interference; it is an act of noninterference. The amendment says that we will stay out of their internal political affairs and let them resolve their own differences without interference from the United States. That is what the whole amendment is about. It creates a congressional commission to help implement that policy of neutrality. It is a policy which has been announced by the executive branch, by the Secretary of State, and also by the American Ambassador in South Vietnam.

All this amendment would do is put Congress on record in support of that policy, to help see anything that the executive branch implement that policy.

I agree with the amendment offered by the Senator from New York, and thank him for his contribution to my amendment. I say it is very reassuring to me to have his support. I have no one who has been more concerned or followed our engagement in South Vietnam more closely, including a very recent trip of his own to South Vietnam. He shares the concern that many of us have, including, I think, the executive branch, as to the importance of the forthcoming elections in South Vietnam, not only to the people of South Vietnam but also to the people of this country.

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

Mr. JAVITS. I ask the manager of the bill, Is there any objection to changing the amendment of the Senator from Illinois in this way?

Mr. STENNIS. Mr. President, as I read this paragraph (c) on page 4, these are the employees of a commission that would be sent on in advance, and observe the election campaign and the activities of U.S. agencies, and so forth.

I cannot see any objection to taking that section out. If the Senator from Texas express himself, I think it would be helpful.

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

Mr. STENNIS. I yield to the Senator from Texas.

Mr. TOWER. I would say that that makes the amendment slightly less odious, and I would agree that the amendment may be so modified.

The PRESIDING OFFICER. I object to having a vote on the question of striking that.

Mr. JAVITS. I yield back the remainder of my time.

The PRESIDING OFFICER. Does the Senator from Mississippi yield back his time?

Mr. STENNIS. On the Javits amendment, yes.

The PRESIDING OFFICER (Mr. STEWART). The question is on agreeing to the amendment of the Senator from New York (Mr. Javits) to the amendment of the Senator from Illinois (Mr. STEVENSON).

The amendment was agreed to.

Mr. JAVITS. I thank the Senator. Our amendment contemplates the members of this commission would spend in Vietnam, in the course of their duties? I know the Senator cannot be exact, but can he give us any idea about it?

Mr. STEVENSON. It is very difficult
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Mr. STEVENSON. If I may respond to the Senator, that is one of the reasons for having a staff. Members of Congress do not have the luxury of a staff. The commission itself, the Members of Congress on that commission, would exercise a supervisory role in the main, I suppose, over the activities and the duties of the members of the commission.

Mr. STEVENSON. I thank the Senator. If it is convenient to the Senator, I should like to yield myself a few minutes, Mr. President, when he is ready to yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi has the floor.

Mr. STEVENSON. I yield the floor, on the floor of the Senate, Mr. President. I am aware of the very fine motives of the Senator from Illinois and the Senator from Minnesota. Both are experienced men, and they have very high purposes.

On the other hand, I might be much more limited in my outlook by subject matter such as this, and I might be a little too formal sometimes as to how legislation should originate. But it seems to me that the Senator will remind us, every one of us, in a while what the subject matter of the bill before the Senate is. It involves Selective Servicemen, the services of the President to induct men into our Armed Forces, plus the setting of the manpower levels in the services.

After all—and I speak with great respect to the Senator who, I think is correct here—this is not a South Vietnam bill. A measure of this kind could originate in a committee that at least knew far more about elections and the planning involved than we do here, if we go to bed at 6:30 at night, after a long day. I think the matter deserves more formal consideration than this.

Second, with these busy months, one follows another, and the first thing we know, a year has gone by. I do not think Members of Congress ought to extend themselves with matters of this kind, unless there is something more immediate and more demanding and directly connected with legislation. We are here to legislate. I am not complaining about it, but one reason why this debate has gone on for almost 7 weeks is that we have to wait for someone to get back from somewhere. I think we have gone too far. We ought to be pulling ourselves back into Washington rather than spreading out farther.

This is an important subject. The Senator wants Members of Congress to be over there. I understand the concern there of all the agencies. Who is going to be there, watching us? It is out of our sphere, unless there is something more immediate.

So far as going to that country is concerned, that is one of the ways we got into this war, as I see it. We undertook the idea that we are going to guarantee them the right of self-determination, and one thing led to another. Of course, we are going to be accused by the Communists of doing the evil thing, the wrong thing, the malicious thing, and of having the colonialism approach. We cannot avoid that, but I suggest that one reason why this debate has gone on for 7 weeks is that we would appear that we got there to where we did not want them to hold an election, that we were afraid it would not go right. I think it is one of the things we can stay out of.

I suppose the President, as part of his duties, and the agencies of the Government over which we have supervisory control are going to be on the alert. They are going to be accused of wrong motives, but so would we. That is just another argument for sending a part of Congress over there. So I very respectfully suggest that this is something we can stay out of.

Mr. LONG. Mr. President, will the Senator from Mississippi yield?

Mr. STEVENSON. I yield.

Mr. LONG. If we were planning to leave troops there for 2, 4, 5, or 8 more years, I could understand why we would say that we want to supervise their elections, published there, done by the President by his own declaration to the entire American public, and the Senate's voting here, plan to take troops out and leave the people there to fight their own war. But it is not our business to control their elections when we are pulling our troops out and leaving the South Vietnamese to try to defend themselves.

Mr. STEVENSON. The Senator from Mississippi makes a good point there. I am not sore or bitter about it, but we have told the President, "You adopt this amendment. You adopt that amendment. Hurry up—hurry up—get out—get out."

Mr. ALLOTT. Mr. President, will the Senator from Mississippi yield?

Mr. STEVENSON. I yield.

Mr. ALLOTT. I think very much concerned about this amendment. Although I do not doubt the spirit in which it is offered, looking on pages 4 and 5, which involve the duties of the Commission as outlined there, does the Senator see any thing in those pages that could not be done, for example, under the existing powers of the Committee on Foreign Relations, the Committee on Armed Services, the Committee on Appropriations, or the Government Operations Committee? Any one of these committees certainly has the power to send its members over there and examine it.

One other point. On page 5, it states:

To hold hearings...to sit and act at any time or place...to subpena witnesses and documents.

Now, surely this does not mean that they could do this in South Vietnam. If we are going to invent an incursion into another government of this sort, it seems to me that we are asking for far more trouble than we have developed ourselves in the past 5 or 6 years. It is not our business.

Mr. STEVENSON. I am glad the Senator mentioned that. He makes a good point. I took it that the subpena power would not apply to the Senate and may not apply to the House in South Vietnam. I ask the Senator from Illinois, Is that not correct?

Mr. STEVENSON. The understanding of the Senator from Mississippi is correct. Mr. ALLOTT. Could I propound this question to the Senator from Mississippi?: With the power to subpena witnesses and documents, that would apply only to the United States, would it not? We could not, of course, subpena...
Mr. DOMINICK. Mr. President, I thank the Senator from Mississippi for his kind words. I am of the opinion that we cannot be any more foolhardy than we are in our efforts to determine how to proceed in the face of this very serious situation.

I gather that we do not have any Members who, at the moment, can speak for the South Vietnamese people. We have only supporting personnel. I do not know this for a fact, although perhaps I am wrong and maybe the Senator from Illinois speaks the truth. However, I do not know. But I would suggest that there are very, very few Members of the U.S. Congress, if any, who do speak Vietnamese.

The PRESIDING OFFICER (Mr. CANNON). The time of the Senator has expired.

Mr. STENNIS. Mr. President, I yield 3 additional minutes to the Senator from Colorado.

The PRESIDING OFFICER. The Senator from Colorado is recognized for an additional 3 minutes.

Mr. DOMINICK. Mr. President, then I find on page 4 that this Commission, the South Vietnamese Election Commission, not the American Commission on South Vietnamese Elections, but the South Vietnamese Election Commission comprised of five American Senators and five American Representatives, must make their final report by November 30 of this year. If I have any arithmetic left in my mind, that is about 5 months from now, or a little more than that.

Yet, page 5, under subsection (7), gives the Commission the authority in its discretion to hire people long after the first report has been filed.

So, I really have a great deal of difficulty in finding out why $450,000 additional money would be taken from the American taxpayers to create and involve itself in a situation which I think, in my own humble opinion, is patently in violation of the internal affairs of another nation, is patently wrong in wording, and is patently going to create the impression that we are really over there to do is to some extent or commission particular candidates are eliminated from the election.

I think that is just as wrong as anything that I can think of.

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

Mr. STENNIS. Mr. President, I would be glad to yield to the Senator from Iowa.

Mr. MILLER. Mr. President, I yield the floor to the Senator from Iowa.

The PRESIDING OFFICER. The Senator from Iowa is recognized for 5 minutes.

Mr. MILLER. Mr. President, I send to the desk an amendment and ask that it be inserted.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

On page 3, strike "United" in line 11 and all of line 12 and insert in lieu thereof the following: "the 1971 elections in South Vietnam with a view to determining the degree to which the results as reported in sub-section 401(d) above has been satisfied."

On page 4, immediately before line 13 insert the following:

The documents of the South Vietnamese Government; but if we go over there and subpena and join in what is essentially a Congressional legislative proceeding, I am not sure that we shall not be enforcing ourselves in substantially that same position, would we not?

Mr. STEVENSON. I would ask the Senator from Illinois to respond to that, and we can have an informal debate here.

Mr. STEVENSON. It is true that the services or functions of this Intended commission could be performed by other agencies, including the Foreign Relations Committee which has the subpena power; but the subpena powers in this case would not be enforced in the courts of South Vietnam. They could only be enforced against American personnel and in the same way that they are in the case of standing congressional committees and other agencies of the Government which have subpena powers.

Mr. ALLOT. It occurs to me that if we would appoint such a commission and send it to South Vietnam, whether we try to subpena witnesses in South Vietnam or documents, I assume that we would not be that foolhardy, although we have been extremely foolhardy there in the past. In a foreign country; on the one hand, we say that we should have nothing to do with that country and yet, on the other hand, we are setting up a commission to say, "We are, in effect, coming over here to see that you run honest elections."

I suggest that we must take one of two tacks here. If there is any greater malicious mischief involved that we could perform in the world, it would consist of the appointment of this commission in doing that.

As I say again, the Committee on Foreign Relations can send people over there. They can send a staff. They did that in the 1971 elections in South Vietnam. They could send a staff. They did that. The Government of the United States and the Government of the United States and the Government of the United States, which has the subpena power, but the subpena powers in this case would not be enforced in the courts of South Vietnam. They could only be enforced against American personnel and in the same way that they are in the case of standing congressional committees and other agencies of the Government which have subpena powers.

Mr. STEVENSON. I yield 5 minutes to the Senator from Iowa.

The PRESIDING OFFICER. The Senator from Iowa is recognized for 5 minutes.

Mr. MILLER. Mr. President, I do not want to detain the Senate any longer than may be necessary. I am in sympathy with the idea of yielding back the time when we reach the point where there is no one else who is especially interested in speaking.

Mr. DOMINICK. Mr. President, will the Senator from Mississippi yield me 5 minutes?

Mr. STEVENIS. I yield 5 minutes to the Senator from Colorado.

The PRESIDING OFFICER. The Senator from Colorado is recognized for 5 minutes.
"(d) Such staff and Members of the Commission shall avoid the involvement in elections in South Vietnam in any manner which contravenes the requirement set forth in subsection 401(d) above.

Renumber the following subsection.

On page 4, line 14, strike "July 15, 1971" and insert in lieu thereof the following: "thirty days following enactment of this title".

On page 4, insert a period after the word "Commission" and strike the balance of line 19 and all of line 20.

On page 5, line 6, strike "in excess of one year" and insert in lieu thereof the following: "beyond December 31, 1971".

The PRESIDING OFFICER. There will be thirty minutes time to be equally divided between the mover of the amendment and the manager of the bill. Who yields time?

Mr. MILLER. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from Iowa is recognized for 5 minutes.

Mr. MILLER. Mr. President, the purpose of these amendments is to be helpful to the amendment offered by the Senator from Illinois.

The first goes to page 3, lines 11 and 12. The way the amendment now reads, it implies that the United States would be involved in the 1971 South Vietnamese election observing and studying the 1971 election with a view to determining the degree to which this amendment would be carried out. The elections in South Vietnam in a manner which contravenes this requirement to which I have just referred.

Without such a statement in there, I believe it lays a foundation for someone to say, as has already been said on the floor, that the commission and staff are going to go over there and start telling them how to run their elections. I certainly do not favor that. I believe that by themselves, they can do a better job and indeed the staff of this commission, and indeed the members of the commission themselves, shall not become involved in the forthcoming elections in South Vietnam.

The amendments were agreed to.

Mr. THURMOND. Mr. President, I am opposed to the amendment offered by the distinguished Senator from Illinois (Mr. STEVENSON) as it represents interference in the election of another nation—in this case, South Vietnam.

While the intent of the Senator offering this amendment is sound, the effect of this amendment will be that the United States intends to supervise and control the election of South Vietnam.

Frankly, I doubt seriously that covert funds would be the result of this amendment. I certainly have no objection to any of those amendments. I am willing to accept them.

Mr. STENNIS. Mr. President, I yield back the remainder of my time.

Mr. MILLER. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the amendments of the Senator from Iowa to the amendment of the Senator from Illinois (putting the question).

The amendments were agreed to.

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He called President Thieu “unfaithful, disloyal, and dishonest.”

We should not dismiss these statements as mere campaign rhetoric. Rather, we must look behind this smoking invective to see whether there are fires of discontent. If so, we must not permit the current rulers to smother those flames with repression and censorship.

Already the Saigon Government is trying to suppress its political opposition. The whirlwind visit and packaged briefings now under way will be used to deny people from running for office.

It is a shame that our own country cannot stand as an example of a truly free society, with a truly free press. We are on shaky ground if we complain to Saigon about censorship when our own Government is involved in unprecedented actions to restrict freedom of the press.

I oppose this political censorship wherever it occurs. We should make clear our opposition to it in Saigon and reaffirm our own Constitution in Washington.

In the coming weeks and months we may face other decisions on what kind of support we provide to the current Saigon regime. Although those decisions will probably be made by the President, it is important for the Congress to know what they are, and especially to know the impact they have within South Vietnam. If our impartiality in the South Vietnamese elections was a simple and easy thing to monitor, this amendment would probably not be necessary. But the fact is that we have done and are doing many things which undermine our professions of neutrality.

Last winter the newspapers reported that we were taking public opinion surveys and providing them to President Thieu. These polls are of limited value and do not answer the critical questions which could have been of use to the President in campaigning. As a result of the disclosures, this practice has reportedly been stopped. The commission established by this amendment could verify this claim.

We are also providing funds to build up the Vietnamese national police force, which will increase by over 20 percent in the next year. Yet recent newspaper reports indicate that this police force is being used to harass the regime’s political opponents, develop an intelligence system among the people, and run the sometimes inhumane prison system. These charges need to be examined and American assistance restricted if it is being used to prevent free elections.

Another possible candidate, the current Vice President, said last month that—

Corruption has become . . . an incurable disease.

One of the most notable was the tragic Chau summary arrested on the very floor of the National Assembly on the basis of a very questionable charge of subversive activities. While we are examining the secret records of this war, I think we are also entitled to records of all U.S. dealings in the Chau case. The Congress should know what role the CIA played in this affair, how the one of the most notable was the tragic assassination of a South Vietnamese “double agent” whose crime may not have been his service to the Communists, but rather his loyalty to the non-Communist opposition in South Vietnam.

The American people have earned the right to know this sordid history—earned it with our blood and our own Government moved us into this bottomless tragedy to begin with.

As I said at the outset, Mr. President, the Stevenson amendment cannot assure the freedom of South Vietnam’s elections. It certainly cannot assure that the tortured people of that country will have at last a government that represents their wishes and responds to their needs.

And this amendment in no way commits the United States to endorse or support the outcome of those elections. But if our Government practices blatant interference in the politics of South Vietnam, practices secret support and courting in favor of one faction or another, we will be mocking the death of every American soldier.

I would urge all my colleagues on both sides of the issue of this war—those who believe in any way and those who support the President’s course—to come together to back this common policy of noninterference in South Vietnam’s election.

This is the very least we can do to retrieve the integrity of the purpose for which so many of our sons have been killed in Southeast Asia.

Mr. HUGHES. Mr. President, recent events have raised severe questions about the credibility of the American Government. The deceptions in earlier years of our involvement in Vietnam which have now been revealed have reinforced our uncertainty about promises of neutrality in Indochina.

Now more than ever our people are demanding to know exactly what our Government is doing, so that they may believe what it says.

This amendment regarding the forthcoming Vietnamese elections, offered by the distinguished junior Senator from Illinois, Mr. Stevenson, will provide a test case of our Governments’ veracity.

On April 23 Secretary of State Rogers told newsmen:

We are working diligently on plans to make sure that we not only are fair and impartial to all, but that we are fair and impartial. Already we have sent out instructions to all concerned to make every effort to stay out of internal activity, not to indicate any support for any particular candidate, and so forth.

The Secretary went on to express the hope that President Thieu’s offer to permit observers from other countries will be accepted, and that an amendment establishes a reasonable method for such observation.

Only through direct observation, bolstered by a staff which can remain in Vietnam over an extended period and speak the local language, can the Congress make informed judgments about American involvement in these supposedly free elections.

We in the Congress have a great stake in these elections and in political developments in Vietnam. This year we have been asked to vote another $12 million or so for the war, plus $2.5 billion in military assistance to Indochina, plus $656 million in economic aid to South Vietnam.

Thus it is likely to spend an additional $18 billion to give South Vietnam a chance to survive. If a similar program for American domestic renewal were proposed, we would have numerous studies, extended hearings, and detailed inspections of the developing programs.

We should ask no less from South Vietnam now. We need to know whether our money is going to support or undermine the President’s objectives in that Nation.

Past experience shows that the typical whirlwind visit and packaged briefings are insufficient. In 1967 an official U.S. delegation spent only 4 days in Vietnam. Their conclusions about the honesty of the election were not based on a thorough investigation.

In the past four years, we have become closely identified with the existing regime, and particularly with President Thieu. That is only natural since we are allied in deadly combat, but it also makes it harder for us to stand back and let the people of South Vietnam make their own choices for national and local offices.

Our officials have worked with existing South Vietnamese leaders for so long that they may have forgotten the depth of disagreement and opposition among the people out of power. We must not assume that President Thieu, who achieved that office with only 55 percent of the popular vote, truly represents the views of the majority of the people of South Vietnam.

There is abundant evidence that many South Vietnamese are dissatisfied with the current government. One man mentioned as a possible challenger to President Thieu, Gen. Duong Van Minh, said recently:

The present government, which does not enjoy the trust of the people, though talking about peace, yet in its heart, is afraid of peace.

Another possible candidate, the current Vice President, said last month that—

Our involvement in Vietnam which have now been revealed have reinforced our uncertainty about promises of neutrality in Indochina.
But pending enactment of his proposals, we need firsthand knowledge that our information effort in South Vietnam is not being used to undermine free elections. There is reason to fear partially because of our failure since November when our affairs office openly admitted to Senator Church last year that his mission was—

To assist the Vietnamese Government in developing a means of communicating with the electorate and to provide technical and professional advise.

Mr. President, I underline the word "electorate," for it suggests that our information activities are directed toward political results.

These kinds of current activities which have the effect, if not the intention, of strengthening the existing regime in Saigon must be carefully examined and stopped when they jeopardize our professed neutrality in the elections.

The commission proposed by this amendment will not interfere in the internal affairs of the Vietnamese Union. Its function is precisely the opposite—to prevent interference by any part of the U.S. mission. By studying how our funds are spent and whether they serve our declared objective of neutrality, this commission will make a major contribution to better understanding by Congress and the public of the situation in South Vietnam.

I commend the distinguished Senator from Illinois for taking the lead on this important issue and I urge the Senate to adopt this amendment.

UNANIMOUS-CONSENT AGREEMENT

Mr. BYRD of West Virginia. Mr. President, I thank the Senator for yielding.

I ask unanimous consent that the following documents be printed in the Record:


"There has evidently been some kind of slippage here," an official said.

To KARACHI IN AUGUST

The Padma, the ship that was preparing to sail from New York, is scheduled to arrive in Karachi today. The official prohibition is said to include eight aircraft, parachutes and hundreds of thousands of pounds of spare parts, and accessories for planes and military vehicles.

The Sunderbans, another ship of Pakistani registry, sailed from New York on May 21. It is said to include other items of military equipment for Pakistan, including parts for armored personnel carriers according to an official of the Nixon administration and the accompanying State Department export license. She is due to arrive in Karachi Wednesday.

This equipment has been sold to Pakistan by the United States Air Force under provisions of the Foreign Military Sales Act. After troops of the Pakistani Army, mainly West Pakistanis, were ordered to crush the self-rule movements in East Pakistan last March 25, the State Department announced that all sales of military equipment to Pakistan had been suspended and that the program, approved in 1967, had been placed "under review."

Today, State Department officials, responding to inquiries about the sailings of the Padma and the Sunderbans, said that it remained the official policy of the Administration that sales of all types of military equipment to Pakistan be stopped. They said that the ban imposed shortly after the severe repression of the East Pakistani independence movement by the Army's West Pakistan contingent had been lifted. The State Department estimates that at least 200,000 East Pakistanis have died in the subsequent fighting and about six million refugees have fled to India.

Senior State Department officials said in interviews today that they were not aware of shipments of military equipment to Pakistan after March 25.

They acknowledged that such shipments would constitute a violation of the proclaimed policy.

The State Department officials said they had been informed by the Defense Department that no military equipment under the foreign sales program had been delivered "to the Government of Pakistan" since March 25.

NO EXPLANATION OFFERED

They said the Defense Department "reaffirmed" this policy today in discussions with the State Department. They did not explain how this Pentagon statement could be reconciled with the fact that, according to officials of the Defense Department, the equipment to be loaded on the Sunderbans was received at the dock in New York on April 25 and the equipment for the Padma on May 21.

A communication from the shippers to Lt. Col. M. Amram Baja at the Defense procurement division of the Pakistan Embassy covering the dock receipts for the two ships was sent on May 21.

The Defense Department, asked about the shipments last Saturday and again today, referred all inquiries to the State Department. Officials of the Department have refused to say if the Defense Department has or has not authorization to release information on the shipments.

State Department sources quoted the Defense Department as saying that deliveries to Pakistan had been authorized since March 25 and that the equipment aboard the two freighters had been purchased prior to the official prohibition.

INQUIRY BY SENATOR CHURCH

But they offered no comment as to why the dockside deliveries and actual shipments had happened after March 25.

The State Department has not yet replied to a letter sent on June 17, by Senator Frank Church, Democrat of Idaho, to Secretary of

ARMs TO PAKISTAN REVEALED

Mr. CHURCH. Mr. President, in the New York Times this morning, there is a disturbing report that U.S. military equipment is being shipped to Pakistan in violation of the administration's officially proclaimed ban on such shipments.

I have seen the bills of lading and Air Force delivery listings covering these shipments, and I can personally affirm the accuracy of the Times article.

I have today called upon the President of the United States to direct appropriate U.S. agencies and officials to take prompt action to halt this shipment of military equipment which will still remain within our reach by intercepting and removing them. The Pakistani ship Padma left New York harbor this afternoon and is due, I am informed, to dock in Montreal tomorrow.

If the Coast Guard is unable to intercept the Padma in American waters, then we should solicit the cooperation of the Canadian authorities in recovering these forbidden shipments.

The seriousness of the disclosures by Mr. Tad Szulc of the New York Times is overemphasized. These shipments of arms to the Government of Pakistan are in direct violation of U.S. policy, as declared and defined by the Nixon administration.

In a letter to the chairman of the Senate Foreign Relations Committee on April 23, 1971, the Department of State explicitly stated that—

we have been informed by the Department of Defense that no military items have been provided to the Government of Pakistan or its agents since the outbreak of fighting in East Pakistan. There is nothing new scheduled for such delivery.

Mr. Szulc's revelation contradicts the State Department's official statement of American policy, raising new questions about the credibility of this administration.

At this point, Mr. President, I ask unanimous consent that the following documents be printed in the Record:


Second. A bill of lading from the National Shipping Corp. of Karachi, sent to the Embassy in Pakistan, dated April 17, 1971, covering shipment of military goods aboard the Pakistani ship Sunderbans, which sailed from New York on May 8.

Third. A similar bill of lading, from the same corporation, covering ships-"ments of additional military items on the Sunderbans, dated April 16.

Fourth. A copy of the deck receipt from Pakistan West Marvin 22 agencies, Inc., to the Defense Procurement Division of the Embassy of Pakistan, dated May 21, listing military items received for shipment to Pakistan, apparently on the Padma.

Fifth. A copy of a letter I today sent to President Nixon, requesting that he take necessary steps to enforce his declared policy.

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

[From the New York Times, June 22, 1971]

U.S. MILITARY GOODS SENT TO PAKISTAN

(By Tad Szulc)

WASHINGTON, June 21.—A freighter flying the flag of Pakistan was preparing today to sail from New York for Karachi with a cargo of United States military equipment for Pakistan, apparently in violation of the Administration's officially proclaimed ban on such shipments.

Senior State Department officials, in response to inquiries, acknowledged that at least one other ship was now on the way to Pakistan from the United States to Karachi carrying what they described as "foreign military sales" items.

These items, they indicated, came from excess Defense Department stocks and apparently were shipped as a result of confusion caused by the ban.

Meanwhile, it was reported that a three-month-old ban on shipments of military equipment to Pakistan should be applied.
State William P. Rogers requesting information about the transfer of military equipment" being shipped to Pakistan under State Department licenses.

Sen. Robert J. Dole (R-Kans.), who is a member of the Senate Foreign Relations Committee, advised Mr. Rogers that he understood that the State Department had issued License No. 19242 for some unspecified equipment.

A check of the bills of lading of the cargo aboard the Sunderbans showed that this license covered 21 packages described as "skids and "wooden boxes.

An item described as "crates, bundles and parts" was listed as weighing 14,156 pounds. Other items shipped to Pakistan, begun in 1967, had been running at nearly $10-million a year, according to Robert J. McClintock, coordinator of the State Department's accounting and finance center in Washington, D.C.

The United States agreed in that year to sell "nonlethal" equipment to both Pakistan and India. In part, the shipments were placed on military deliveries after the 1965 Indian-Pakistani war.

In October, 1970, the Administration agreed that an "exception," to sell Pakistan an undisclosed number of F-104 fighter planes, B-57 bombers, and armed personnel carriers by the State Department said today that none of this "exception" equipment had been delivered.

But authoritative sources here, who cannot be identified, said that the flow of military equipment to Pakistan from Air Force sales alone had reached $47,944,781 between March 25 from East and West Coast ports.

The dockside delivery listings for the Sunderbans showed a total of 21 items, including delivery listings, identified on these documents only as cases and cartons of "auto parts and accessories," "skids and parts," "boxes" and "parts.

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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 the President to sell for cash, or otherwise dispose of, United States Government parts; to increase the Commission's appropriation; to change the status of the Selective Service System in the Federal Government; and for other purposes.

Mr. STEVENSON. Mr. President, I yield 5 minutes to the Senator from Michigan.

Mr. HUMPHREY. Mr. President, the arguments that have been presented here this evening by the opposition to this amendment are the most impressive arguments I have heard for it. I am afraid there is still some misunderstanding as to the purpose of the amendment.

The purpose of the amendment is not to interfere with the elections in South Vietnam; it is not to supervise the South Vietnamese; it is not to involve us in South Vietnamese elections or practices.

The purpose of this amendment is stated very succinctly in section 402 where it is stated:---

SEC. 402. It is the sense of Congress---
(a) That the neutrality of the United States will remain an American endeavor, and that American involvement in Vietnam elections be reaffirmed; and
(b) That the President of the United States take all feasible measures to assure the freedom of elections in South Vietnam; that American neutrality and impartiality with respect to such elections and to assure that no United States support in any form will be provided to any candidate, faction, party, or group in those elections.

Mr. President, that is the entire sum and substance of this particular amendment. We will set up some machinery on the part of Congress to see to it that this sense of Congress is actually implemented.

It has been said, and rightly so, that the Committee of Congress could do this in its own right. The Committee on Foreign Relations, or the Committee on Government Operations, or the Committee on Appropriations, or the Committee on Armed Services, and I suppose other committees could send congressional observers and individual Members of Congress could come back and make their reports. But the purpose of this article is to state unequivocally that we, the people of the United States, through the Representatives of the people in this Congress, want to see that the power, influence, resources, the equipment, money, and personnel of the United States presence in Vietnam is not used in any way whoso-
ever to influence the outcome of the elections.

This is a major problem for us because our very presence working in Vietnam, working with the present Government leaves itself open to the criticism that we are trying to help the incumbent. What are we merely saying to the people of South Vietnam, the people of the United States, and the people of the world is that we do believe in self-deter­mination? Is it not, that the United States should help people deter­mine for themselves by our power, in­fluence, and money, what ought to hap­pen to them.

If we will take a good look at the lan­guage, particularly after the amend­ments offered here and accepted, we find a reasonable, sensible, and constructive proposal.

There has been some argument as to why the names of President Thieu and Vice President Ky were referred to. They were referred to simply because they are the people in power.

Other points have been made. The power of subpena has been mentioned. Why the power of subpena? It is not to subpena South Vietnamese records or South Vietnamese personnel, but it is the power of the United States to look into activities of its own representatives, that is, representatives of the Government of the United States. We can do this whether this amendment is agreed to or not.

The prime purpose behind this amend­ment is to formalize in a real and con­structive sense our commitment to im­partiality. I believe it will do Congress a great honor and service if this amend­ment is agreed to.

I say with great respect to those who oppose it that I believe it will be found it is not directed as an insult to the President. To the contrary, it reaffirms what has been stated as our national ob­jective and purpose. It places Congress in the role of being only an observer to the conduct of American personnel in Vietnam in the political process. I do not think it will take an inordinate amount of time on the part of the Congress. With an appropriate staff I think this can be done in a reasonable time.

Mr. President, I conclude by saying that the five Members of the Senate will be appointed by the President pro tem­porum of the Senate. I think we can rely on this distinguished Member of this body to do a good job. The five Members from the House of Representatives will be appointed by the Speaker.

VIETNAMIZATION—IN THE INTERESTS OF THE PEOPLE OF SOUTH VIETNAM, OR FOR THE ELECTION OF PRESIDENT THIEU?

Mr. President, I speak in support of the amendment offered by Senator from Illinois (Mr. STEVENSON) and I and others have introduced. For the past 2 weeks we have been debating the issue of the draft and how American involve­ment in the war in Indochina can be brought to a speedy end. For the past 2 years we have been debating the nature of that involvement, couched in terms which too often resembled the tunes of realpolitik.

I regret to say that insufficient atten­tion was given to the needs and concerns of the people of South Vietnam. Through priority, an amendment and in our own behalf, planning, we, and I mean we—all of us here—allowed our policies in Vietnam to stray from America's finest traditions. We for­got to apply the principle long advocated by America's finest statesmen and the principle of self-deter­mination. It is one thing to strengthen Vietnam for our own interests; it is quite another to strength­en that country for her own behalf.

Vietnamization is a musclebuilding course which the administration tells us is about to come to an end since the South Vietnamese are about to graduate. I find it most reassuring to hear from official quarters that at last, after an all­too-long commitment by the United States, the South Vietnamese will be able to "back it on their own." I find it less reassuring when full realization is given to the precise meaning of Vietnamiza­tion. Aside from the military develop­ment, Vietnamization does not touch upon the political self-deter­mination which I believe should be the focus of our attention. When the Presi­dent explains to us the scorecard of his policy, I think he is referring to the social and political fiber of South Vietnam. He skips over what is perhaps the essence of South Vietnam's future as a country—the upcoming elections at all levels of government.

Ambassador Harriman, who through his experience has a great familiarity with the question of Vietnam, describes very well the kind of government we are supposed to help establish. In testi­mony before the House Foreign Affairs Committee, Ambassador Harriman said:

"In 1967, despite their influence as military and governmental leaders, President Thieu and Vice President Ky received less than thirty-five per cent of the votes cast for civilian candidates who had some sort of peace plan as part of their program. In both the senatorial elections last August gave further evidence of the desire of the people to end the war. Two of three Buddhist state headed by Vu Van Mau re­ceived the highest number of votes. These activities show little willingness to negotiate a settlement."

What I am suggesting is that because of our enormous influence and experience in Vietnam, we can provide certain in­ducement for a more rapid achievement of these goals.

The first step, which are by definition the most elementary, can also be the most consequential. We know that the voter's main plank in "Bao Dai" is to eliminate the unpopular and repressive Thieu government. Without U.S. support the chances for freer elections in South Vietnam would be greatly diminished. A govern­ment elected without the support of the United States would probably be more representative of the people of South Vietnam than the present government: such a government might be more in­clined to negotiate a settlement with North Vietnam and the National Libera­tion Front.

Admittedly, the outcome of such elec­tions is highly speculative. But it is not speculation to assert that the unrepresentative government is unrepresentative and shows little willingness to negotiate a settlement. U.S. neutrality would not as­sure a freely elected government, but it would remove the invisible hand which props up the Thieu government. This amendment is both a symbolic and subst­atical step to guide American policy in a positive direction.

The Stevenson-Humphrey amendment is a first step. It is so easy to take and hopefully, we will all have the courage to do it.

There are other measures which can also be taken. Ambassador Harriman made an excellent suggestion which I would like, Mr. President, to bring to the attention of the Senate:

Presidential elections will take place in South Vietnam in October, following legis­lative elections in August. If the people of South Vietnam are given an unmitigated opportunity to express their will, I do not believe that President Thieu would be re­turned to office. I would expect the election of a candidate dedicated to seeking a com­promise peace. There are, however, a num­ber other possibilities that indicate the unlikeli­ness of an unmanaged election. There is a broad coalition of forces in opposition to the Thieu government, which has failed a number of those opposed to his policies, including the man who came in second in the last presidential election. Ambassador Harriman, a member of the lower house—indeed he was second in the election—has replaced the judge who made this ruling. After his return from Midway, President Thieu an­ounced that he would severely punish all advocates of a compromise government. Newsp­apers in opposition have been closed down.
The election procedures do not protect against manipulation. I believe it is important that the Congress take action to subject the fairness of elections to the scrutiny of all concerned and fair observers. Observers should be dispatched as soon as possible, for what happens between now and the elections is what the voters will be asked to give full access to the political process by all parties and fair campaigning and electoral processes.

Pair and open elections offer the best chance for the development of democracy and a chance for all sides to compete for majority support with social programs, rather than imposing their will by force, repression or terror.

Whether or not the Communists agree to participate in these elections, all restrictions on freedom of speech, assembly and the press should be lifted. Those imprisoned because of political activity should be released; and U.S. military and civilian personnel must refrain from any partisan activity or action that would compromise the elections.

Pursue a permanent cease-fire agreement which both sides accept. This will stabilize the cease-fire and elections, withdrawal of all non-South Vietnamese military forces, and guarantees of no reprisals by either side following the elections and political settlements.

Just as we have refused to take "no" for an answer on the prisoner of war issue, we must undertake a sustained and vigorous diplomatic effort on behalf of the October 7th cease-fire proposals, enlisting the aid of our allies, those of the other side, and the United Nations, to explore openings and induce the warring parties to resume negotiations and consider the accommodations necessary for a just and useful settlement.

Pledge to withdraw all U.S. armed forces from Indochina within six months of the date of the permanent cease-fire agreement. Offer one billion dollars for aid and reconstruction in Indochina.

Mr. HUMPHREY. Mr. President, quite obviously, these proposals go beyond the Stevenson-Humphrey amendment. But they are worthwhile because they focus attention where it ought to be — on the positive. We have proven how well we can fight, and how well we can defend but we have not demonstrated sufficiently we can build peace. We can build peace.

Mr. President, all I am asking today is that we begin the process of construction. We can begin by respecting a policy of seeking an up coming elections in South Vietnam.

Mr. President, I hope the amendment is agreed to.

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

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

The PRESIDING OFFICER. The Senator from Illinois has 2 minutes remaining.

Mr. STEVENSON. I have only 2 minutes remaining. I can give the Senator 1 minute.

Mr. STENNIS. Mr. President, I am out of time. I yield 2 minutes to the Senator from Illinois.

Mr. PERCY. I thank the Senator.

The PRESIDING OFFICER. The Senator is recognized.

Mr. PERCY. Mr. President, first of all, I would like to point out that it is a brave man in public life from Cook County, III., that would get into the question of honest elections and the regulation of elections anywhere else, because of the controversy we have in my county and the county of my distinguished colleague every 4 years.

I would like to commend my colleague, however, for his earnest attempt to do everything he can do to insure the credibility of elections in South Vietnam.

It is extremely important to that country, it is extremely important to our country, and it is extremely important to the free world that we take every reasonable step that we can to insure the credibility of those elections. We should take whatever steps we can to avoid the implication that could be made that the United States would interfere with those elections. The steps suggested in the amendment are reasonable and prudent. They do not constitute interference. They are, as stated a number of times in this Chamber, an attempt on our part to give every assurance and guarantee that although we are in Vietnam in a military way, we are there only to give the people of South Vietnam the right to have a government of their own free choice.

It is for that reason that I intend to support the amendment of my distinguished colleague and I commend him for his initial effort.

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

Mr. MATHIAS. Mr. President, it has been suggested that it would be better evidence of U.S. neutrality in the South Vietnamese election to keep Members of Congress home than to dispatch them as observers in Indochina. There is a certain logic in this, and I would agree if we were bringing home the American troops and bureaucrats now in Vietnam before the date of the South Vietnam elections.

But we are unlikely to do so.

And we are not without experience in our own history of the effect of the presence of a great military organization during an election. These have not been our experiences. We have subjected other people to them without such advantage as we can provide.

I have cosponsored this amendment and urge its support.

Mr. STEVENSON. Mr. President, may I inquire how much time I have remaining?

The PRESIDING OFFICER. The Senator from Illinois has 2 minutes remaining.

Mr. STEVENSON. How much time does the Senator from Mississippi have remaining?

The PRESIDING OFFICER. The Senator from Mississippi has 8 minutes remaining.

Mr. STENNIS. Mr. President, 1 will yield the Senator 3 minutes. If he wishes, 1 will complete my statement.

Mr. STENNIS. Mr. President, I thank the Senator.

Mr. STENNIS. Mr. President, I think we have thrashed this matter out well. I do not want to be inhuman about it or try to wreck the Senate. How about all these agencies of the Government over there now — economic aid, military aid, military forces of our own. We talk about hurrifying people who have been to the States and have been hurrying home. We have just resolved to hurry home even further.

I do not believe there is any place over there for 10 Members of Congress as im-
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portant as their places are here. That may be old fashioned, but I just think our constituents, the people of this large, expect us to stay here and look after their affairs and send our representatives, our staff members, our committee staff members, into these other areas and look after them as much as we see fit.

I would like us to retrace a little and get back to the usual things. I believe if we go over there and have the Congress looking into the elections, and so forth and so forth, the foreigners who will notice us will wonder what those foreigners are doing over there. I think we have overdone this matter. I think we should be prepared, intelligent, and often unidentifiable. We have that chance in the forthcoming elections over there. They have that chance. They have that chance in the forthcoming elections over there.

Mr. STENNIS. Mr. President, will you yield my remaining time?

Mr. BYRD of West Virginia (after having voted in the negative). Mr. President, on this vote I have a pair with the distinguished majority leader (Mr. MANSFIELD). If he were present and voting, I would vote "aye." If I were at liberty to vote, I would vote "nay." Therefore, I withdraw my vote.

Mr. BYRD. Mr. President, I move to reconsider the vote by which the amendment of the Senator from Arkansas (Mr. Fulbright) was rejected.

Mr. DOMINICK. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Berry, one of its reading clerks, announced that the Speaker had affixed his signature to the following enrolled bills:


H.R. 1729. An act giving the consent of Congress to the addition of land to the State of Texas, and ceding jurisdiction to the State of Texas over a certain parcel of land heretofore acquired by the United States of America from the United Mexican States; June 22, 1971.

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. Under the previous order, the Chair lays before the Senate the Amendment No. 126, which will be stated.

The assistant legislative clerk read as follows:

On page 20, line 14, strike out "twenty-sixth" and insert in lieu thereof "forty-five".

On page 21, line 6, strike out "forty-five" and insert in lieu thereof "forty-five".

On page 25, line 5, strike out the period at the end of the sentence and insert in lieu thereof a comma and the following: "subject to the provisions of the second sentence of section (d) of the Act." On page 22, between lines 2 and 3, insert the following:

"(5) Section (a) is further amended by striking out "twenty-sixth" in the last paragraph and inserting in lieu thereof "forty-fifth"."

On page 23, line 3, strike out "(5)" and insert in lieu thereof "(6)".

On page 23, between lines 5 and 6, insert the following:

"(6) Section (c) is amended by striking out "twenty-sixth" each time it appears therein and inserting in lieu thereof "forty-fifth"."

On page 23, line 8, strike out "(7)" and insert in lieu thereof "(8)".

On page 23, between lines 10 and 11, insert the following:

"(10) Section (4)(1) is amended by striking out "twentieth" and inserting in lieu thereof "forty-fifth"."

(11) The third proviso of section (5)(a) is amended by inserting "subject to the second sentence of section (d)" immediately after "That".

On page 23, line 11, strike out "(8)" and insert in lieu thereof "(12)".

On page 23, line 20, strike out "(9)" and insert in lieu thereof "(13)".

On page 24, after the period in line 3, insert the following: "Notwithstanding the foregoing sentence or any other provision of this Act, under any method used for selecting persons for induction under this Act a number of persons shall be selected for induction each year from each age group of persons who are drafted until they are 45 years of age. Presently, we draft 19-year-olds, and 19-year-olds alone. I do not think we need the draft, but if we are going to have it, I think we can have an equitable draft."

I am insisting on a rollcall vote because I think there is one principle at play here, a simple one, and it is that, essentially, we are drafting men and women who served when they were young and fought. They were fighting the wars of old men. Since this is essentially a Chamber of Commerce, of old men, I think we should face up to it.

In the Second World War, we had the draft until 45 years of age. In the First World War, it was 45 years of age. In the Civil War, it was 45 years of age. In the Revolutionary War, it was 45 years of age. So if we need a draft now, let us at least face up to the problem and say that it is good to serve 26, 27, or 28 years of age, it is good for everybody else.

When we talk about the technical requirements to run our Poseidon submarines and missiles, we can do a great deal for the taxpayer by having in the person from the computer room and letting him operate a Minuteman battery. We do not lose; we gain.

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

Mr. GRAVEL. I yield.

Mr. PELL. I think the Senator's idea is excellent. I was particularly struck by the fact that the percentage of those who were veterans who support McGovern-Hatfield is larger in this body than those who oppose it. I think those of us who have been exposed to war generally tend to be more antiwar than those who have not.

Along this line, I want to ask one question: Why limit it to 45? There is useful work that men can do. I think it should apply to all ages.

Mr. GRAVEL. I think the Senator is correct, but I had to rely on historical precedent, and the historical precedent seems to be 45 years of age. I happen to be 41, so when voting for this amendment I will be subjecting myself to some liability.

I have said repeatedly here that if this Nation were at war or under threat of invasion, I would resign my seat to serve. So long as some people feel that we need the draft to defend this country, the least they can do is to establish equity. The amendment why we did not do it is that we know it is politically suspect.

I can term this as an amendment to sort of fish or cut bait. I yield the floor.

Mr. STENNIS. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER (Mr. Boces). The Senator from Mississippi is recognized for 5 minutes.

Mr. STENNIS. This bill is to last for only 2 years but the amendment proposes to raise the age up to 45 years and to make a proportional number of men of various ages, from 18 to 45, subject to call. In the first place, men of these ages, 26 to 45, have already been through the mill once. They have already gone through the period of liability and have merged into another stage or state of life. Of course, we know that as a matter of practical fact, the prime age of service is far less than 45 years. I do not know that there is anything sacred about 25, 26, or 57 years of age, but certainly we are not going to get top military service the first time we draft a man on up into his late thirties or early forties.

The disruptive effect on the Nation's economy would be devastating. Men in that age bracket, of course, have already settled or are semisettled. They are bringing up families. They are important trade workers, heads of labor groups, managing small businesses and playing important roles of leadership in some kind of activity in our society and in improving the economy.

Under this pending amendment, all these men would have to be reclassified, those all over 26, at least, then examined and filtered into the channel of being drafted.

I think other overwhelming reasons are so clear and so weighty, as a practical matter, that for a 2-year period we are not going to take those men who have been through the mill already, and increase the age to 45 and repportion all the calls, What we need are the young fellows who come in here and become technicians and find their slots wherever their talents carry them. We are coming out of a war and not going into one—not right now, anyway.

Mr. TOWER. Mr. President, will the Senator from Mississippi yield?

Mr. STENNIS. I do not think my statement can be interpreted as being self-serving, as I am 45 years old. I am sincere, since I am the only enlisted reservist in the entire Congress, I am probably the oldest bosun's mate, second class, in the entire U.S. Navy. I, like the Senator from Alaska, in the event of the general mobilization, would resign my seat in the Senate and go active duty if physically able to do so.

But I think the pending amendment is
I would call one additional point to the attention of the Senate, that this bill does not place in jeopardy anyone who has already served. It would place in jeopardy those who have not served them. Very, very wisely, we have added a broader manpower pool, a more technical manpower pool, than we presently have and would distribute the discriminatory burden we now place on the 18-year-olds.

Mr. CANNON. Mr. President, I would say the Senate yield for a question.

Mr. GRAVEL. I would be happy to yield to the Senator from Nevada for a question.

Mr. CANNON. Mr. President, the Senator used as one of his precedents for proposing the draft for the 45-year-olds the fact that there was a draft for the 45-year-olds in the Revolutionary War. We did not have a draft during the Revolutionary War.

Mr. GRAVEL. The Senator is correct. We did not have a draft during the Revolutionary War.

Mr. STENNIS. Mr. President, I yield myself 1 minute to say that I think the matter has been well covered before the Senate. I submit what I hope will be an unfavorable vote.

Mr. President, I yield back the remainder of my time.

Mr. THURMOND. Mr. President, the pending amendment would extend the age liability from age 26 to age 45. It would also require that Government draft calls take a proportionate number of men from age groups 18 through 45.

This amendment, offered by the distinguished Senator from Alaska (Mr. GRAVEL) is unworkable and unwise.

The thrust of the point being made by the amendment is that older men should fight older men’s wars. This might be an interesting phrase for a speech, but it hardly deserves serious consideration as part of this Nation’s laws.

There are a number of reasons why it would not work to the best interests of our Nation.

First, the prime age for service is 18 through 26. Men of this age are generally in top physical and mental shape. These attributes are essential to the making of a good combat soldier.

Second, the disruptive effect on the Nation’s economy would be harsh, if men up to age 45 are drafted. Many men of age 26 and older are fathers, heads of important businesses, important trade workers, and heads of top labor groups. To remove these individuals from their positions of influence, it would be to rob the Nation of its leadership.

Third, most men over 26 would have to be located, reclassified, and examined before they were available for service. The new system would be a nightmare for Selective Service in a time when it is reducing draft calls.

Fourth, our current experience shows that we can meet most of our manpower requirements by drafting only to age 26. Only in an all-out-war situation would the Nation be ready to accept the draft of men up to age 45.

Mr. President, I regret this amendment will be defeated soundly. It is nothing more than a move to make the draft more unpopular and appear to be un-
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fair. I urge the Senate to reject this amendment.

Mr. GRAVEL. Mr. President, I would only say that I want to see the war fought by older men also, rather than just the younger men. I am just trying to distribute the burden.

Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Alabama. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. PROUTY. Mr. President, may we have order, please?

The PRESIDING OFFICER. The Senator from Vermont is correct. The Senator will please take their seats. The well will be cleared.

The clerk will proceed.

The legislative clerk resumed and concluded the rollcall.

Mr. President, I move the following resolution, Mr. President, after some consideration, I announce that I was advised by both sides that all Senators had voted, and only for that reason did I think that the tally clerk have the vote announced even though the full 5 minutes had not run.

Mr. STENNIS. Mr. President, I move to reconsider the vote whereby the amendment was rejected.

Mr. BYRD of West Virginia. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BYRD of West Virginia. Mr. President, I move to reconsider the motion on the table.

Mr. STENNIS. Mr. President, I have in my hand a copy of a letter that I addressed today to certain of my colleagues concerning the vote on the cloture motion last Friday. I understand that a copy of it be included in the Record.

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

U.S. Senate,
Committee of Armed Services,

Hon. John L. McClellan,
Chairman.

Dear John: Tomorrow, contrary to my wishes, I shall cast my first vote for cloture, solely in the interest of our national security. I urge you to cast your vote on this motion on the same basis. Allow me to cite the following.

And, while we may all hope for the success of the volunteer force in two years, there is no substitute for the draft at the present time. This induction authority is the driving force for our military manpower by providing not only the draftees, but the draft-motivated volunteers.

Unless this amendment is imposed, thereby permitting this bill to pass, the Senate is confronted with endless weeks of further debate past the July 1 induction expiration date. Without induction authority the manpower input will be insufficient in both numbers and quality to ensure the readiness of our Armed Forces.

I urge cloture and the bill’s passage not because of Vietnam or our position in Europe, but to maintain the degree of military preparedness necessary for this country to protect itself here at home against surprise attack or to meet other unforeseen circumstances. About 42% of all Navy enlistees are draft-motivated volunteers. Moreover, over 20% of a Minuteman missile crew must come from 11 to 15 months of highly specialized technical training before they can be assigned to this nuclear deterrent. About 42% of all Navy enlistees are draft-motivated volunteers. Moreover, over 20% of an entire Polaris submarine crew requires 50 weeks or more of skilled training before they can be assigned to these jobs. The Polaris submarines could not be operated without the 42% portion of the crew which constitutes the draft-motivated volunteers. Because of the long periods of training we must have an uninterrupted input of military manpower.

The extension of the induction authority beyond its present expiration date of June 30 is essential to our national security. I therefore urge you to vote for cloture.

Sincerely,

John C. Stennis,
Chairman.

(B) By unanimous consent, the following routine morning business was transacted:

REPORT OF A COMMITTEE

The following report of a committee was submitted:

By Mr. KENNEDY, from the Committee on Education and Public Welfare, with an amendment:

H.R. 7960. An act to authorize appropriations for the activities of the National Science Foundation, and for other purposes (Rept. No. 92-232).

BILLS AND JOINT RESOLUTIONS INTRODUCED

The following bills and joint resolutions were introduced, read the first time, and referred to the Committee on the Judiciary:

Mr. HATFIELD: A bill to provide for a temporary increase in the membership of the House of Representatives to 437 Members. Referred to the Committee on the Judiciary.

Mr. BURDICK (for himself and Mr. YOUNG): S. 2129. A bill to authorizes the Secretary of the Interior to convey trust title of U.S. Government land within the Devils Lake Sioux Reservation to the Devils Lake Sioux Tribe. Referred to the Committee on Interior and Insular Affairs.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

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

S. 2128. A bill to provide for a temporary increase in the membership of the House of Representatives to 437 Members. Referred to the Committee on the Judiciary.

Mr. HATFIELD. Mr. President, after the recent announcement regarding the official 1970 census, we in Oregon found ourselves in a very unique position. It appears that we were only 255 people away from another congressional seat.

The result of this, in a State such as
Oregon, where the population is growing each year, the decision will be reversed and represented until the next census, when Oregon most probably will gain a fifth congressional seat.

Oregon's respected secretary of State, Mr. Myers, was looking up the hundreds of many people on this issue in an article in the Oregonian. I ask unanimous consent that the article by Mr. Myers appear at this point in the Record.

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

CLAY MYERS SAYS POPULATION JUGGLING MUST PROCEED
(For Clay Myers, Secretary of State)

The President will soon transmit to the new Congress, a statement showing the whole number of persons in each state. This statement will be used as the basis for reapportioning the seats of the U.S. House of Representatives.

The state populations provided for this purpose by the U.S. Bureau of the Census included allocations of U.S. Armed Forces overseas, with personnel and their dependents—population groups, which, in previous censuses, were not included in the apportionment totals. The decision to incorporate these selected groups of the U.S. overseas population in the "apportionment population" appears reasonable, it is the purpose of this statement to call attention to the fact that such decision actually, and paradoxically, compounds certain existing inequities in the method by which the "apportionment populations" of the states are determined.

The vast majority of the population is assigned by the Census Bureau to one "home" or another by common sense observation; yet, the locating, for census purposes, of some part of the population is a less simple matter: the Census Bureau must determine in another, persons on vacation who are away from home and traveling in another state or abroad. Under the "usual place of abode" rule, the location is that at which they are found most of the time, in their home and traveling in another state or abroad, and in military personnel stationed at the locating, for census purposes. Students from one state attending school in another, are "students from one state attending school in another state or abroad, and in military personnel stationed at the locating, for census purposes. Students from one state attending school in another, are "students from one state attending school in another state or abroad, and in military personnel stationed at the locating, for census purposes."

The purpose by the Census Bureau "apportionment population" (i.e., "usual place of abode") the different in the number of persons from other states which it usually does not recognize as residents in its electoral districts. The Census Bureau has included with only a few small military installations (e.g., Oregon, Wisconsin, Connecticut) is a "net exporter" to the nation's total overseas populations. The balance can be added to their respective states, as residents of their "home states" for voting and taxing purposes.

While the decision to incorporate these groups, regardless of which state they were in, the Census Bureau "apportionment population" is the same in the total numbers of persons from other states which it usually does not recognize as residents in its electoral districts. The Census Bureau has included with only a few small military installations (e.g., Oregon, Wisconsin, Connecticut) is a "net exporter" to the nation's total overseas populations. The balance can be added to their respective states, as residents of their "home states" for voting and taxing purposes.

As an example of the application of this "usual place of abode" rule, a student is counted at the college he attends, while a person on vacation is counted at his "home" address.

It is obvious that this rule—however it may simplify the procedure for census purposes—creates an inequity in determining the population of the states, which can be alleviated in the future.

For example, a state with many large military installations (e.g., Georgia, Oklahoma, Texas, California) has included within its "apportionment population" many persons recognized by one state as residents, but not by another state as residents. This state of origin. The balance can be added back into each state of origin after the total continental military personnel are subtracted from the states where they were counted on U.S. bases.

Since the 1980 census, Congress should undertake a very full examination of the issues raised here and provide the Census Bureau with statutory directions in the matter of assigning persons, residing in military installations (e.g., Oklahoma), and because many of the states with proportionately large overseas populations are located along the coastal areas and along other military installations (e.g., Connecticut), the advantage given to some states by the "usual place of abode" rule is politically reinforced by the "usual place of abode" rule used for the "apportionment population" back to their respective states, as residents of their "home states" for voting and taxing purposes.

The argument is that present procedures of estimating the population of each state are based upon considerations of convenience and simplicity and not upon the desire to obtain a more accurate and appropriate representation of the real population. The argument is that present procedures of estimating the population of each state are based upon considerations of convenience and simplicity and not upon the desire to obtain a more accurate and appropriate representation of the real population. The argument is that present procedures of estimating the population of each state are based upon considerations of convenience and simplicity and not upon the desire to obtain a more accurate and appropriate representation of the real population. The argument is that present procedures of estimating the population of each state are based upon considerations of convenience and simplicity and not upon the desire to obtain a more accurate and appropriate representation of the real population.
reminder to the Congress that a complete overhaul is required in the method of determining the "apportionment population" of the states. Such an overhaul of the apportionment procedure is necessary.

Mr. HATFIELD. Mr. President, my colleague in the House, Mr. DELLENBACK, has introduced a bill to correct this inequity, H.R. 4106. He has been joined by Mr. WYATT, Mrs. GRASSO, Mr. STEELE, and Mr. COTTER. Today, my colleague from Oregon, Mr. PACKWOOD, joins me in introducing this bill to H.R. 4106.

The Oregon Legislature reviewed this situation during its recent session, and I ask unanimous consent that House Joint Memorial 4 appear in the Record at this point in my remarks.

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

**HOUSE JOINT MEMORIAL 4**

To the Senate of the State of Oregon and House of Representatives of the United States of America, in Congress assembled

Whereas it is apparent that the process of counting population and the apportionment procedures for seats in the House of Representatives of the United States are in profound need of re-examination which must be undertaken before the 1980 census perpetuates the present inequity; and

Whereas one of the primary purposes of the federal decennial census is to assure the proper allocation of congressional seats; and

Whereas the complicated mathematical formula on which the 1970 congressional reapportionment will be based allow the inclusion of mobile populations, such as students and military personnel, in the state in which they were found when the census was taken notwithstanding the fact that that state may deny to them the right to participate in its election processes; and

Whereas rules of the Census Bureau for assigning to the state to which an individual assigns himself, those "home states" of "usual place of abode" which include students, military personnel and those stationed abroad, are not consistent with the objective of equal representation for equal numbers of persons in each state, and

Whereas the requirement that the "apportionment populations" of the states be used as the basis for determining Congress to add one additional seat each to Oregon and Connecticut.

Therefore, we your memorialists, the Fifty-sixth Legislature of the State of Oregon, in the name of the State of Oregon and the people therein, therefore, most respectfully do recommend and request Congress to add one additional seat each to Oregon and Connecticut.

Mr. HATFIELD. Mr. President, my colleague in the House, the Speaker of the House of Representatives of the United States, and to each member of the Oregon Congressional Delegation:

Mr. HATFIELD. Mr. President, in conclusion, I ask unanimous consent that a background statement prepared by Mr. Clay Myers appear at the conclusion of this debate by Mr. HATFIELD. Mr. President, the testimony by Assistant Secretary of State Jack Thompson before the Oregon Legislature. There being no objection, the material was ordered to be printed in the Record, as follows:

**STATEMENT BY CLAY MYERS**

For Your Information: As you know, Ore­

* * *

**CASE FOR OREGON'S FIFTH CONGRESSMAN**

The President will soon transmit to the Congress of the United States, a bill for the apportionment of representatives. The populations provided for this purpose by the U.S. Bureau of the Census included allocations of U.S. Armed Forces overseas, other U.S. Government overseas personnel, and U.S. dependents-population groups which, in previous censuses, were not included in the "apportionment totals." The Census Bureau's decision to include such groups in the U.S. overseas population in the "apportionment totals" was based upon consideration of the large numbers in such overseas populations, and upon the realization that many persons overseas at the time of the census are recognized as residents by their "home states" for voting and tax purposes (House Subcommittee on Census and Statistics, 91st Congress, 1st Session, hearing record serial No. 21-8).

The decision to incorporate such groups in the U.S. overseas population in the apportionment formula is not only reasonable but also defensible. It is the purpose of this paper to call attention to the fact that such decision accurately reflects the population which many persons overseas at the time of the census designate as "their home." The decision to apportion seats on the basis which many persons overseas at the time of the census designate as "their home." The decision to apportion seats on the basis of the "usual place of abode" which includes students, military personnel and those stationed abroad, is not consistent with the objective of equal representation for equal numbers of persons in each state, and

Whereas the decision to incorporate such groups in the U.S. overseas population in the "apportionment totals" was based upon consideration of the large numbers in such overseas populations, and upon the realization that many persons overseas at the time of the census are recognized as residents by their "home states" for voting and tax purposes (House Subcommittee on Census and Statistics, 91st Congress, 1st Session, hearing record serial No. 21-8).

As an example of the application of this "usual place of abode" formula, let us consider Oregon. Oregon is counted at the college where he attends, while another, persons on vacation are away from home and traveling in another state or abroad, and military personnel stationed at an installation which is not in the continental United States, are entitled to representation under the "usual place of abode." To "place" these "special populations, the Census Bureau has developed a rule of assigning each person to his "usual place of abode." For example, a student is counted at the college he attends, while a person on vacation is counted at his "home." Historically, the "usual place of abode" rule has evolved as the criteria for allocating seats in Congress, and the resulting inequity in representation in the states {House Subcommittee on Census and Statistics, 91st Congress, 2nd Session, House
Report 91-1314, p. 3 et seq.). From 1790, when military personnel were first counted in the states where their installations were located to 1950, when college students were counted at the place where they were found at least nine months of the year, the "usual place of abode" rule has been used. It is, in effect, a mechanical rule which is administratively useful, if not theoretically perfect, way of determining where each person is legally a resident.

It is obvious that this rule—however it may simplify the procedure for census purposes—creates an inequality in determining the voting representation for the various state and national purposes. By the "usual place of abode" rule, many persons recognized by one state as residents are not counted and voted in another state usually as residents of another state, even though the latter state does not recognize them as its "usual place of abode." Therefore, the Census Bureau's "usual place of abode" rule has grown to very significant numbers. Unquestionably, the Census Bureau's "usual place of abode" rule and the "overseas allocation rule" have been affected by the use of the "usual place of abode" rule.

For example, a state with many large military installations (e.g., Georgia, Oklahoma, Texas, California) has included within its "apportionment population" large numbers of persons from other states which it usually does not recognize as residents of the state in its electoral process. On the other hand, a state with only a few small military bases (e.g., Oregon, Pennsylvania, Maryland) has subtracted from its "usual place of abode" the "usual place of abode" rule. It has been estimated that the "usual place of abode" rule and the "overseas allocation rule" have been affected by the signature place rule. The observations offered here on the Census Bureau's use of the "usual place of abode" and the "overseas allocation" rules admit that such rules may be legal exercises of the Bureau's discretionary authority (Supp. U.S. Census Bureau, 1960, p. 713 (2nd 2415)).

Concerning the U.S. Census Bureau's methods for determining seat distributions for the House of Representatives, there is another case before the U.S. House of Representatives on a population which requires discussion: the validity of the apportionment formula. The observations offered here on the Census Bureau's use of the "usual place of abode" rule and the "overseas allocation rule" are in profound need of re-examination and change. The "usual place of abode" rule is the best expression of "one-man, one-vote" in the apportionment process. It is apparent that the whole process of counting the population and the purposes and the apportionment procedure itself are in profound need of re-examination and change.

The military should furnish the state of origin for its personnel. The U.S. military bases, etc. should be counted in the states, the question of which state is the state of origin must be resolved before any apportionment. The military should furnish the state of origin for its personnel. The U.S. military bases, etc. should be counted in the states, the question of which state is the state of origin must be resolved before any apportionment. The military should furnish the state of origin for its personnel.

The House Report of National Academy of Sciences, Fiscal Year 1928-29, pp. 20-23). House Report 91-1314, Appendix B). In 1941, the Congress adopted the "method of equal proportions" as the best method for determining the apportionment of seats in the House of Representatives. This method has been in use ever since, although it has not been without criticism. The "method of equal proportions" is widely accepted on the basis of the population of each state are based upon considerations of convenience and simplicity (55 Stat. 769, Nov. 15, 1941). The method has been adopted by the Congress on the basis of the population of each state are based upon considerations of convenience and simplicity. The method has been adopted by the Congress on the basis of the population of each state are based upon considerations of convenience and simplicity; however, it is not clear which states have accepted it, or the number of states that have accepted it, or the number of states that have accepted it.

In the meantime, a temporary remedy is recommended to correct these serious inequities. The number of seats in the House should be temporarily raised to 437, and the remaining seats be divided between California and Oregon—the two states which are always on the "losing end" of the population apportionment process. The recommendations for apportionment methods are based on the argument that it is theoretically possible to have one seat more than one person in the nation's population, and the rules must be complementary to the purpose of the Constitution.
The House met at 11 o'clock a.m. The Chaplain, Reverend Edward G. Latch, D.D., offered the following prayer:

*Righteousness exalteth a nation: But sin is a reproach to any people.*—Proverbs 14: 34.

Our Heavenly Father, in the opening moment of this session of Congress we stand in reverence before Thee thanking Thee for the leading of Thy spirit in the past and praying that Thou wilt continue to guide us as we face the tasks of Thy presence may be upon us as a source of strength and inspiration.

May Thy blessing rest upon our country, upon every citizen, and especially upon this House of Representatives as they live and labor seeking the upward way for a united people.

Grant, we pray Thee, that the power of Thy presence may be upon us as a nation, enabling us to stand among the nations of the world forever faithful to the ideals of truth, justice, and good will.

In Thy holy name we pray. Amen.

**THE JOURNAL**

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and finds no objection to the approval thereof. Without objection, the Journal stands approved.

**MESSAGE FROM THE SENATE**

A message from the Senate by Mr. Arrington, one of its clerks, announced that the House had passed without amendment bills and a joint resolution of the House of the following titles:

- H.R. 1161, An act to amend section 403 of the Agricultural Trade Development and Assistance Act of 1954, as amended, in order to remove certain restrictions against domestic wine under title I of such act;
- H.R. 1729, An act giving the consent of Congress to the addition of land to the State of Texas, and ceding jurisdiction to the State of Texas over a certain parcel of land hereafter acquired by the United States of America from the United Mexican States;
- H.R. 2111, An act for the relief of Philip C. Riley and Donald F. Lane;
- H.R. 2247, An act for the relief of Marion Owen;
- H.R. 2835, An act for the relief of William E. Carroll;
- H.R. 3292, An act for the relief of Ghoerge Jucu and Aurelia Jucu;
- H.R. 4237, An act for the relief of Robert L. Stevenson; and
- H.J. Res. 556. Joint resolution providing for the observance of "Youth Appreciation Week" during the seven-day period beginning the second Monday in November of 1971.

The message also announced that the Senate had passed with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

- H.R. 6444. An act to amend the Railroad Retirement Act of 1937 to provide a 10 per centum increase in benefits of each covered individual;
- H.R. 8825. An act making appropriations for the legislative branch for the fiscal year ending June 30, 1972, and for other purposes;
- H.R. 8826. An act making appropriations for the legislative branch for the fiscal year ending June 30, 1972, and for other purposes, to request a conference with the House on the disposition of the Senate amendments to the bill (H.R. 8825) entitled "An act making appropriations for the legislative branch for the fiscal year ending June 30, 1972, and for other purposes."