SENATE—*Tuesday, June 22, 1971*

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 on Thee. Thou knowest 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 conflict there may be kept an abiding sense of Thy presence which lifts us above the temporal scene to sense the eternal destiny toward which all events move. Through strenuous and turbulent hours may our hearts, our minds, our judgments, and our speech be steadied by the knowledge Thou dost lead the Nation, even when we are unaware of Thy providential movement. Help us to serve Thee without flinching from duty, and with honor unsullied, that when evening comes and our work is done, we may have a safe lodging and a holy rest and peace at the last.

In the Redeemer's name we pray. Amen.

DESIGNATION OF THE ACTING PRESIDENT PRO TEMPORE

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

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., June 22, 1971.

To the Senate:

Being temporarily absent from the Senate on official duties, I appoint Hon. ERNEST F. HOLLINGS, a Senator from the State of South Carolina, to perform the duties of the Chair during my absence.

ALLEN J. ELLENDER,
President pro tempore.

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

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the House had passed, without amendment, the bill (S. 1732) to amend and extend the provisions of the Juvenile Delinquency Prevention and Control Act of 1968, and for other purposes.

The message also announced that the House had agreed to the Senate amendments to the bill (H.R. 5257) to amend the National School Lunch Act, as amended, to provide funds and authorities to 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. PUCINSKI, Mr. WILLIAM D. FORD, Mr. QUIE, and Mr. BELL were appointed managers of the conference on the part of the House.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Monday, June 21, 1971, be dispensed with.

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

COMMITTEE MEETINGS DURING SENATE SESSION

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

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

MILITARY SELECTIVE SERVICE ACT

QUALIFICATION OF AMENDMENTS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all amendments heretofore filed to the pending bill, H.R. 6531, be considered as having been read to qualify under rule XXII.

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

Mr. STEVENS. Mr. President, a parliamentary inquiry.

The ACTING PRESIDENT pro tempore. The Senator from Alaska will state it.

Mr. STEVENS. Would the Chair inform me what the effect of the last unanimous-consent agreement is concerning rule XXII, that all amendments be considered as being qualified under rule XXII?

The ACTING PRESIDENT pro tempore. That refers to all amendments being considered as having been read under rule XXII.

Mr. STEVENS. I thank the Chair.

Mr. MANSFIELD. Is the Senator satisfied?

Mr. STEVENS. Yes.

TRANSACTION OF ROUTINE MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of routine morning business, not to extend beyond 9:20 a.m. today, with statements therein limited to 3 minutes, before the Chair lays before the Senate the unfinished business.

Is there any morning business?

QUORUM CALL

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.

AMENDMENT OF THE PUBLIC HEALTH SERVICE ACT

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 stated by title.

The legislative clerk read as follows:

H.R. 7736. An Act to amend the Public Health Service Act to extend for one year the student loan and scholarship provisions of Titles VII and VIII of such Act.

The ACTING PRESIDENT pro tempore. Without objection, 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:

On page 4, after line 6, insert the following:

"TRAINEESHIPS FOR ADVANCED TRAINING OF PROFESSIONAL NURSES"

Section 821 (a) of the Public Health Service Act is amended by striking out "for the fiscal year ending 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 4,100 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, "The Health Professions 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 in 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 avoid the disruption that would otherwise occur in these student assistance programs.

In most areas covered by these bills, the lapse would not seriously impede the health manpower situation in this Nation. We can delay construction or initiation of a new program and still avoid lasting harm. But because of the unique time deadlines associated with student loans and scholarships, a lapse of even 1 month beyond the June 30 deadline could be disastrous. Medical schools right now are having to issue acceptances and make commitments of financial aid for the fall term. Similar situations exist, of course, for schools of the other health professions covered by the Public Health Services Act; schools of osteopathy, dentistry, podiatry, pharmacy, optometry, veterinary medicine, and nursing. Without a clear assurance of aid, many students cannot commit themselves to the financial burden required to attend school.

The consequences of this situation are particularly serious because of the extraordinary effort that has been made to increase the matriculation of students from minority and disadvantaged groups—an effort that is almost entirely dependent upon the availability of scholarship and loan assistance.

Currently, Federal grants under the Public Health Service Act's student scholarship program are the source of approximately 50 percent of the scholarship funds available to medical students. Federal funds under the act's student loan program constitute approximately 52 percent of the loan assistance available.

Any significant modification of these programs, or significant delay in their extension thus would have enormous effects. A sharp curtailment of the program would disrupt medical schools' admissions decisions, and would raise an even higher barrier to academically qualified but disadvantaged applicants.

To avoid hampering the distribution of these funds to students and to avoid creating unnecessary hardships for health professions students throughout the country, I urge that this bill be passed by the Senate today, so that the Appropriations Committee can take the necessary steps to provide funds for these programs.

The provisions of the more comprehensive bills will supersede H.R. 7736 when they become effective later this summer.

Mr. President, I now want to briefly describe the one amendment I am offering to the bill. It simply extends for an additional year section 821(a) of the Public Health Services Act in respect to traineeships for nurses. This was inadvertently omitted by the other body and I am assured they will accept this amendment without a conference.

Mr. President, I urge approval of the amendment and the passage of H.R. 7736, as amended.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. JAVITS. Mr. President, I urge my colleagues to support the passage of H.R. 7736 as amended, in order to extend for 1 year the health manpower provision, including nursing, student loan and scholarship provisions of 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 health manpower bill, S. 934, 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 comprehensive legislation on this subject which the committee ordered reported, S. 934 and S. 1747. The comprehensive health manpower and nursing bills are prepared to take into account the enactment of H.R. 7736. 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 the 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 Senator from Alaska is recognized.

(The remarks of Mr. STEVENS when he introduced S. 2110 are printed in the RECORD under Statements on Introduced Bills and Joint Resolutions.)

JOHN BORBRIDGE, JR.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 163, S. 504.

The ACTING PRESIDENT pro tempore. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (S. 504) for the relief of John Borbridge, Jr.

The ACTING PRESIDENT pro tempore. Is there objection to the request of the Senator from West Virginia?

The Chair hears none, and it is so ordered.

The Senate proceeded to the consideration of the bill which had been reported from the Committee on the Judiciary with an amendment on page 1, in line 5, strike out "$1,639.61" and insert in lieu thereof "$1,584.61", so as to make the bill read:

S. 504

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That John Borbridge, Junior, of Anchorage, Alaska, is relieved of all liability for repayment to the United States of the sum of $1,584.61, representing the amount of costs erroneously paid by the United States to move the said John Borbridge, Junior, his dependents, and his household goods in 1967 from Juneau, Alaska, to Anchorage, Alaska, the said John Borbridge, Junior, having made such move to accept a civilian position with the Public Health Service after having been erroneously advised that the Department of Health Education, and Welfare had authority to pay such costs. In the audit and settlement of any accounts in regard to such liability, full credit shall be given for the amount for which liability is relieved by this Act.

SEC. 2. (a) The Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the said John Borbridge, Junior, the sum of any amount received or withheld from him on account of the liability referred to in the first section of this Act.

(b) No part of any amount appropriated under this section shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same is unlawful, any contract to the contrary notwithstanding. Violation of this subsection is a misdemeanor punishable by a fine not to exceed $1,000.

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 the 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.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to have

printed in the RECORD an excerpt from the report (No. 92–173), explaining the purposes of the measure.

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

STATEMENT

An identical bill was approved by this committee and passed by the Senate in the 91st Congress, but no action was taken by the House of Representatives.

The U.S. Civil Service Commission has no objection to the bill as amended.

In its report to the committee on the claim, the Civil Service Commission has said:

The proposed legislation would relieve Mr. Borbridge of all liability for the repayment to the United States of the $1,639.61 erroneously paid by the United States to move him, his dependents, and his household goods in 1967 from Juneau, Alaska, to Anchorage, Alaska, to accept a civilian position with the Public Health Service.

Mr. Borbridge was hired by the Government for the position of native affairs officer with the Alaska Area Native Health Service of the Department of Health, Education, and Welfare at Anchorage, Alaska. The personnel or administrative officer who did the hiring advised Mr. Borbridge that he would be entitled to travel and transportation expenses for himself, his immediate family, and his household goods, and personal effects. Payment was later made by the Government for Mr. Borbridge's expenses incurred in moving from his place of residence in Juneau, Alaska, to his first post of duty in Anchorage, Alaska. Mr. Borbridge was subsequently advised that the payment was made in error and that he would be required to repay the Government.

On February 26, 1969, Mr. Borbridge filed a claim with the Comptroller General for repayment of the transportation expenses. On July 9, 1969, the Comptroller General, in claim No. Z–2379211, ruled that since Mr. Borbridge was not a Federal Government employee when he accepted the position with Public Health Service, and since the position of native affairs officer was not one for which the Civil Service Commission had determined a manpower shortage existed under 5 U.S.C. 5723, Mr. Borbridge was not entitled to payment of travel and transportation expenses to his first post of duty. The Comptroller General further stated that the Government was not bound by the negligence or erroneous acts of its officers or agents and that no authority existed to waive recovery of the erroneous payment.

It is evident that when Mr. Borbridge accepted the position with the Government he did so with the belief that he would incur no expenses in moving his family from their place of residence to his first post of duty. A new employee being hired by the Government for the first time could not be expected to know all the technicalities of the travel, transportation, and appointment regulations. To require him to repay the Government under these circumstances would impose an unfair and unnecessary burden on him.

We have been informally advised by the Department of Health, Education, and Welfare that the proper amount of relief should be $1,584.61 since Mr. Borbridge did not in fact use a $55 authorization for air shipment of personal effects. The Commission would have no objection to the enactment of S. 2834 provided it is amended to grant relief of $1,584.61.

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

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 will be stated by title.

The legislative clerk read as follows:

A bill (H.R. 2036) for the relief of Miss Linda Ortega.

The ACTING PRESIDENT pro tempore. Is there objection to the request of the Senator from West Virginia? The Chair hears none, and it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–167), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, 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 her claims 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 the delivery of her child) to which she was entitled as a recently discharged 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 committee on the bill 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, under the regulations, is effective only with respect to care at a military service medical facility. The regulations specifically exclude payment by the Government 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 personnel) to 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 to the desk of the General Therapy Clinic of the Norton Dispensary and that the clerk on 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 physicians. This would be a most natural thing to do since the Norton Dispensary had no obstetrical capability. The Air Force report states 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 has concluded that an individual facing the problems that Miss Ortega did would 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 the observation that when it is considered that Miss Ortega was led to believe that the Government would pay her civilian physician and hospital bills, she would then not see any reason to consider traveling to March or George Air Force Base for the maternity care she required.

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 limitation 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. If there be no amendment to be offered, the question is on the third reading and passage of the bill.

The bill (H.R. 2036) was ordered to a third reading, was read the third time, and passed.

QUORUM CALL

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 Western Farmers Electric Cooperative of Anadarko, Okla. (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 Corp. of Henderson, Ky. (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 or utilization facilities obtain a site authorization from the Commission (with accompanying papers); to the Joint Committee on Atomic Energy.

ANNUAL CONTRIBUTION TO THE INTERNATIONAL BUREAU 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 Relations.

REPORT OF THE COMPTROLLER GENERAL

A letter from the Comptroller General of the United States submitting, pursuant to law, its report entitled "Audit of the Export-Import Bank of the United States—Fiscal Year 1970" (with accompanying report); to the Committee on Government Operations.

REPORT OF THE ATTORNEY GENERAL

A letter from the Attorney General transmitting, pursuant to law, a report concerning the extension and renewal of the Interstate Compact to Conserve Oil and Gas (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 amend the definition of the word "treatment" (with accompanying papers); to the Committee on the Judiciary.

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 Representatives of the State of Florida; to the Committee on Armed Services:

"RESOLUTION No. 2576

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

"Whereas, General George S. Brown, Commander of the United States Air Force Systems Command has recommended the transfer of the seventeen hundred-man Foreign Technological Division from Wright-Patterson Air Force Base, in Dayton, Ohio, to Patrick Air Force Base, in Brevard County, Florida, and

"Whereas, the mission of the Foreign Technological Division is the gathering, evaluation, analysis and dissemination of information on the aerospace technological developments of foreign nations in order to avoid surprises to the United States, and

"Whereas, the Foreign Technological Division is presently housed in inadequate temporary facilities at Wright-Patterson Air Force Base, and

"Whereas, the construction of adequate permanent facilities to house the complex instruments and equipment of the Division at Wright-Patterson Air Force Base would require over fifteen million dollars in capital outlay, and

"Whereas, permanent facilities adequate for the Division's purposes are presently being used to less than one-half their capacity at Patrick Air Force Base, and

"Whereas, the transfer of this Division will not only save the taxpayers of this Nation several million dollars in immediate capital outlay expenditures, but also will increase the Division's technological capability through its proximity to the facilities and personnel of other aerospace operations in the immediate Cape Kennedy area, and

"Whereas, the climatic conditions of Central Florida provide superior day-and-night visibility conditions for the Division's optical tracking operations, and

"Whereas, the central Florida community at large is space-oriented affording easy assimilation into the area's community activities 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 present and projected curtailment 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 Technological Division of the United States Air Force and urges its early transfer to Patrick Air Force Base, Florida.

"Be It Further Resolved that appropriate copies of this resolution be transmitted to President Richard M. Nixon, Vice-President Spiro Agnew, 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, the House of Representatives concurring therein:

"Whereas, at the first session of the Ninety-second 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 following article 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 seven 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 —

"'SECTION 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 legislation.'

"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 requested to forward to the Administrator of General Services, 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 the Senate and 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 the House on this resolution.

A concurrent resolution of the Legislature of the State of Michigan; to the Committee on Post Office and Civil Service:

"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 only one hundred percent volunteer army the world has ever known. Twenty thousand volunteers were called and two million answered those calls. Four hundred and eighty-three thousand served, and one million five hundred and seventeen thousand were not needed. The men came from all parts of our country, 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 adjusted 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 before the Spanish-American soldier and millions have gone since, yet, he stands unique, distinctive, one who deserves the admiration of all mankind; and

"Whereas, The issuance of a commemorative postage stamp would be a fitting acknowledgement that this country has not forgotten these men; now therefore be it

"Resolved by the House of Representatives (the Senate concurring), That the Michigan Legislature urges the President of the United States and the United States Post Office authorities to issue a stamp or stamps

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

"*Resolved*, That copies of this resolution be transmitted to President Nixon, the Postmaster General, Senators Hart and Griffin, to each member of the Michigan delegation in the House of Representatives, and to the Speaker of the House and the President of the Senate."

"Adopted by the House May 7, 1971.

"Adopted by the Senate May 26, 1971."

A resolution of the Council 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:

H.R. 4848. 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 Salmon Falls division, Upper Snake project, Idaho, 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. 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 expropriates, naturalizes, or seizes American owned petroleum property without adequate compensation, after January 1, 1971. Referred to the Committee on Commerce.

By 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):

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 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 projects and programs subject to certain provisions of that title. Referred to the Committee on Veterans' Affairs.

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 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; 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 for navigation and flood control. Referred to the Committee on Public Works.

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.

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

S. 2125. A bill to amend chapter 19 of title 38 of the United States Code, to extend covarage 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. HARTKE (for himself, Mr. THURMOND, and Mr. STEVENS):

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

By Mr. PEARSON:

S. 2127. A bill authorizing the improvement of certain roads in the vicinity of Perry Reservoir, Kans. 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 expropriates, naturalizes, or seizes 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. Mr. President, last fall I warned of the problems which would result from action proposed by the Algerian Government to assume control of American oil companies on pretext. I pointed out that my State had large reserves of oil and gas. These reserves have been proven even larger than we expected but the difficulties of obtaining transportation to carry our petroleum and gas resources to the market 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.

We now find that over 20 percent of our current demand is being met by imports from Venezuela. Yet, in a series of very revealing articles in the New York Times it has become apparent that Venezuela is quite near to action which is tantamount to expropriation. The hydrocarbons reversion law, action upon which is almost completed by the Venezuelan Congress, would place complete control of all petroleum resources being developed by American and international oil companies in Venezuela under control of the government.

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 America "needs us more than 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 investment 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 in other parts of the country.

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.

Recent events in Venezuela raise serious questions as to its reliability as a future source of supply and as to the wisdom of our placing substantial reliance upon that country. As I previously stated, it has been reported in the press that the Venezuelan Government is considering two sweeping legislative proposals, each of which might have the effect of nationalizing vast sectors of the U.S.-owned oil and gas industry without paying any compensation.

The first proposal before the Venezuelan Congress is described as an orderly "reversion of assets" upon the expiration of American oil and gas conces-

sions. These concessions do not expire until 1983 at the earliest. Yet, the proposed legislation, which is clearly violative of existing concessions and raises serious questions under the Venezuelan Constitution, would appear to give the Venezuelan State the power to nationalize without payment those concession areas so far exploited. The law might also require U.S. oil companies to contribute a percentage of their assets to a fund for the operation, 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 violate international law.

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 ranging from those which would expropriate flared gas to bills which expropriate all gas. Again, either no compensation 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, into law. Enactment of the 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 contemplate such vast and clearly illegal seizures of U.S. owned property? The answer, I believe, is found in the prevalent view in Venezuela and to some extent throughout the world that the United States is helpless and will not object. The Venezuelan Government, which through taxes and other assessments already skims off 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 reports 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 in the short run. If we are willing to develop the vast resources in my State of Alaska and under the coastal seabed and elsewhere, we can provide for our longrun needs as well. 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 illegally deprive us of our properties, 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 international law. We should not allow any country to deceive itself into thinking that the United States will ignore the rights of its citizens abroad as well as its own vital interests in secure sources of fuel supplies. We should certainly not allow the U.S. market to continue to be available to those who seize U.S. property abroad.

I introduce a bill which will prohibit 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 natural gas from a foreign country without first having secured an order of the Commission authorizing it to do so. The Commission shall issue such order upon application, unless, after opportunity for hearing, it finds that the proposed exportation or importation will not be consistent with the public interest. The Commission may by its order grant such application, in whole or in part, with such modification and upon such terms and conditions as the Commission may find necessary or appropriate, and may from time to time, after opportunity for hearing, and for good cause shown, make such supplemental order in the premises as it may find necessary or appropriate.

The proposed bill, which adds a proviso to section 3 of the Natural Gas Act would prohibit the Federal Power Commission from approving an importation from any country which has expropriated American owned property in the petroleum industry of that country. Once such an expropriation or seizure takes place, no importation from the expropriating country could be approved by the Commission 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 agencies in the administration of the importation of petroleum. As before, the Oil Import Administration under executive order pursuant to the national security provisions of the Trade Expansion Act would retain its responsibility for the conduct of our oil import program.

Over the years, Venezuela has been a reliable source of supply in time of war and peace, and a close friend of the United States. We hope to continue this mutually beneficial relationship. We ask only that the Venezuelans not take for granted their substantial access to the U.S. petroleum market and that Venezuela treat American investors and American consumers fairly.

I ask unanimous consent that the text of the bill I am introducing today be printed in the RECORD immediately following my remarks and that a series of articles from the New York Times be printed in the RECORD immediately following the bill.

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

S. 2110

A bill to amend section 3 of the Natural Gas Act of 1938, to prohibit importation of petroleum from any country which expropriates, naturalizes, or seizes American owned petroleum property without adequate compensation, after January 1, 1971

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3 of the Natural Gas Act of 1938 (15 U.S.C. 717(b)) is amended by adding at the end thereof the following proviso:

"*Provided,* That no importation shall be approved under this or any other section of this Act and importation of any other petroleum including crude oil or petroleum products shall be prohibited if such import originates in a country which, itself or through an agent or subdivision, after January 1, 1971, has expropriated, nationalized or seized ownership or control of, or has taken other measures which have the effect of expropriating, nationalizing, intervening, or seizing ownership or control of American owned petroleum or petroleum properties within such country, and adequate and effective compensation has not been paid therefor. As used in this proviso, American owned petroleum or petroleum property means any property, right or interest in petroleum or petroleum property owned by any United States citizen or by any corporation, partnership, or association not less than 50 per centum beneficially owned by United States citizens. Implementation of this proviso insofar as it relates to the prohibition of the importation of crude oil or other petroleum products (except natural gas) shall be carried out according to existing law and regulation."

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

OIL MEN ASSAY VENEZUELAN BILL

(By William D. Smith)

The international oil industry, still recovering 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 dilemma is Venezuela. The "domino" theory still has credibility in the international oil business, 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 guidelines 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 almost certain before July 5, Venezuelan Independence Day.

The idea of the concessions' reverting to state ownership in 1983 and 1984 is far from new; it was embodied in the Venezuelan Hydrocarbons Law of 1943. The provisions of the present bill, however, appear to go far beyond simple reversion to Government ownership. They could be construed, according to some sources, as meaning immediate Government control of the companies' operations.

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 may immediately inspect and control the properties to assure that they revert in good working order. Beyond this, repatriation of earnings might be subject to Government control while questions of where and when to drill for additional oil might be taken from the hands of the companies.

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 bond of about $500-million to insure 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.

Robert N. Dolph, president of Creole, 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 Rodriguez, 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 vast properties 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 while taking out 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 desulphurization additions to their refineries.

No matter what happens, it seems highly unlikely that Venezuela will stop being the largest single foreign supplier of oil to the United States. The vast energy appetite of the United States virtually assures at least the intermediate future of this relationship.

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 moves, according to John Lichtblau, head of the Petroleum Industry Research Foundation.

EFFECT ON CONSUMERS

The immediate implications to consumers in the United States do not appear to be of any great magnitude. The most significant is the possibility that the oil companies will pass on the cost of any Government bond to consumers, as they did tax increases by Teheran and Tripoli.

In terms of worldwide implications there may be some cause for concern. The concessions in Iran run out in 1978, although the oil companies have an option to renew—something the companies do not have in Venezuela. The Shah of Iran has already indicated that the renewal clause may not be honored.

Some economists said yesterday that, if Venezuela began to take control before expiration of the concessions, there was little doubt the Shah would be far behind. Countries in which concessions run out even further in the future may follow suit and the worldwide concession system that has been the standard for the international oil industry almost since its beginning will be ended or greatly changed.

BALANCE OF POWER

So the companies, which in Iran and Libya saw the balance of power at least temporarily 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 completely bearish 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 1¾ to 76⅛, Mobil dropped 2¾ to 53¾, and Royal Dutch slipped 1⅝ to 43⅛.

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 irresponsible is put in charge we are all in for trouble."

Ambassador Sosa commented that, no matter what the ultimate wording of the bill, the Venezuelan Government would guarantee rights and justice for all parties involved.

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

VENEZUELA NEARING TAKEOVER OF OIL OPERATIONS

(By H. J. Maidenberg)

CARACAS, VENEZUELA, June 17.—The Venezuelan Congress, in an unusual display of unity, 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 will be under the direction and review of the Government until the concessions expire. For example, the state would have the right to tell the companies where 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 concession—not just the actual oil fields. This could affect the flow of dividends and other funds normally repatriated by foreign concerns to their home countries.

Intensive efforts by the petroleum industry to soften the law are being hobbled in large part by Washington's apparent disinterest in the fate of the largest single United States investment in Latin American, 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 $5-billion and $10-billion. Over all, the United States direct investment in Latin America is estimated at roughly $13-billion.

Venezuela is one of the world's leading petroleum exporters. About 60 per cent of the 3.7 million barrels pumped each 24 hours is shipped to the northeastern United States. Petroleum also represents 90 per cent 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's 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 45 per cent of total Venezuelan production.

Passage of the Hydrocarbons Reversion Law, moreover, is expected to pave the way for other pending legislation concerning foreign investments here. These range from cornflakes factories to automobile plants and are valued further at several billion dollars.

Most foreign oil concerns had long expected to lose their properties after the 40-year concessions end starting in 1983. "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 of petroleum in war and peace and have traditionally been a good host to foreign investors, particularly those from the United States.

"What the Venezuelans, in their present anger at Washington, don't seem to understand, however, is that Washington's attitude of indifference to them is not unique. It is part of their studied indifference to all Latin America nowadays. We get the same treatment up there and often wonder if the policy makers, assuming there is a policy, know where Latin America is."

As for the Venezuelans, President Caldera told his countrymen in a television broadcast last week: "We are tired of trying to seek a fair share of the United States 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 previous governments had said that the concessions would not be renewed.

Consequently, President Caldera announced he would support the measure. So did almost all other important political figures. The 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 inserted and 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 Christian Democratic party, Aristiees Beaujon, the other day when he said: "What we are after is to make the law invulnerable to attack and criticism, and therefore we are seeking to clear up some aspects that could fall under the category of dubious legality."

ANTI-U.S. FEELING

Although many Venezuelan leaders privately have voiced doubts about the law, the rising tide of nationalism and anti-Washington sentiment throughout Latin America inhibits open opposition.

One Venezuelan businessman said today: "I received a call from the North American Chamber of Commerce a short while ago. While we were talking, a voice came between us and shouted: 'Yankees, go home.'

"That is unfortunately the sentiments that we are hearing more and more these days in Venezuela. It is unfortunate, but Washington shares a lot of the blame for the growth of anti-Yankee feeling here."

Many people in the foreign business community here believe that, if the Hydrocarbons Reversion Law passes in its present form, many foreigners will indeed be going home.

COMPANIES REMAIN SILENT

The Standard Oil Company (New Jersey), parent company of Creole; the Asiatic Petroleum Company, representing the Royal Dutch Shell Group in New York; the Mobil Oil Corporation; Texaco, Inc., and the Gulf Oil Corporation all declined yesterday to comment on the situation in Venezuela.

[From the New York Times, June 21, 1971]

OIL MEN DREAD COMING DAYS IN VENEZUELA

(By H. J. Maidenberg)

CARACAS, VENEZUELA, June 20.—Time was when foreign oil men here looked forward each year to June 24 and July 5, Venezuela's big patriotic holidays. It meant two more days at the beach or golf course. Their only concerns then were the weather and the traffic.

This year, however, stunned foreign oil men dread both dates because President Rafael Caldera hopes to mark either holiday by signing a law that would end foreign control of 98 per cent of Venezuela's petroleum output.

All that the foreign oil companies could hope for this weekend is that the Congress here would not, for political reasons, give the President so timely a gift on either day and thus afford them some more time to try to persuade the lower house to soften the measure, known as the Hydrocarbons Reversion Law.

As it is, the bill passed the Senate unanimously late last week. No political party or leader has voiced opposition to the measure. And Venezuela's Congress is unusual in Latin America in that it dictates its wishes to the executive branch.

The new law, what it means and how it evolved also holds profound importance not only to United States oil producers and consumers but also to owners of several billion dollars in other North American investments in Venezuela. The impact of this legislation in other more unstable and more restless countries of South America can only be imagined.

Measures pertaining to state control over many other sectors of the foreign investment community are waiting in Congress here until the Hydrocarbons Reversion Law is passed.

These include bills that would control the largely foreign-dominated pharmaceuticals, natural gas and accounting firms, to mention a few other industrial and business sectors.

A law "Venezuelizing" the foreign banking community has already been passed.

Returning to the pending legislation, the bill was introduced by left-wing political parties, including Communists, last March 29. On the surface it was meant to define the process by which the bulk of the 40-year oil concessions were to revert to 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 Communists also did not think the bill unusual.

TIMING IS FACTOR

Some political observers maintain that the bill's supporters had promised 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. It was there that the liberator of much of Spanish South America, Simon Bolivar, led his rebel forces in the decisive battle against the royalists. The victory led to the declaration of independence here on July 5 of that year 1811.

In any event, the bill introduced three months ago was ignored 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 to 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 $500-million and $1-billion in a special central bank fund to guarantee that the wells, pipelines, refineries and "any properties connected with hydrocarbons" be kept in perfect condition up to the day they revert to the state.

Dividends and other profits normally repatriated by foreign oil companies to their parent concerns would be subject to central bank approval.

OIL MAN COMMENTS

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

Creole, which is 95 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 producers here, are second with about 6 per cent each of the total output. Over-all, United States companies accounts for 71 per cent of the 3.7 million barrels produced in Venezuela each 24 hours. The domestic United States output, by way of comparison, is estimated at almost 11 million barrels of 42 gallons each daily.

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. HANSEN. 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.

The bill 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 principally 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 bountiful 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 testified 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 5-year, $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. And the U.S. Congress is being implored 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. concessions.

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 that lays 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 to 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

from expropriated U.S. and French properties.

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 carrying the major burden of rebuilding 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 the U.S.A. was like sleeping 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 Canadian restrictions on U.S. 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 the only reason for the small price differential that now exists between U.S. and Canadian crude.

Canadian gas is now higher than the comparable delivered price of U.S. gas.

The proposed deals for Algerian gas delivered to the east coast to three different companies runs about 80 cents per thousand cubic feet compared with present delivered prices of less than 40 cents. The average wellhead price of U.S. gas committed to interstate distributors is less than 20 cents and even if FPC authorizes pending applications for increases would still be far under the comparable delivered price of liquefied natural gas from any foreign country.

So, Mr. President, where is the incentive for the exploration and development of the vast resources of oil and gas still undiscovered in the United States both onshore and offshore and in Alaska? Do we buy this contraband produced from expropriated U.S. developments at more than twice the price of our own product when those who should know—the American Association of Petroleum Geologists, the Potential Gas Committee of the Colorado School of Mines and others—say there are vast undiscovered deposits of both oil and gas in the continental United States, the Outer Continental Shelf, and Alaska—enough if we are willing to spend what it will cost to find it to furnish the United States its needs far into the future.

Even at the costs of developing these resources, the security of sources under U.S. control are, in my opinion, more than worth the effort and by the time they are developed may be even cheaper than either foreign oil or gas.

And I am talking about economic security as well as military security.

Foreign-produced oil and oil products now account for about a fourth of U.S. oil requirements and 10 percent of our energy. To me, that is already too much. Further reliance, unless we get on quickly with an accelerated domestic exploration and development program, could place U.S. industry in a more precarious position.

U.S. resource experts say our excess oil-producing capacity is about gone. There is already a gas shortage. In spite of stepped-up research efforts in nuclear and synthetic fuels research and development, it will be many years before these can make up the continuing increase in demand for oil and gas.

It is time that we faced reality. And it is time that some of our trading partners who threaten to take over U.S. oil, gas, and other mineral industries faced reality. This country still can exercise some choices and options and it is time that it did so. The bill introduced by the Senator from Alaska, which I am cosponsoring, will possibly convince some of our friends in Latin America and elsewhere that you can kick Uncle Sam around until he is forced to protect himself.

By 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):

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 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 projects and programs subject to certain provisions of that title. Referred to the Committee on Veterans' Affairs.

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 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; 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 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 cosponsors, 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. Cosponsoring these measures with me are Senators HATFIELD, HUMPHREY, KENNEDY, MATHIAS, MCGOVERN, MOSS, PEARSON, PROXMIRE, RANDOLPH, TAFT, TOWER, SCHWEIKER, and WEICKER.

This proposed recycling is 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 Mr. Frank Cummings, my administrative assistant, showing how the different areas in which there is procurement are affected. There are 19 such measures, and the aggregate expected budget outlay affected for 1972, as I have stated, is $31.-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 unfortunately, 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.

Accordingly, I send to the desk a series of bills and amendments, each amending and authorizing law or amending a bill to extend or amend such a law, and providing that each Federal construction or procurement contract shall contain a clause which would require the use of a reasonable percentage of recycled material, as determined by EPA.

Recently, the President suggested that GSA purchase recycled paper so as to use Federal purchasing power to increase the market and use of recycled material. These bills and amendments are 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 first, to allow a number of committees and Congress as a whole to consider this important issue, and second, to increase the chance of attention and action on at least some of these measures.

Each of these bills and amendments include 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 the basic material itself, which is normally recycled by the producer in any event.

Mr. President, I ask unanimous consent that there be printed 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 I.)

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 printed 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 agency 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, or be composed of, recycled materials in such percentum as is required by order of, and under regulations prescribed by, the Administrator of the Environmental Protection Agency for the purposes of this section and the Solid Waste Disposal Act. The Secretary shall require that any contract, invitation for bids, or purchase order issued or executed for the procurement or production of such materials or products shall provide for such percentages of recycled materials as are required by the appropriate determination of the Administrator pursuant to paragraphs (b) and (c) of this Section.

(b) *Determination by Order of the Administrator of Environmental Protection Agency.* Before expending or contracting for the expenditure of any funds authorized to be appropriated by this Act for the purchase or production of materials or products, the Secretary (or designation for head of Agency administering program) shall (i) submit to the Administrator of the Environmental Protection Agency, an estimate of the nature and quantity of each such product or material to be purchased or produced, and (ii) request the Administrator to issue an order determining the percentage of each such product or material which could feasibly and economically be required to consist of or be composed of recycled material.

(c) *Determination by Regulation of the Administrator of the Environmental Protection Agency.* The Administrator of the Environmental Protection Agency may, in lieu of the proceedings provided in paragraph (b) of this Section, provide by regulation for a particular percentum of recycled material to be included in the procurement or production of a particular product or material.

(d) *Definition of "Recycled Material."* For purposes of this Section, the term "recycled material" shall mean any material, including but not limited to paper, rubber, steel or any other metal or glass, which has previously been used in the production of goods 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

Amends		Estimated budget outlay—fiscal 1972
BILL NO.		
S. 2111	Public Works and Economic Development Act of 1965	$132,000,000
S. 2112	Airport and Airway Development Act of 1970	392,000,000
S. 2113	Federal Aviation Act of 1958	392,000,000
S. 2114	Laws relating to reclamation	264,100,000
S. 2115	Administration of National Park Service	59,500,000
S. 2116	Land and Water Conservation Fund Act of 1965	60,500,000
S. 2117	Title 39., United States Code (postal facilities)	236,100,000
S. 2118	Title 38, United States Code (VA hospitals and construction).	7,500,000
S. 2119	Title 23, United States Code (highways and Forest Service roads).	4,724,700,000
S. 2120	Department of Agriculture Organic Act of 1944	580,000
S. 2121	Public Buildings Act of 1959	216,600,000
S. 2122	Appalachian Regional Development Act of 1965	$3,225,000,000
S. 2123	Public works projects on rivers and harbors for navigation and flood control.	945,000,000
AMENDMENT NO.		
No. 218	H.R. 8687 to authorize appropriations for military procurement.	13,943,000,000
No. 219	S. 958 to authorize appropriations to AEC	217,000,000
No. 220	S. 1012 to amend Federal Water Pollution Control Act	15,000,000
No. 221	S. 1013 to amend sec. 8 of the Federal Water Pollution Control Act.	2,000,000,000
No. 222	S. 1531 to authorize construction at military installations	2,171,500,000
No. 223	H.R. 7109 to authorize appropriations to NASA	2,753,500,000
Total		31,363,580,000

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.

SERVICEMEN'S, VETERANS', AND EX-SERVICEMEN'S DRUG TREATMENT AND REHABILITATION ACT OF 1971

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. 9265, 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 stationed there. Estimates are that up to 15 percent of the GI's in Vietnam or recently returned from Southeast Asia have become heroin addicts—a tragic and frightening statistic.

Mr. President, heroin 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 a diminishing combat role. New tensions arise, withdrawal symptoms, so to speak, of our withdrawal from Southeast Asia.

I have been pleased to see the President, in recent days, announce a new drug program for GI's, which stresses

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 and rehabilitation for all who are or who have served in our Armed Forces. I do not believe we can be content merely to focus our efforts on the men who will be leaving Vietnam in the future or who are still on active duty.

For that reason, Mr. President, I am today introducing comprehensive legislation on which will be directed to the needs of all servicemen, veterans, and ex-servicemen. It is aimed at extending 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 which has been adopted is directed 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 law, but there must be 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, corrective, and preventive counseling, guidance, training, and other rehabilitative services—to any member of the armed services determined by the Secretary of any branch of the service to have a drug abuse or drug dependency condition. 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 rehabilitation facility for the same treatment as that received by the active duty serviceman.

Through these procedures, Mr. President, we direct our efforts, not only to those who have recently come under the influence of toxic drugs, but also to those who, for a variety of reasons, find a release in narcotics after returning to civilian life. Many of these men, physicians tell us, have been profoundly affected by their military experience and are casualties of war, regardless of their civilian status.

This bill, 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, the agency most 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. 2126. A bill to amend title 38, United States Code, to authorize the issuance of National Service Life Insurance to prisoners of war, and for other purposes. Referred to the Committee on Veterans' Affairs.

Mr. HARTKE. Mr. President, I am today introducing a bill for myself and Senator THURMOND making available an additional $10,000 of National Service Life Insurance to prisoners of war.

Prisoners of war, internees and hostages have been a tragic consequence of warmaking throughout history. They have been the subject of many agreements between military commanders and nations from informal understandings on the battlefield to international accords such as the Geneva Convention.

The major concern in the past has been with the prisoner of war only while he was interned; the question now is how to bring him home safely and how to ease his family's suffering until that time.

Last year, Congress moved to broaden our policy regarding aid to POW's by authorizing educational assistance and home loan benefits to their families. The Defense Department over the past few years has also moved to extend assistance to families of Vietnam POW's through housing and pay allowances. This bill carries this policy one step further by making $10,000 additional National Service Life Insurance policies available to American POW's of the Vietnam period.

Concerning the Vietnam era, the most reliable information we have indicates there are over 1,600 American servicemen reported missing in Southeast Asia. Of this number, some 460 men are now considered to be prisoners of war. The economic hardship which their absence brings upon their families is added to by the uncertainty which lingers as to their status. More than 2,600 primary and secondary next of kin along with thousands of children and other close relatives have endured this tragic state of uncertainty.

The families of those interned in POW camps should be given the comfort of knowing that this extra insurance coverage is available now. We should not wait until some return or others are reported dead. These men are eligible for service disabled veterans' insurance if they return disabled, and the regular servicemen's group life insurance. But, this Nation owes them more than just "regular" or disabled coverage. These men are giving years out of their lives. These are the years that their families spent in desperate hope that they will return. It is my hope that this bill will in some small measure, make these years of desperate worry and the possible tragedy of death somehow easier.

We owe this same debt to the nearly 150,000 men who have been POW's in World War II and the Korean conflict. My bill also proposes to recognize the hardship they, too, suffered by opening to them the chance to apply for this insurance. The veterans' programs of this country have set a model for the world in showing that we care for our men not only while they make headlines in war or as prisoners, but as members of our society who deserve our thanks and support over the whole range of their problems. This bill will strengthen that commitment and show our servicemen and their families that their sacrifice is not forgotten and their hardships not ignored.

Mr. President, I ask unanimous consent that a section-by-section analysis of the bill be printed at this point in my remarks.

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

ANALYSIS OF POW INSURANCE BILL

Section 1 of the bill would authorize the issuance of National Service Life Insurance to prisoners of war who have been discharged from the active military and naval service under other than dishonorable conditions, and who while in such service were held as prisoners of war for ninety (90) days or more by specified governments during World War II, the Korean Conflict or the Vietnam era, including persons who were detained or interned by the People's Republic of China or other hostile forces during such period. An application and payment of premiums would be required, but the insurance would be issued without proof of good health. If a former prisoner of war was shown by evidence satisfactory to the Administrator of the Veterans Administration to have been mentally incompetent during any part of the one year period during which application could have been filed for the one year after removal of such disability whichever is the earlier date.

Section 1 (b) of the bill provides that the insurance issued thereunder shall be on the same terms and conditions as standard policies of National Service Life Insurance with certain specified exceptions. The exceptions are as follows:

(1) five year level premium term insurance may not be issued,

(2) the net premium rates shall be based on the 1958 Commissioners Standard Ordinary Basic Mortality Table,

(3) all cash, loan, extended and paid-up insurance values shall be based on the 1958 Commissioners Standard Ordinary Basic Mortality Table,

(4) all settlements on policies involving annuities shall be calculated on the basis of The Annuity Table for 1949,

(5) all calculations in connection with insurance issued under this section shall be based on interest at the rate of 3½ percentum per annum,

(6) waiver of premiums pursuant to section 712 of this title shall not be denied on the ground that the insured's disability became total before the effective date of his insurance,

(7) the insurance shall include such other changes in terms and conditions as the Administrator determines to be reasonable and practicable,

(8) the insurance and any total disability income provision attached thereto shall be on a nonparticipating basis and

(9) all premiums and other collections on insurance granted under this section and any total disability income provision attached

thereto shall be credited directly to a revolving fund established in the Treasury of the United States, and all payments on such insurance and any total disability income provision attached thereto shall be made from that fund.

Appropriations to the revolving fund are authorized.

Section 1(c). This section authorizes the Administrator to set aside out of the revolving fund such sums that are required to meet the liabilities under the insurance which authorizes the Secretary of the Treasury to invest in and to sell and retire special interest-bearing obligations of the United States for the account of the revolving fund. These obligations will have maturities fixed with due regard for the needs of the fund and shall bear interest at a rate equal to the average market rate yield on a specified formula set forth in the section.

Section 1(d) of the bill would automatically insure any person other than a person referred to in Section 107, title 38, United States Code, who is held as a prisoner of war for ninety (90) days or more by the Government of North Korea, the Government of Vietnam or the Viet Cong forces during the Vietnam era or who is detailed or interned by the People's Republic of China during such era. The prisoner of war shall be deemed to have applied and to have been granted $10,000 National Service Life Insurance. The insurance would be effective at the date of their capture whether such date was before or after the date of the enactment of the bill, notwithstanding any other provision of law, including those limitations in sections 703 and 741 of title 38, United States Code which limits the maximum amount of U.S. life insurance and National Service Life Insurance that may be carried by any one person at one time to $10,000. The insurance granted under this section would remain in force and premiums thereon would be waived during the period such person was held as a prisoner of war or was so interned or detained, and for 6 months thereafter. The insurance would cease and terminate at the end of such 6 month period unless within that period the prisoners of war or within 6 months after the date of enactment of the bill, the prisoner of war made application for a continuation of all or part of the insurance and yet pay premiums thereon or submitted evidence or entitlement of waiver of premiums. Insurance under this section which matured prior to application would be payable to the limited class or classes of beneficiaries and in accordance with the terms and conditions of 38 U.S.C. 722(b) (2) (3). In general, the permitting classes of benefits are the widow, widower, child or children, parent or parents of the insured who lasted for that relationship. No application for insurance payments by the beneficiary would be valid unless filed in the Veterans Administration within 2 years after the date of death of the insured, and the relationship of the applicant would have to be proved as of the date of the death of the insuranced by evidence satisfactory to the Administrator of the Veterans Administration. Persons who are mentally and legally incompetent at the time the right to apply for death benefits expires would have given one year after the removal of such disability within which to apply for benefits.

By Mr. PEARSON:

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

Mr. PEARSON. Mr. President, the bill I introduce today is intended to provide the U.S. Army Corps of Engineers with authority to improve the surfaces of three roads leading to the Perry Reservoir in Jefferson County, Kans. This Federal reservoir, opened to the public on August 15, 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 district of the corps and has twice 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-preserved rural and farming 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:

January	25,000
February	53,000
March	133,000
April	222,000
May	567,000
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, Kansas City 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 $585,281 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. 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 tolerance 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 has already turned the surfaces of 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 reservoir. Traffic on these access roads exceeds 200 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 from polluting the shore area and farm houses near the lake is more than the resources of the county can handle.

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, water and sewer services, as well as road maintenance. This 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 exhausted. Therefore, in order 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 24 to intersect F.A.S. Route 328 one mile east of Perry Dam.

Grade and pave with a plant-mix bituminous surface approximately six miles on F.A.S. Route 1938 beginning where the pavement ends on the north side of Delaware State Park at the Southeast Corner of Section 23, Township 10 South, Range 17 East, and running North and West to Kansas Route 92 at the Northeast Corner of Section 34, Township 9 South, Range 17 East.

Pave with a plant-mix bituminous surface approximately eight miles on F.A.S. Route 1327 from Kansas State Route 92 to Kansas State Routes 4 and 16.

With these specific directions, the bill I am introducing authorizes appropriations as may be necessary so that the Corps of Engineers can carry out these road improvements, in accordance with Kansas secondary road standards. If there were any other way to improve these roads, Mr. President, so that they will stand up under present traffic conditions, this legislation would not be required. But in fact, in the absence of Federal action, these roads will deteriorate to a point where they can serve neither visitors to the reservoir nor residents of the county, and they will become a serious safety hazard and a blight on the natural environment.

I believe the authority sought by this bill is supported by the careful documentation of traffic and road conditions in the county by its Board of Commissioners, and I would note that the Governor of Kansas, by letter of August 25, 1969, to Colonel Anderson, made specific mention of the Perry Reservoir as one of the Federal reservoir projects where the local road system was most in need of improvement, having been left in its original condition for the most part by the constructing agency. Because the reservoir—its many other benefits notwithstanding—has brought this burden to the county, there is an obligation to cooperate to the fullest extent with local and State authorities in solving the problems created by this project. The flood control benefits of the reservoir lie primarily with cities such as Lawrence and Kansas City on the main stem of the Kansas River, and not with the local communities at the reservoir site. Yet it is these communities who must find a way to pay the cost of maintaining safe roads so that their neighbors from miles away can enjoy a weekend of fishing, swimming, or boating. In my

judgment, Mr. President, this effort to obtain Federal relief has strong equity on its side, and I submit this bill with that concept in mind, for its consideration and passage by the Senate.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 1379

At the request of Mr. JORDAN of Idaho, the Senator from Oregon (Mr. HATFIELD) was added as a cosponsor of S. 1379, the forest volunteers bill.

S. 1747

At the request of Mr. KENNEDY, the Senator from Rhode Island (Mr. PELL) and the Senator from New Jersey (Mr. WILLIAMS) were added as cosponsors of S. 1747, the "Nurse Training Amendments of 1971."

S. 2097

At the request of Mr. PERCY, the Senator from Michigan (Mr. GRIFFIN), the Senator from Utah (Mr. BENNETT), the Senator from Kansas (Mr. DOLE), the Senator from Idaho (Mr. JORDAN), and the Senator from Texas (Mr. TOWER) were added as cosponsors of S. 2097, establishing a Special Action Office for Drug Abuse Prevention to concentrate the resources of the Nation in a crusade against drug abuse.

SENATE JOINT RESOLUTION 62

At the request of Mr. GRIFFIN, the Senator from Alabama (Mr. SPARKMAN) was added as a cosponsor of Senate Joint Resolution 62, to authorize display of the flags of each of the 50 States at the base of the Washington Monument.

SENATE JOINT RESOLUTION 102

At the request of Mr. BROCK, the Senator from Kansas (Mr. DOLE), the Senator from New York (Mr. JAVITS), the Senator from Oregon (Mr. PACKWOOD), and the Senator from Colorado (Mr. ALLOTT) were added as cosponsors of Senate Joint Resolution 102, to authorize the President to designate the period from October 12 through 19 of each year as National Patriotic Education Week.

SENATE RESOLUTION 142—SUBMISSION OF A RESOLUTION AUTHORIZING THE PRINTING OF A STUDY ENTITLED "THE HUMAN COST OF SOVIET COMMUNISM"

(Referred to the Committee on Rules and Administration.)

Mr. EASTLAND submitted the following resolution:

S. RES. 142

Resolved, That there be printed as a Senate document the study entitled "The Human Cost of Soviet Communism", prepared by Robert Conquest at the request of the late Senator Thomas J. Dodd for the Internal Security Subcommittee of the Senate Committee on the Judiciary, and that there be printed ten thousand additional copies of such document for the use of that committee.

THE MILITARY SELECTIVE SERVICE ACT

AMENDMENT NO. 217

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

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 1967; to increase military pay; to 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 CONSCIENTIOUS 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—Ehlert against 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 prejudge 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 and combatant service would be forced to refuse induction under military authority. Thus the present language of section 6(j) was an amendment offered by Congressman Mendel Rivers in order to insure the continued exemption of conscientious objectors from 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 seeks to clarify; and, in the interests of justice, the Senate should agree to this amendment.

AMENDMENT NO. 225

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

Mr. KENNEDY (for himself, Mr. JAVITS, and Mr. BAKER) submitted an amendment intended to be proposed by them, jointly, to the bill (H.R. 6531), supra.

AMENDMENT NO. 227

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

Mr. JAVITS submitted an amendment intended to be proposed by him to the bill (H.R. 6531), supra.

MILITARY PROCUREMENT AUTHORIZATIONS, 1972—AMENDMENT

AMENDMENT NO. 218

(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 (H.R. 8687) to authorize appropriations during the fiscal year 1972 for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength for each active duty components and of the Selected Reserve of each reserve component of the Armed Forces, and for other purposes.

ATOMIC ENERGY COMMISSION AUTHORIZATIONS, 1972—AMENDMENT

AMENDMENT NO. 219

(Ordered to be printed and referred to the Joint Committee on Atomc Energy.)

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. 958) to authorize appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes.

RECYCLING AMENDMENT TO THE WATER POLLUTION CONTROL ACT—AMENDMENT

AMENDMENT NO. 220

(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. 1012) to amend the Federal Water Pollution Control Act, as amended, and for other purposes.

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 appropriations 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. 226

(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 more 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 enter college 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 seen.

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, there is established 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 the 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 to be a full-fledged component 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 "education" a comma and the words "including career education,"

On page 289, 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 3, insert after the word "education" a comma and the words "including career education,"

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

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

On page 291, line 9, insert after the word "policies," the words "including career education 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. 2007, 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. 8866, 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. Sink, 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 29, 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

that the hearings will now be held on July 12, 13, and 14. Specifically the hearings will relate to:

First. Senate Joint Resolution 52—To increase the authorization for section 701 planning grants and open-space land grants;

Second. Title II of S. 1618—State and local planning and management programs;

Third. Progress of the President's Domestic Council in developing a national urban growth policy as required by title VII of the Housing Act of 1970; and

Fourth. Other legislative proposals involving land-use planning.

The hearings will be held in room 5302, New Senate Office Building, and will begin at 10 a.m. each day.

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 has been scheduled for Tuesday, June 29, 1971, at 10:30 a.m., in room 2228, New Senate Office Building, on the following nominations:

Aldon J. Anderson, of Utah, to be U.S. district judge, district of Utah, vice A. Sherman Christensen, retiring.

Robert E. DeMascio, of Michigan, to be U.S. district judge, Eastern District of Michigan, vice Theodore Levin, deceased.

Edward R. Neaher, of New York, to be U.S. district judge, Eastern District of New York, vice Joseph C. Zavatt, retired.

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 MINNKOTA POWER COOPERATIVE

Mr. AIKEN. Mr. President, it is with genuine pleasure that I bring to the attention of the Senate a richly deserved honor which has been bestowed upon one of the ablest Members of this body and my good friend, Senator MILTON R. YOUNG, of North Dakota.

The Minnkota Power Cooperative, which serves 50,000 rural consumers in North Dakota and Minnesota held a banquet in Bismarck on June 8 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 234,550-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 that the remarks of Mr. Andrew L. Freeman, manager of the Minnkota Cooperative, at the banquet in Bismarck on June 8, be printed in the RECORD.

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

REMARKS OF ANDREW L. FREEMAN

The purpose of our meeting here tonight is to honor a man who has been a devoted friend to the rural electric program of this nation. More than that, he has served his state and the nation with distinction and honor. We are very pleased to have him here this evening as our honored guest.

Senator Milton R. Young is no stranger to the folks associated with or interested in the rural electric program. His efforts in behalf of it are many and his interest in it and the contributions which he has made to it are recognized everywhere in rural America. To those of us who make up Minnkota he is especially well known.

Senator Young's interest in the rural electric program goes back to its very beginning. In 1939 when the rural electric cooperatives were struggling to get its start, Milton R. Young was then a Senator in the North Dakota Legislature.

Today every cooperative in North Dakota and those in our neighboring states who enjoy the low cost power which North Dakota helps provide is a direct benefactor of the work that Senator Young and others did in developing and enacting legislation intended to aid the rural electric program establish itself in North Dakota.

However, our story for tonight more properly begins in 1964 when we went to talk to him about our growing need for power.

We had already experienced a turn-down on a previous loan application made in the name of Lignite Electric to cover the needs of Minnkota, Central and Dakotas Electric.

With this discouraging experience fresh in our memory we were naturally somewhat dubious of our chances of ever getting a loan. However, we had learned our lesson well and gained some valuable experience. We found we had some friends in the Upper Mississippi Valley Power Pool who were willing to help us. Our own loads were continuing to grow and in the meantime we had acquired the sole rights to a very valuable asset consisting of 16,000 acres, containing 175 million tons of coal.

We also found an experienced North Dakota based coal company looking for an opportunity to do some business—a company with thirty years of experience and know-how—a company with whom we had done business with for many years. It was this company, Baukol-Noonan, who took a look at our coal lands and came through with a major breakthrough in the price of coal which did much to encourage us.

It was at this time that we went to Senator Young. We told him of our need for power.

We expressed concern over the possible loss of a great opportunity to provide our twelve member cooperatives with a large block of power that could be delivered into our system at a cost lower than that of the hydro power from Garrison Dam.

We told him of the very unique arrangement that we had worked out in which we could borrow generating capacity from our neighbors now and pay it back later. We told him of the profitable markets which we had found for the off-peak power our generating plant could produce.

We explained how under our plan we would link ourselves with the large load centers of Duluth and Minneapolis and how this would eventually open up the market for the sale of large quantities of lignite power and pave the way for a link-up with Canadian hydro power.

We asked him for an opportunity to explain and show him these things in detail using some large curves and graphs which we had developed so he could see for himself what a good plan we had.

Senator Young replied that this wouldn't be necessary. He said that he was prepared to take our word for it and that he would support us.

We insisted that he see it, for we told him that once we applied for the loan there would be no end to the help that we would ask him for, and we wanted to be sure that he not only understood our plan but realized that it was worth fighting for.

Out of this brief meeting came the offer of Senator Young to sponsor a luncheon in the Capitol at which time we were given the opportunity to explain our plan in detail to all the Senators and Representatives of North Dakota and Minnesota.

The story of our loan is a well known one. It was announced July 12, 1966 as a $56,162,689 loan. It contained money for the generating plant you will see tomorrow, plus a good many miles of high voltage transmission line and numerous system improvements.

No one knows any better than we do the struggle we went through and the difficulties which we encountered. No one knows any better than we do the numerous and great contributions which Senator Young made.

We had told Senator Young that our chances for a loan without his help were slim. We believed that when we said it. We know it now, for Senator Young did on several occasions render help to Administrator Norman Clapp when it was desperately needed and when he could get it from no one else.

It was with this background and with this knowledge that the Board of Directors of Minnkota Power Cooperative were asked to name the new plant after Senator Milton R. Young.

They were told that there were a good many reasons why this should be done and among them would be the following:

First and foremost, he is an honorable man. He is also a farmer and a man of the soil.

Throughout his entire political life, he has been concerned with the problems of rural America and particularly the well being of the farmer. He stands out like no other man in the United States Senate as the one who knows and understands the farmers' problems.

As a North Dakota State Senator prior to the time he became our United States Senator, he worked for the adoption of the rural electric act in North Dakota, which made rural electrification possible in North Dakota. He was also a leader in the drive to get the 2% Gross Income Tax Law for rural electric cooperatives.

It is this law which has saved the rural electric farm families millions of dollars and contributed much to making North Dakota one of the states whose rural areas are virtually covered by REA lines.

Senator Young has served in the United States Senate since 1945. Only recently he was reelected to a new 6 year term by one of the largest majorities ever accorded a candidate in North Dakota, regardless of party. This indicates the high regard in which he is held by the people of North Dakota.

He is Mr. Republican in Washington and is a first ranking member of the minority party on the powerful Appropriations Committee of the United States Senate.

He is the third ranking member of the minority party on the Committee of Agriculture and Forestry.

He is the No. 2 Republican in the United States Senate.

Senator Young is the leading spokesman for agriculture in the Congress and few are considered to be his equal when it comes to knowledge of farm problems and the effects of proposed legislation on them.

He also serves as a member of the Senate Committee which deals with the highly secretive work of the C.I.A. This indicates the great confidence and respect and regard in which Senator Young is held by his col-

leagues and the Presidents under which he has served.

President Nixon has on numerous occasions publicly stated his high regard for Senator Young and as a result he is a frequent visitor at the White House.

Our Board of Directors were also aware of the fact that his record in behalf of REA national legislation is outstanding. The National Rural Electric Cooperative Association rates him as having voted favorably on 70% of the subjects which they favored.

During his period in office, REA has appropriated money for 4 large power plants in North Dakota, including our own Center unit.

He has effectively worked in behalf of Garrison Dam, along with his other colleagues from North Dakota.

He has also helped and worked with numerous rural electric cooperatives in North Dakota to secure for them many of the missile, radar and air base electric loads in North Dakota, which they now serve.

For the last three years, he has been successful in getting REA appropriations substantially increased. He has done this same thing several times previously over the years when funds were short.

He has worked in cooperation with other Senators to free funds when the Bureau of the Budget sought to tie them up.

He was singularly instrumental in getting restrictive language removed from a Senate memo intended to regulate REA appropriations. This came at a very critical time and it proved to be a key factor that led to the approval of our loan.

He has worked for the construction of key Bureau of Reclamation transmission lines, as well as elimination of some of them whenever it was shown they were to have a detrimental effect on the rural electric coops.

The Board of Directors in considering this recommendation had to 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 Andrews, who also gave us 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 as these contributions may have been, none could match the many and great contributions of Senator Young.

After due 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 more appropriate time than now to do it.

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

Tonight we are gathered here to honor you, Senator Young, and express our thank you for help that you have given us and the many other rural electric cooperatives of our nation. It is indeed fitting and proper that we do, for you have truly labored and worked for all of us.

Our banquet 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 Milton R. Young generating 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 to us during the long time that we have been in business. Truly we have had more than our share of successes, for many fine things have happened to make Minnkota a most successful operation.

Among these good things would have to be our good fortune to have had Mr. Edman, a remarkable man of character and ability, as 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 many of the fine directors who have served on 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 tons of coal in reserve, our own lake, and the wonderful operating record that we are compiling with our new cyclone type boiler.

Then there are things like the 56 million dollar loan, our friendship with Tom Toomey of Sanderson & Porter, who did so much to help us get the cyclone type boiler, our Canadian interconnection, 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. They have taken their 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 don't know what that something is, it might be well for you to recall the remarks of a great American speaking many years ago.

What President Abraham Lincoln said back in 1861 may well apply to us today as we count our blessings. He was asking how did we as a nation come into possession of all this vast wealth of the earth. He asked—did we acquire it through our own human wisdom, foresight, energy, ability and power?

In answering his own question, he said: "We find ourselves in the peaceful possession of the fairest portion of the earth, as regards to fertility of the soil, extent of territory, and salubrity of climate. We find ourselves the legal inheritors of these fundamental blessings. We toiled not in the acquirement or the establishment of them."

On another occasion he said, "It is the duty of nations, as well as man, to own their dependence upon the overruling power of God—and to recognize the sublime truth, announced in the Holy Scriptures and proven by all history that those nations only are blessed whose God is the Lord." He went on to say, "We have been the recipients of the choicest blessings of heaven. We have been preserved, these many years in peace and prosperity. We have grown in numbers, wealth and power as no other nation has ever grown; but we have forgotten God! We have forgotten the gracious Hand which preserved us in peace, and multiplied and enriched and strengthened us; and we have vainly imagined, in the deceitfulness of our hearts that these blessings were produced by some superior wisdom and virtue of our own."

President Lincoln saw a nation who had gone off and forgotten God. He saw a nation drunk with a success not due to its own efforts, a nation taking all the credit and glory to itself.

This great President called upon his nation to acknowledge their sins and come to God in prayer and fasting. The fate of the nation hung in the balance as he issued that proclamation. But God heard and answered that great national prayer offensive—and the nation was then preserved.

Today the threat of our nation's well being is a thousand times more seriously hanging in the balance. But unfortunately today we do not have a people or a President or a Congress who would consider such an action as an appropriate one to use.

Let us not make such a mistake here at Minnkota. Instead let us publicly acknowledge that many of these wonderful things that have happened to us have come with help from God. Some of us know that this 56 million dollar loan came only with God's help. It was not what some men thought would happen. When it did they were dumbfounded. It was to them both unbelievable and unexplainable. It was like some miracle had happened.

But why should God honor us for in the main we were not and are not obedient to His Word. It is a question that some of us in charge of Minnkota may well ponder. The best that can be said for us is that we have had and still have some directors, and some employees, and their wives, but not many, who go to God in daily prayer, seeking His help and guidance, asking forgiveness for mistakes which have been made, who tithe their income, and who ask God daily for increased understanding of His Word and the ability to obey His will.

In behalf of those people in our organization, let me say it is their behalf that our success has come from hard work on the part of our people and with God's help, despite our weak and inadequate efforts to be obedient to His commands. So on this occasion which we have set aside to honor you—Senator Young—may the record also show that a portion of this program was used to acknowledge the help Almighty God gave us and to thank Him for the help which we believe He has so generously given Minnkota these past thirty-one years through people like yourself and others.

We hope that for you, Senator Young, this banquet and program tonight and tomorrow's visit to the plant which bears your name, will in some small way convey to you Minnkota's way of saying thank you for service rendered rural electric cooperatives everywhere, and to Minnkota in particular.

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 Jewish faith at the veterans' 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 to the well-being of his Nation, his 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 unanimous consent that it be printed in the RECORD.

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, gave up their life-belts, sacrificing their lives that others might survive.

While the chaplain in a VA hospital is not required to make the Supreme Sacrifice, his many acts of service and helpfulness in the interests of the patients—irrespective of race, religion, or color—often demand a maximum of his mental and physical resources.

The Veterans Hospital at Togus, Maine, where this writer is privileged to serve as chaplain to patients of the Jewish faith, can accommodate 879 male patients, divided up into 519 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 so close a relationship between the religious and the secular activities that it becomes difficult to distinguish where one begins and the other ends.

It is not easy to convey in cold print the sense of exaltation experienced by the chaplain in a VA hospital when he succeeds in some measure in bringing surcease to the troubled mind of a patient. This is no simple accomplishment, and requires the combined teamwork 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, their work would be fruitless and vain if the spirit of God were not recognized as the fountainhead of the efforts involved.

The contribution of the Jewish chaplain 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. Religio-philosophy, on the other hand, sheds some rays of light on this subject by its observation that we become subject to illness, both physical and mental, because of our inability to understand ourselves, how to face life with its manifold complications and how to overcome our emotions of fear, guilt and loneliness.

A distinguished psychologist, Doctor Morton Seidenfeld of New York, in addressing a 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 prognosis because he feels that the truth will be withheld from him by the doctors. The patient also doubts the sincerity of the usual optimism manifested by his family, all of which contribute to his bewilderment. His reasoning may take this form: "Of course, the doctors will tell me that I will soon be 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 true nature of my illness or how serious it may be. The doctor certainly gave them a complete report of my condition, but how much will they tell me? They would like to keep me in good spirits by withholding the knowledge of the real state of my illness." Thus the worried and bewildered patient reasons. The only person, then, towards whom he most often turns in his dilemma is his chaplain, whom he believes and trusts to give him encouragement.

Here, then, is a field where the chaplain's ministry can be most helpful. He can help the patient's recovery by being a friend and counselor, as well as spiritual guide. Indeed, there are many occasions when the chaplain patiently listens to an outpouring of the many problems which trouble the hospitalized veteran who is in many cases far removed from his home and friends. What is most appreciated here is a willing, attentive and sympathetic ear. Often a word of counsel will guide the patient through what seemed to be an insurmountable problem to a logical solution. Of course, such situations may require many visits with the patient. He must learn to trust his new friend and surrender 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 patient. He may be more aggressive in asserting his rights, thereby making more demands than does the civilian patient. He may even feel that his illness is the fault of his government and therefore does not evaluate *what is best for him* and what the physicians are trying to do for his well-being. The chaplain's first duty, then, is to learn as much about the patient as possible in order to orient the patient to his surroundings and to help in whatever therapy the doctors prescribe. He can become a real influence for good and be of great help to the patient when he works with the senior medical officer in gathering all the information possible about the patient before meeting him for the first time. He can, and usually does, bring the patient a measure of hope and courage to help establish motivation for living by making him understand that life 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 as close to reality as possible. It goes without saying that the chaplain is ever mindful of the limits prescribed by the physician 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 must undergo surgery. Surgery has been described as a matter of mechanics; the surgeon thinks of himself as a mechanic; the neuro-surgeon as a super-electrician; the endocrinologist as one who controls atomic power; the orthopedic surgeon as a carpenter; the urologist as a plumber, etc. 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 his recovery and faith in the skill of the surgeon. Here the chaplain's opportunities are limitless. A religious talk with the patient wherein the great therapeutic values of complete faith in the Great Healer is stressed. 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'FUENU, the 21st Psalm and others often produce a calmness which cause doctors here to express deep satisfaction as it helps produce the desired cooperation required from the patient. We should not underestimate the value of such religious experiences. In conversations with physicians and surgeons over a period 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 examination of a patient's heart and lungs, and finding them in good condition, a successful operation was performed, yet the patient did not recover. It is possible that what was lacking here was the will to live, that the patient no longer had any interest in life or did not want to face life. The chaplain can here be of tremendous service if he can stimulate proper thinking in the patient by enlarging and encouraging religious faith.

SERVICES RENDERED BY THE NATIONAL JEWISH WELFARE BOARD

At the point it is appropriate to discuss the importance 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 JWB is the sponsoring agency for Jewish chaplains for the Armed Services and for all VA hospitals. The Commission on Jewish Chaplaincy the JWB has a committee of rabbis representing the Orthodox, Reform and Conservative schools. This Committee grants the government required Ecclesiastical Endorsement to the chaplain who satisfies the Committee as to his education, personal fitness and experience. The fact that he may be of the Orthodox, Reform of Conservative persuasion has no bearing so far as the CJC of the JWB is concerned.

The efforts expended by the JWB on behalf of the Jewish patients are limitless. With the aid of the chaplain, who is the personal representative of the JWB, countless types of services are at the disposal of the patients. The following are but a few of these services which promote the comfort and well-being of the patients.

1. *Helping to Maintain Patient's Religious Practices.*

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'fillin, (Phylactceries) talesim, (prayershawls) mezuzahs, Jewish books or Kosher food. Every effort is made to obtain these materials and distribute them to the patients.

Within the province of religious services may be mentioned Services for the Sabbath, Rosh Hashanah, Yom Kippur, Passover, Shevuos and Succos, Chanukah and Purim. In many cases, largely because of the patient's mental condition, it is impracticable to organize a minyan, making it necessary to cater to the individual needs of each patient by conducting some form of private service for him. Since the writer is on service as a part-time chaplain and has a regular pulpit in Lewiston, a distance of thirty-seven miles from Togus, it became expedient to improvise a service for the Holy Days when a Jewish member of the medical staff officiates. Prayer books are distributed to the patients before the Holy Days and a Discussion Group meets to study the meaning and the observances of the festival. Whenever possible, small groups meet for an informal discussion of Jewish customs and ceremonies.

One of the most interesting activities which is proving to be most helpful to the patient, both mental and general, is group singing. The group learns to sing many liturgical hymns such as the En Kolohenu, Adon Olam, Yigdal, Sholom Alechem and some English hymns. The response of the patients is most encouraging and they look forward to these sessions with eager anticipation. They also listen to recordings of Jewish music supplied by the CJC of the JWB and recordings of Jewish music on a tape-recorder, supplied by the writer. The efficacy of music as a form of therapy will be discussed in a future article. Hebrew in-

struction is given to several patients and Bible study is part of the program of activities at Togus. Should any of the patients desire to observe the ritual of Yahrtseit, memorial services for their parents, the chaplain then arranges for a service when Kaddish is recited and a Yahrtseit candle is furnished for the ceremony connected with this rite.

2. *Creating and Maintaining Contacts with Patients' Families.*

The patients presenting the most complex problems to a chaplain are those who are friendless or whose contacts with their relatives have been temporarily severed. On the other hand, the chaplain finds his task of creating hope and a spirit of optimism immeasurably enhanced when the patient knows that his relatives or friends have not forgotten him. Therefore, one of the principal duties of this chaplain is to see that the patients' relatives are awakened to their duty of communicating with the patients. This objective is comparatively easy of accomplishment, because in the majority of cases neglect of the patient is due to thoughtlessness rather than deliberate indifferences. Often a personal visit to the home of the patient's family achieves the desired result. Once the chaplain obtains a definite promise that the patient's kin will send him letters regularly, that promise is usually kept. In the event that a lapse in the correspondence occurs, a letter addressed to them from the chaplain or a telephone call brings about renewed regularity in letter writing. Further products of this contact between patient and his relatives are occasional gifts and, if the hospital is not too far away, a surprise visit, although this is rarer than commonplace.

3. *Supplying the Patients with Matzos and Other Necessities During the Passover Festival.*

The lot of the Jewish patient would be pitiably dreary during the Passover holiday were it not for the work of the JWB. Jewish patients who have been in VA hospitals for a long while begin to look forward to the Passover festivities with eager anticipation. In every VA hospital where there are Jewish patients, evidence of the JWB's thoughtfulness is markedly apparent. Not only are the patients' physical needs satisfied, but in addition their spiritual hunger is also fulfilled. Wherever possible, the chaplain conducts Passover services, and for those patients who are unable to participate in such services, the chaplain does his best to minister in private to the patients' religious yearnings. At Togus we conduct a Model Seder on the eve of Passover when all the traditional rituals are included and the Passover food served on beautifully-decorated tables, with the patients joining in the spirit of the holiday, reciting of parts of the Hagadah, and singing the age-old melodies associated with Passover and the Seder.

THE CHAPLAIN'S VARIOUS DUTIES

It is virtually impossible to indicate in the space of this article the unlimited duties of a chaplain in a VA hospital. Here human nature is seen in its lowest and highest manifestations. No matter how hopeless a case may look, faith in God's curative powers can never be discounted.

The chaplain must ask himself constantly in what way can he be most useful to those who need his services so urgently. For, like Macbeth, the question confronts him:

Canst thou not minister to a mind diseased,
Pluck from the memory a rooted sorrow,
Raze out the written troubles of the brain,
And with some sweet oblivious antidote
Cleanse the stuffed bosom of that perilous stuff
Which weighs upon the heart?

The average Jewish chaplain in a VA hospital stresses foremost the fact that he is a man of God, and that primarily his duties are those associated with the work of a rabbi. But in actual practice, his religious obligations form, comparatively, but a small part of his activities. For his association with the doctors and the hospital staff, and the close esprit de corps which exists, makes possible a spirit of helpfulness which has distinct therapeutic value for the patient. It goes without saying that the cooperation of the Director at Togus has been one of the most helpful assets in the writer's ministry. The Chief of PM&RS is always helpful. The close association between the Jewish Chaplain and the chaplains representing the other faiths cannot be properly evaluated here since the chaplaincy service depends upon mutual help and the pooling of our cumulative experiences for the benefit of the patient. There are frequent conferences among the chaplains in which ideas are exchanged which result in a better understanding of our problems and better to serve.

May I be permitted to relate a few incidents to illustrate some of the ways in which a chaplain is not only helpful to the patient but to the doctors and nurses as well.

Case 1. Patient, for apparently no good reason, took a dislike to attending doctor and nurse. Would not take medication, and openly showed his attitude. After judicious probing, I discovered that patient had developed a persecution complex and had concentrated his fears on the two persons who had been most helpful to him. Friendly and sympathetic interest, together with an appeal to his basic needs, cleared up his mental tension and laid the foundation for this patient's reacceptance of the doctor's and nurse's services.

Case 2. On two or more occasions, patient had tried to end his life, and his condition had rapidly worsened. Medical treatment seemed of no avail, and the patient was sinking into a deep melancholia. An appeal to a higher power than man seemed the only alternative. Fortunately, this patient had participated in religious services, and this gave me an opportunity to get closer to him than ordinarily would be the case. Appealing to his better nature and emphasizing the sacredness of human life and our responsibility to the Creator, his interest in life was revived and he became aware of his surroundings, showing increased daily improvement. Persevering, friendly interest in patient's problems apparently eradicated his suicidal tendencies, and his recovery is steady with the care bestowed on him.

Case 3. Patient was "stormy petrel" of ward. Fought constantly with other patients and violently disagreed with doctors and nurses. Was apparently intractable. Repeatedly spurned my attempts to talk with him. Finally, learned by a chance remark that he was dreadfully lonesome. He had a family but his relatives had stopped writing to him. His tension visibly lessened when I promised him that he would soon hear from his family. To make certain that his people actually would communicate with him, I traveled to a distant city to speak to them. Found that the troubled patient had been estranged from his family previous to his becoming a hospital case. After discussing the situation with them, they showed great concern and promised to write regularly. As a token of their sincerity, they thereupon wrote a letter, also enclosing some money, which they entrusted to me. Upon my return to the hospital, gave letter and money to patient. Reaction seemed quite hopeful. Regular receipt of mail by patient during the past few months has effected considerable improvement in his mental condition and he no longer is a behavior problem.

Case 4. Boredom is an ever-present reason for various manifestations of irregular conduct. This particular patient had limited mental resources and found it difficult to utilize the free time, which hung so heavily on his hands. He would not willingly join any of the activities and programs arranged by the staff of V.A.V. and/or the Department of Medical Rehabilitation (Recreation, etc.). His interest was awakened by frequent conferences, during which we would play simple games, and I would encourage him to unburden himself of his problems, no matter how trivial they were. A sympathetic attitude toward the patient, and his looking forward to my visits, created a revived interest in his surroundings. Soon he began to mingle with the other patients and his boredom is gradually disappearing.

Case 5. Patient who complained of head and bodily pains, which doctor stated were greatly exaggerated, was induced by the chaplain to take an interest in simple stories from the Bible. Such tales as "Joseph and his brothers", "Ruth and Naomi", "Daniel and the Lion's Den", "David and Jonathan", the "Discovery of the baby Moses by Pharaoh's daughter", etc. proved so entertaining that the patient gives these stories his undivided attention, his range of reading matter has increased, his (imaginary) pains have largely disappeared.

COMEDY AND TRAGEDY IN A HOSPITAL

A VA hospital is a place where comedy and tragedy are equally blended. Although a chaplain endeavors to emphasize the lighter side with the purpose of bringing smiles to the faces of the patients, there are times when his heart is made heavy by his inability to alleviate the burdens carried by the various patients. As previously indicated, where most of the patients are mental cases, their actions are largely unpredictable, so the chaplain must be prepared for any eventuality. While a patient's delusions may, on the surface, appear comical or ludicrous, the chaplain must never, by word or sign, give cause for the patient to think that he is not in complete sympathy with him.

While the chaplain is the spiritual leader of the hospital, he must never forget that his duties are manifold; hence, he must develop versatile abilities if he is to render adequate service.

Invariably, if a patient has something real or fancied on his mind he will unburden himself to the chaplain, whose sympathetic attitude lessens the patient's tension and prepares him to reveal the things which are troubling him. It may be that he has an uncontrollable desire to return to his home. This could be easily managed if his mental condition warranted his release. Chaplains in many cases, after consultation with the hospital psychiatrists, have recommended that the patient be sent back to his family. But the procedure involved in discharging a patient from a VA hospital is not simple. It should be realized that the authorities in the hospital take many factors into consideration before deciding to discharge a patient. Assuming that his mental condition warrants returning him to his home, the VA officials want to be fairly certain of the following: (1) Will the patient's family welcome him back, and will they extend to him affection and understanding? (2) Is the environment such that he will adjust himself to the new conditions with a minimum of stress and strain? (3) Are the patient's relatives prepared to help him become rehabilitated? (4) Will it be possible to obtain work for him so that he can be kept occupied? A frequent cause of a patient's return to a VA hospital is his failure to adjust himself economically. Such failure, accompanied by worries, anxieties, and great disappointment, may bring on a recurrence of his condition, causing his return to the hospital.

The chaplain may be an important link in anticipating these adverse possibilities so that they may be prevented. Before a patient is released from the hospital, the chaplain can visit the patient's family, which sometimes necessitates traveling hundreds of miles. If the family does not show sufficient interest in the patient or is reluctant to care for him, it would be doing him a disservice to recommend his release. However, should the patient's relatives indicate that

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 now feeling that the patient will give them a minimum of concern are conditioned psychologically for their role in helping to restore the patient to his place in the community as a normal, self-reliant person.

A VA chaplain often wonders whether he is exemplifying the many duties which devolve on him. His is a sacred responsibility toward a group of men, some of whom are helpless. The chaplain knows that in the sight of God each human soul has a particular destiny, and everything possible must be done to restore a patient to his 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 melancholia. At this point it is the blessed privilege of the chaplain to be of service in an effort to rejuvenate the patient's spirits. The chaplain has no standard technique, nor can he draw upon scientific procedure in his efforts 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 tenderness, keen 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 this is the chaplain's moment of exaltation, for through God's intercession he has helped a human soul to break through the fog of mental or physcial 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 penitentiaries, America's correctional institutions are typically overcrowded, ill-designed, without adequate facilities for training and rehabilitation, and staffed by untrained and poorly paid personnel.

An extraordinarily comprehensive and perceptive analysis of our corrections problems is contained in an editorial written by Robert P. Sigmann 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 upgrade local jail conditions. A new municipal jail for Kansas City has been proposed along with a regional detention unit to serve areas in western Missouri around Kansas City where 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 in Missouri. On the basis of 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 treatment of sentenced offenders.

I am delighted to see that efforts are underway to implement this recommendation in Kansas City. I should point out that a principal leader in the campaign to improve jails in that area is the Honarable Harry Wiggins, judge of the western district of Jackson County, in which Kansas City is located. Judge Wiggins is an extremely dedicated and energetic young man. He is deserving of commendation for his work in the often thankless, sometimes unpopular, but absolutely essential job of improving conditions in correctional institutions.

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

[From the Kansas City Star, June 13, 1971]

PRISON REFORM IS THE KEY IN BATTLE AGAINST CRIME

Few people die in prison.

Sooner or later most of the 365,000 inmates now in this nation's prisons and jails will be free—either prepared to re-enter society as useful citizens or maladjusted and ready to again prey on the public.

Unfortunately there are too few in the former category; 80 per cent of all felonies in the United States are committed by repeaters, criminals who have gone uncorrected and fallen into new trouble. Slowly the consequences of this recidivism rate are beginning to permeate the national conscience. In human terms it means that more and more innocent persons will be victims of the entire gamut of illegal acts. It appears that the system is giving up on people who can be salvaged.

The crux of penology, then, is rehabilitation, with education and job training as the top priorities. Put in this context, the corrections programs at the federal, state and local levels are dismal, monumental failures.

Worse than merely being custodial facilities, most penitentiaries and jails are crime educational centers. "Anyone not a criminal will be one when he gets out of jail," warns Norman Carlson, director of the Federal Bureau of Prisons, in making a point often emphasized by practitioners and scholars. Local jails are at the bottom of the pit. A recent national survey turned up no models. Rehabilitation is virtually nonexistent.

Richard W. Velde, associate administrator of the Law Enforcement Assistance Administration (LEAA) in the U.S. Department of Justice, called them, "brutal, filthy, cesspools of crime—institutions which serve to brutalize and embitter men to prevent them from returning to a useful role in society." Velde added: "It's harsh to say, but the truth is that jail personnel are the most uneducated, untrained and poorly paid of all personnel in the criminal justice system—and furthermore, there aren't enough of them."

The LEAA census of 4,037 jails revealed that 86 per cent lacked exercise or recreational facilities; half had no medical space; a fourth no room for visitors, and 1.4 per cent no toilets. Moreover, nearly a fourth of the 98,000 cells are between 51 and 100 years old and 5,416 exceed the century mark. These outmoded and inadequate plants are at the root of many of the homosexual rapes, the violence against convicts and guards, the narcotics traffic and other troubles in jails across the country. The LEAA study also showed that 52 per cent of the 160,000 jail inmates had not been convicted.

A KANSAS CITY JAIL

The quick acceptance in Washington recently of attempts by the Jackson County court to upgrade facilities here dramatizes the eagerness of federal officials to reform local units. A preliminary report made by consultants to the Northwest Law Enforcement Assistance Council recommends a new downtown jail, with all individual cells, to be built on the site of the parking lot behind the courthouse in Kansas City. The project would 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 share 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 rehabilitation in federal and state prisons are barely visible, even though they are allocated much more money than jails. About 95 per cent of the $2 billion spent a year on federal facilities goes for custody. Yet 85 per cent of the inmates do not have a marketable skill. Fewer than 5 per cent have the equivalent of a 12th-grade education. The unemployment rate for former federal prisoners in 1964 was 17 per cent, triple the national average that year.

Burdened by substandard skills, former convicts often find bars to employment because of public attitudes. Laws and license requirements also prevent to limit them from certain jobs, including those offered by the federal government. Velde, 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 escaped rioting or other trouble touched off by convicts. In Missouri a former federal prisons official, Fred T. Wilkinson, is credited with improving corrections within financal limitations.

An archaic 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 will allow the exchange of prisoners, letting Missouri enter into compacts with adjoining states to trade inmates on a one-for-one basis. This would permit prisoners to be confined nearer their homes. During the 1971 session of the Kansas Legislature bills to allow pre-release furloughs for prisoners and conjugal visits at the prison, were introduced, but no significant measures passed. Nevertheless, violence at the Lansing facility, which included self-multilation of prisoners, has subsided.

Correctional institutions share with the other two fields in the criminal justice system—the police and the courts—a need of massive reform. Since criminals spend the bulk of their time after conviction in prison,

penal improvement could well have the greatest impact.

Money, important as it is, is the not the whole solution. The concept of what makes a crime is shifting. Being brought into question are such offenses as drunkeness, sexual relations between consenting adults, abortions 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 spiraling crime rates. The cycle will be broken only by a concerted emphasis on training and education, not custody. These programs should not be hindered by the comingling of juveniles and first offenders with convicted felons. Prison industries seldom suffice as training for return to community life.

Research in California, New York, Wisconsin and other states shows that inmates who participate in probation, parole, work-release and other community-based programs such as halfway houses are not as likely to commit new crimes. Fewer than one in 20 inmates in a federal work-release program in 1968 failed to meet all the conditions.

Reform does work. But it will take an enlightened public, aware of the potential for change and ready to pay the price, to upgrade the corrections system—and thereby cut the crime rate in the interest of both the criminal and of society.

THE MAN WHO SPOILED PARADISE

Mr. HANSEN. Mr. President, we are besieged these days with proposals to create an ever-growing number of programs to solve the problems of our people. It is easy to lose sight of the fact that programs, themselves, do not necessarily solve problems; it is people who solve problems.

The Los Angeles Times West magazine of January 24, 1971, contains an article on how one man has fought for 16 years to bring a better life to a relatively small tribe of Indians in Arizona. Martin Goodfriend, with Senator PAUL FANNIN, of Arizona, as his ally, has caused a wonderful improvement in the living conditions of the Havasupai Indians.

The article was written by Don Dedera, a well-known former newspaper columnist in Arizona who is now living in California, where he is a free-lance writer.

Mr. President, I ask unanimous consent that this inspiring story be printed in the RECORD.

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

THE MAN WHO SPOILED PARADISE

(By Don Dedera)

If you were Stanley Manakaja, a Havasupai Indian horse packer striving to keep a wife and eight kids on $90 a month at the bottom of the Grand Canyon . . .

Mull that over a moment . . .

Could you ever learn to trust a meddling, Jewish dude, Martin Goodfriend of Santa Monica, California?

Martin Goodfriend? Yes, if you were Stanley Manakaja, you could learn to rely on that man. Even love him, a little.

"You are a strange man, Goodfriend," a tribal chief once told him.

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.

No matter. Certainly if they had, both the writer and actor of Lost Horizon would have equated Supai with Shangri-la. Along with all of us other happy valley fantasists.

First, there was the 65-mile dirt track winding north from U.S. 66 across the plateau and through the cedars. Then, off Grand Canyon rim, the trail through mysterious mountains, opening to an eden of tiny pastures, a paradise of red rock, an oasis of turquoise waters. Removed from the clutter and clatter of civilization. Simple pleasures. Pure environment. And the friendly natives even looked a bit Tibetan.

We whites—tourist, medic, photographer, ranger, anthropologist, auditor, reporter, bureaucrat, missionary, politician—were in ethnocentric agreement. The Havasupai people *had it made.*

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 count in the Supai water supply. Or a tender-hearted ranch widow would inveigle the Air Force into dropping a ragbag of discards onto Supai at Christmastime. Or a middle-level civil servant would win a transfer to Kotzebue by decrying Havasupai nutrition. But these squeaks of doubt were drowned in the din of consensus—the Havasupai had so little because they *required* so little. And, well, it was common knowledge that as a race, Indians were on the lazy side, with a hereditary weakness for muscatel, and they wouldn't appreciate anything nice if they had it, anyway. Havasupais uppity enough to challenge the stereotype were crushed by the cavalry a century ago.

I've known Martin Goodfriend a long time; have talked with him often; have read reams of his broadsides; have followed his steps from his West Coast office to the halls of Washington. I've eaten corned beef and sipped bourbon with him; been to his house; met his wife.

And I still have no inkling why *he,* of all others, saw Supai for what it truly was: a geographical ghetto, perhaps America's deepest poverty pocket. Worse, a sort of outdoor museum, stocked with live people, for the amusement and contemplation of folks who lived out on top.

Nothing seemed extraordinary about Goodfriend's background. He fled Poland at age 15 and crossed his promised land to Santa Monica, and bought a jewelry store.

Goodfriend's subsequent success was of a pattern. The honest enterprise of a poor refugee from Europe brought him contentment, comfort and time for civic involvement. Blessed with three children, all achievers, Goodfriend retired early to hiking and photography.

"For me, the American dream came true," he said. "Work hard. Obey the law. Live by the Golden Rule. Here, it was all possible. The nice home. The family. The opportunity for my children."

Was that the catalyst in Goodfriend's character? I don't know. Neither does he. Maybe he is a reincarnated Havasupai god. Or maybe the secret is in his combination; the first naturalized-fiftyish-retired-affluent-curious-gregarious-objective - tenacious - conscientious - business - minded - Jewish-believer-in-the-system ever to hike into Supai.

To this diminutive, citified man, Supai's homes were not quaint. They were hovels of cardboard with leaky roofs and dirt floors. No heat. No plumbing. No privacy.

The school was boarded shut, it being more economical for the government to take the Supai children at age six and ship them off to boarding schools 350 miles away. Parents were lucky to get one brief communication a year.

Food prices at Supai were double those of Beverly Hills.

The richest Havasupai breadwinner had an income of $1,500 a year. So scarce were jobs, wages for the entire tribe of 220 Indians totaled just $833 per month.

Cataract Creek was Supai's bath, laundry, sewer and drinking water supply.

Supai had no road, no clinic, no electricity. Out of government indifference, the one telephone was dead more often than not.

When a government doctor made his monthly trek to Supai, one-fourth of the village's population would be lined up, sick. When the doctor was gone, women bore babies in the snow, as they struggled up the trail toward the nearest hospital, 129 miles away. Infant mortality was triple the national average.

The historic Supai farms lay fallow, with not 50 of 500 arable acres in production. The fences burned to heat huts in winter.

With forage sparse in the narrow canyon, pack horses were being worked until they dropped. The modest tourist industry was grossly mismanaged.

Frequently the village store, sole source of food, was stocked with as few as six items: soft drinks, coffee, dry beans, salt, potatoes, flour. The villagers were slowly starving.

This was America in 1955 and Goodfriend was horrified.

Of his first impressions, Goodfriend has said, "My fellow human beings and my fellow Americans were being deprived of the very rights and privileges that change my own life. There was probably no other Indian reservation, no Appalachian backwater, no slum or skid row anywhere in this nation so lacking as Supai in elementary public services that were provided for 99 percent of us."

Not that Supai's miseries were unknown. The Bureau of Indian Affairs and Public Health Service had spent tens of thousands of dollars studying Supai. The documents moldered in forgotten files, while the price of bread at the Supai store went up.

Goodfriend would not accept the alibis offered by the BIA. Back home in Santa Monica he studied Havasupai history. At the time of white subjugation Supai had "numerous cultivated fields of corn, beans, sunflowers, melons, peaches, apricots and certain kinds of plants used in dyeing and basket making, and usually carefully protected by hedges of wattled willows or fences of cottonwood poles. Everywhere the fields were crossed and re-crossed by a network of irrigating canals and trails." The history quoted is from the narrative of Frank H. Cushing, who made the first anthropological study of the Havasupai in 1882. In winter, the Havasupai hunters roamed the high mesas after game. Their tanned buckskins were prized trade items throughout the Southwest. The Havasupai were described by their conquerors as merry, industrious and hospitable. Clearly, heredity could not be blamed. More likely, benign neglect.

"They don't complain," a BIA spokesman told Goodfriend.

Goodfriend retorted, "No doubt these people have not sought much help. But hunger and illness can make people apathetic. Generations of isolation, poverty and futility can freeze a group into immobility."

So saying, Martin Goodfriend vowed to agitate for a better life for the Havasupai Indians.

Over the next 15 years, Goodfriend hiked in and out of the canyon 30 times. (Now 65, he still churns up to the top in less than three hours.) In all, he has lived most of a year with the Havasupai people. Some visits were as long as three weeks. His white man's stomach rebelled at the Havasupai bean diet, but he shared meals of their baked goods. Communication evolved a brand new lan-

guage, part Goodfriend's middle European accent and part Havasupai pigeon English. But the lingo worked, and Goodfriend shared the Havasupai sorrows and aspirations as no white man before him. Shyness and suspicion gave way to the kidding give-and-take of friendship.

Never could the Indians understand one Goodfriend routine. Since ham was the easiest holiday meat to pack by mule, Goodfriend for years sent ham dinners down to Supai for the Christian feast. But then as a devout Jew, he would decline to eat any of the meat.

One of his first projects, all alone, was a census. He went door-to-door and compiled an enumeration of ages and sexes and problems. Citing factual evidence, he wrote letters, gained appointments and made speeches. He traveled the equivalent of around the world, at his own expense, telling the Supai story. And for years, not much happened. The bureau, on dead center, humored him. Politicians knew there were no votes at Supai. Behind his back the press dismissed Goodfriend as a "Marty Do-Gooder" who would ruin Utopia. Some members of wilderness conservation societies went so far as to denounce Goodfriend for attempting to import civilization into *their* Grand Canyon.

"That's too goddamn bad for your precious wilderness," Goodfriend snapped in rare anger. "A new house might deface nature, but a cardboard house defaces humans. A hunger pain in the stomach of an Indian child is no less than one in my grandchild.

"Some more efficient way must be found to transport the things that Supai needs. A tramway? A road?

"The doctor could come in more often, and patients would have a way out. Food would be cheaper. Building materials wouldn't have to sell for two prices. The people might afford fuel to heat their homes.

"But every time you mention a road there is a great outcry, out on top: Don't ruin this precious retreat! Don't spoil paradise!

"These are people who spend a few days at Supai. They'd think different if they had to live there all year.

"Well, okay, if that's what we want we shouldn't make the Indians pay for it. Maintaining a community at the end of a mule trail at the bottom of the Grand Canyon is not very practical, and somebody has to pay. The Indians are paying with their lives.

". . . If the housewives of Scottsdale had to stand in line for an hour for the privilege of paying $1.30 a pound for butter and 49 cents for a small loaf of bread, there would be rebellion in the streets."

Wherever he delivered his message, this mild militant, this genteel guerrilla, remained pleasant, polite—and persistent. His style was the permanent smile of a man who had fitted five thousand wedding bands. He refused to be brushed off and out-waited. I recall, with guilt, our first meeting in 1966. He wanted me to expose the Supai mess.

I interrupted, "Mr. Goodfriend, I have just returned from Supai with a six-part series depicting Supai as a lovely Shangri-la, and now you are asking me to write another series saying I was all wrong?"

"Exactly," he said, smiling.

I showed the man the door. "I won't be doing anything more on Supai for at least a year, thank you."

One year later Goodfriend was back. Still smiling. "About those stories you said you might be writing . . ."

In the mid-1960s resistance began to crumble on all of Goodfriend's fronts. It would be an exaggeration to imply that Goodfriend caused it all. Those were the imperialist years of the war on poverty, and legions of federal Samaritans marched on Supai. Many looked, saw and departed. Goodfriend remained, noisily arguing that five-figure salaries and massive aid on the far end of the Great Society was producing but a trickle of relief at Supai.

Also at about this time Goodfriend gained a powerful ally in Washington, Senator Paul Fannin, Arizona Republican. Senator Fannin not only endorsed Goodfriend, he pressed for legislative and bureau action for Indian education, health and housing.

Goodfriend found numerous sympathetic workers in the agencies. "Mr. Goodfriend's research regarding the basic economic problems of the Indians is sound," announced the U.S. Forest Service. Smokey's men improved the trail and hilltop camp.

Howard Stricklin, then superintendent of Grand Canyon National Park, acted on many Goodfriend suggestions. He said, "Mr. Goodfriend is a sharp, constant thorn in my side . . . thank God for Mr. Goodfriend."

A bureaucracy surrenders one paper soldier at a time. In the history of the tribe, as late as 1967, never had an area director of the BIA or Public Health Service visited Supai.

Yet that year the BIA area director in Phoenix cautioned his chief, "We must recognize that the possibility of startling and dramatic changes is rather remote. We could do great harm to these people by forcing change on them."

The letter was leaked to Goodfriend, and his rejoinder was devastating: "Someone reading the Phoenix Area Office's seven-page letter might assume that the tribe has no very urgent needs. The letter mentions none. It makes no reference to the abject poverty, the scandalously high food prices, the chronic malnutrition, the housing unfit for humans, the lack of electricity and sewers and even of running water. Does anyone really think that 'we could do great harm to these people' by improving such conditions?"

Frustrated in his appeals to the area director for health in Phoenix. Goodfriend went over his head to an assistant surgeon general in Washington. Goodfriend's delineation of health problems at Supai covered nine single-spaced pages. On the most recent visit by the circuit doctor, Goodfriend wrote, there were 105 patients waiting, half the tribe. Goodfriend concluded, "Conditions in Supai are utterly intolerable from a public health standpoint . . . a disgrace to your department."

Meanwhile, back in Santa Monica, Goodfriend campaigned in the private sector. Promised some federal matching funds, the city raised $5,000 for a Supai Community Center. Supplied the materials, Indian men built the center.

"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 thrice-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 now Supai's perishables have come by mail mule.

Goodfriend's business savvy qualified him for a special task for the tribe. He was asked to improve the store. Goodfriend discovered that suppliers had been gouging the Havasupais for decades. In 1968, for example, the Indians had paid a Kingman fuel dealer $1,323 for their butane, which another dealer was willing to sell for $371. Goodfriend had the tribe switch suppliers. He went all the way to Phoenix to sign up competitive food wholesalers, and contracted for weekly delivery of produce from St. George, Utah.

These days, when Martin Goodfriend strolls Supai's lanes, he looks upon improvements which, in total, are a revolution.

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.

Five new ranch-style houses have been finished by local men. Eight are under construction. Fifteen more are authorized.

A medical aide lives fulltime at Supai.

The old unreliable government telephone line has been taken over by an efficient private company.

The Community Center houses a library (another gift from Santa Monica), a recreation hall for dances, movies and church services and a community action office.

Three grades of school are taught, plus Head Start, with attendance at 98 percent annually. A cafeteria is being built. The P.T.A. is active.

Whereas before Goodfriend, the Indians were obliged to travel to Flagstaff to 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 education.

New construction has provided Supai men with work at decent wages. The tourist industry is humming, and a few packers are making as much as $2,500 a year.

Electricity is on the way. Lower-level BIA men virtually hijacked two generators when they became surplus on the Navajo reservation. Once power reaches Supai this year, houses will have electric lights, stoves, refrigerators and heaters. A tramway for lowering supplies will also be feasible.

Before Goodfriend, the lawman at Supai was an employee of the BIA. Now the law west of Cataract Creek is Daniel Kaska, an Indian hired by the tribe. The judge is Mrs. Robert Sinyella, who admits she gained her legal credentials by watching *Divorce Court* on television for six months. Mrs. Sinyella's popularity lies in her impartiality. Recently she fined her own husband $100 for overdrinking.

Goodfriend credits Phoenix attorney Royal D. Marks for winning a $1,240,000 claim against the federal government in behalf of Havasupai people in 1969. The settlement, for lands taken from the tribe by the government, gives the Havasupai tribal council its first grubstake for meeting some of Supai's needs.

When Goodfriend returned recently from another hike to Supai, he brought out recorded interviews for me to hear. The tapes ran several hours.

A mother, preparing a meal at a new stove in a new home, talked of a future for her children. The judge complained about her jail, unsafe for her prisoners. The tribal chairman was upset because Supai children were influenced to mischief in boarding schools. An elderly woman said prices at the store were "too high, too high."

The tapes droned on through Supai's chronic deficiencies, but with a difference—the people were speaking up in their own behalf.

We were seated three floors above Santa Monica Boulevard in the office Goodfriend calls his "factory." None of the spartan furnishings match. One wall has a copy of the *U.S. Constitution*. Opposite is a wall of Goodfriend photography. Goodfriend was in one of his casual sports outfits, and he wore a watch with a broken expansion link. He leaned back from his scarred wood desk and rambled on about his favorite topic.

"Food prices are brutal. Inflation has wiped out our improvements. Butter is $1.24, canned pop 30 cents, hamburger 88 cents.

"A new clinic is needed. The old place is a *dump*, a terrible example.

"There remains that vicious system of

tearing young children away from their parents. The family structure suffers.

"Summer recreation remains little or nothing. But it's better than in 1966, when the government spent $6,000 on a steel fence to lock the kids out of their only playground!

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

"I don't need any credit. Give the credit to my friends and neighbors in Santa Monica. Keith Monroe, the writer, put my thoughts into English. So many others gave so much.

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

"We can't 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 retiring again.

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

The American dream was still good 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. PROXMIRE. Mr. President, a quest for human rights led to the founding of this Nation. Political and religious persecution drove our forefathers 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 both at home and abroad. Mr. Richard Maass, chairman of the Foreign Affairs Committee of the American Jewish Committee, testified on this subject before the Foreign Relations Subcommittee 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. Maass' testimony be printed in the RECORD.

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

HUMAN RIGHTS

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

The United States has also intervened on behalf of oppressed religious minorities of the Ottoman Empire in 1840; in Morocco in 1863; in Rumania in 1872; and in Poland in 1918–19.

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 discriminatory practices directed against Jews. Distinguished Senators and Representatives, together with prominent civic and religious leaders, were then active in expressing the conscience of the American public and providing the President's initiative with vigorous support. It is appropriate to recall that, at that time, an American Jewish leader, Jacob H. Schiff, commented that the day would come when the equality of all religions in treaties between states would become an international truism.

America's historic commitment to the protection of human rights found further expression in the efforts of President Taft in 1913 to obtain guarantees for minority rights in the peace treaties that followed the Balkan wars. 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 statesmen to be the first to recognize during World War II that the ultimate consequence of internal suppression of freedom was external 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 treatymaking 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 ratified a convention on the nationality 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 the treaty-making power and is, therefore, improper. It is difficult to tell whether, with this argument, these critics are offering a constitutional or a policy objection. In either case, in advancing such an objection, they lean heavily on the authority of the late John Foster Dulles and cite his well-known April 1953 statement before a subcommittee of the Senate Judiciary Committee in opposition to the then pending 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—surely, in part at least, to ward off the pressures from the Bricker amendment supporters—he was careful to qualify his position in a precise manner.

Three years earlier a statement by Mr. Dulles, reproduced on page 240 of the record of the 1950 Genocide Subcommittee hearings, concluded with the observation beginning with:

"There are many people who do not want to have international conventions which will effectively regulate human conduct in relation to human rights—"

And ending with these words—

but to abandon this goal would involve substituting pious words for an effective result.

It is this view, rather than his later view, which constituted the expression of American aspirations in the international field and which corresponded to the traditional commitments to the advancement of human rights made by our Government over many decades.

It was appropriate and in keeping with American political and legal tradition that the United States should champion the rule of law in international relations; for, as the previous section has shown, the concept of the inalienable rights of man was part of the very fabric of American internal and external policy.

HUMAN RIGHTS GUARANTEES ARE TRADITIONALLY IN INTERNATIONAL TREATIES

For centuries, it has been the custom and tradition among nations to include human rights guarantees in international treaties and agreements. It was in the late 17th century that human rights was made an integral part of the international treaty process. The Treaty of Westphalia in 1648, which concluded the Thirty Years War, established for the Germanies the principle that there should be equality of rights for both the Roman Catholic and Protestant religions. The same century saw peace treaties in which Protestant princes assured the rights of their Roman Catholic subjects. The Treaty of Breda in 1667 was one example.

In the Treaty of Kuchuk Kainardji, Turkey undertook vis-a-vis Russia to protect the Christian religion and its churches.

The Congress of Vienna of 1815 provided for the free exercise of religion, for equality, irrespective of religion, in various cantons of Switzerland and for the equality of the Christian religion in Germany. The Congress also put into treaty form specific provisions assuring the civic rights of Jews in the various German states.

The Congress of Berlin in 1878 provided for guarantees of religious rights in Turkey and the newly independent countries of the Balkans—Montenegro, Serbia, Rumania, and Greece. The 19th century was also marked by a number of international treaties barring the slave trade. The Congress of Vienna, or more precisely the Peace Treaty of Paris, carried the initial ban, while the Declaration of Verona reiterated the commitment. A Berlin conference in 1885 and a Brussels conference of 1890 formulated detailed treaty arrangements for the suppression of the slave trade. It is significant, in this connection, to note that in the Treaty of Washington in 1862, between the United States and Great Britain, the United States agreed to a provision enabling a foreign power to visit and search U.S. ships suspected of engaging in the slave trade.

Human rights was a major focus of the peace treaties with Central and East European countries following World War I. With the League of Nations as guarantor, these treaties—which involved Albania, Austria, Bulgaria, Czechoslovakia, Greece, Hungary, Poland, Rumania, Yugoslavia, the Baltic States, and Iraq—assured the full protection of life and liberty to all inhabitants without regard to birth, nationality, language, race, or religion, and stipulated that all inhabitants were entitled to the free exercise, whether public or private, of any creed, religion, or belief. In addition, special provisions of the treaties guaranteed the ethnic and religious minorities of these countries their cultural and linguistic and religious rights.

Our own Government was a leading force in the establishment in 1919 of the International Labor Organization, a principal purpose of which was development of standards in labor and welfare fields through international conventions.

Thus, by the time the United Nations was established, a wide and extensive tradition of the utilization of international treaties for protecting human rights had grown up.

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, or that our overall growth rate is at an all time low, or that because of more effective and widely used contraception, we are not having the "baby boom" which is the natural prerequisite to population growth. Furthermore, it is asserted, due to the ZPG influence, couples today just do not want that many children, and are voluntarily choosing to have fewer, or else adopt.

In the face of such a serious problem as our continuing, unrelenting upward spiral of population in this country, this sort of statement is always disturbing to read, to say the very least. If the American public is to face this problem squarely and honestly, it must be provided with facts. Distortions and misrepresentations accomplish nothing, and only serve to postpone the day when there is 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 sincere effort 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.

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

CAN AMERICA GROW UP?

In 1950, there were 151 million Americans. Today, there are 208 million. By the year 2000—only 29 years from now—that number is expected to swell to roughly 300 million. In other words, if present growth patterns persist, 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.

There are several misunderstandings concerning this country's population problem. There is the belief that the introduction of the birth control pill and the wider availability of abortion are rapidly reducing the birth rate. It is true that the birth rate which stood at 25 live births per thousand in 1957 declined during the subsequent decade. But that decline leveled off in the last two years. Last year, it was approximately eighteen per thousand or nearly twice the death rate. As we noted yesterday, multiple births are rising because of increased use of hormones to combat infertility, and in other respects as well there is nothing less 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 late nineteen-forties and early nineteen-fifties.

A second myth is that excessive childbearing is primarily a phenomenon of the least-educated, low-income elements in society. It is true that this group has proportionately more children. But seven out of every ten children are born to middle- and 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. Because of the post-World War II population boom, even the two-child family would mean continued population growth until the year 2037, 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 conscience. Its objective is to provide a declaration of natural policy as well as a positive context in which the necessary attitudes, policies and research can evolve.

If zero population growth is to be achieved, many popular attitudes and expectations will have to change. For three centuries, Americans dwelling in a nearly empty, richly endowed continent developed a cult of growth. Small towns dreamed that the railroad would bring growth or that new industry would boom land values. The "booster" became an American stereotype and unending growth a national obsession. But now Americans have to develop the self-discipline to prevent an overcrowded and impoverished society. The question is no longer whether America 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—who will remain nameless to protect his family still in 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, this young doctor 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 students, young people capable of fighting, and girls. They are detaining and killing the young people capable of fighting, and raping the girls. The Hindus have already evacuated the towns and villages. Those that have not fled have been killed.

After having pacified the towns, the Punjabi troops are now ransacking the villages. They reach the villages traveling on the same armed personnel carriers that are now being loaded on boats in New York. Those villages that cannot be reached by roads are reached by boats. Unfortunately, again our government has assisted in those efforts by making available $1,000,000 for additional charter agreements for boats.

Everywhere you go you can see dead bodies. Villages have been burned and ransacked. Children are maimed. Girls raped, their breasts cut off. Cholera victims lie helpless because doctors have escaped and pharmacies have been ransacked. The Red Cross is only effective within Dacca and Chittagong. The food supply is deficient and the people are not allowed to plant their crops within one and half miles of the road (for security reasons). People no longer come to the small markets. If they seek food they go to the cities. They travel by day for fear of what may happen at night. The spectre of famine hangs over the land.

I have been told that the following areas have been burned. I would suggest that any international inspection team look at the following areas: First, Ramchandrapur, P.S. Bancharampur, Dt. Comilla; second, the entire subdivision of Munshiagang; third, Jinjira and Keraniganj—suburb of Dacca; fourth, Jagadishpur, near Itakhola P.S. Madhabpur, subdivision: Habiganj, Dt. Sylhet.

Further, the champion leader of the Bengal Regiment, Shafikern Rahman, who was undergoing physical therapy in Dacca Combined Military Hospital, was severely beaten in the hospital and selected for execution. He escaped and is now residing in Bedal Deb, 85 Airport Colony, Agartala, Tripura, India.

Mr. President, the Washington Post, in an editorial published on Sunday, June 20, 1971, stated that:

India's suggestion that international aid to Pakistan be suspended "until a political solution acceptable to the people of East Bengal is found" is offensive in its reference to East Pakistan as "East Bengal" but otherwise apt. It is unthinkable that donors would want to underwrite a minority military government's cruel war against its own citizens, thousands of whom it has murdered, millions of whom it has forced into flight.

Mr. President, this is precisely the Saxbe-Church amendment to the Foreign Assistance Act. I believe that it is the only way possible that our Government can and should react to this terrible situation. Mr. President, I ask unanimous consent to have printed in the RECORD both my amendment and the Washington Post editorial. I further relate to the Senate that we have approximately 20 cosponsors for this amendment, most of them within the last week, and would appreciate more.

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

AMENDMENT NO. 159

At the end of the bill add the following new section:

SEC. . All military and economic assistance, and all sales of military equipment and weapons, whether for cash, credit, or any other means, to Pakistan, authorized or appropriated pursuant to this or any other Act, and all licenses for military sales, will be immediately suspended and no commitments or expenditures, including the provision of debt relief, shall be undertaken or made, until distribution of food and other relief measures, supervised by international agencies, take place on a regular basis throughout East Pakistan and the majority of refugees in India are repatriated to East Pakistan: *Provided, however,* That these provisions shall not prohibit expenditures of previously appropriated funds pursuant to binding written agreements between the Government of Pakistan and the Agency for International Development in force on or prior to June 8, 1971.

[From the Washington Post, June 20, 1971]

INDIA AND PAKISTAN

India's suggestion that international aid to Pakistan be suspended "until a political solution acceptable to the people of East Bengal is found" is offensive in its reference to East

Pakistan as "East Bengal" but otherwise apt. It is unthinkable that donors would want to underwrite a minority military government's cruel war against its own citizens, thousands of whom it has murdered, millions of whom it has forced into flight. Moreover, strictly from the technical standard of whether Pakistan in its disrupted condition can spend aid funds efficiently, it hardly can qualify.

The State Department says that "normalcy can be restored in East Pakistan only within the context of a peaceful political accommodation." If this means anything, it is that "normalcy" is a condition for further American participation in Pakistani development. "Peaceful political accommodation" is a vague formula but its thrust is clear enough: the East Pakistani elements previously organized in the Awami League, the party that won national elections and then was destroyed by the West Pakistani army, must be allowed to reorganize and to receive an appropriate measure of autonomy from the military leadership in the West. Fortunately, there are no overriding "strategic" considerations which would impel the United States to resume aid before this process gets under way.

At first, the suffering of Bengalis and Hindus in East Pakistan made the Pakistani civil war an intense emotional issue in India, and not just cause for gloating at Pakistani's distress. Later, the strains placed on India by the estimated five million or more Pakistani refugees who poured across the border became extreme. The government in Delhi has not been above pouring some rhetorical oil on troubled waters. But the important point is that Delhi has received the refugees with much compassion and resourcefulness. It has kept an exceedingly explosive situation, not of its making, from getting worse. India is entirely justified in insisting that the international community not only help it more in caring for the refugees but join it in urging Pakistan to take them back.

In all, India's performance during the crisis on the subcontinent ought to be carefully noted by the aid-to-India consortium about to meet in Paris. The contrast with Pakistan is striking. The one is a military regime oppressing its citizens and unable to advance economic development. The other is a democracy trying, however imperfectly, to help its people.

WORLD COURT RULING ON SOUTH-WEST AFRICA

Mr. BAYH. Mr. President, yesterday the World Court ruled by a vote of 13 to 2 that the Union of South Africa had violated its mandate to administer the territory of South-West Africa, also known as Namibia. The Court stated that South Africa "is under an obligation to withdraw its administration immediately and thus put an end to its occupation of the territory." The Vorster government immediately asserted that it had absolutely no intention of doing so.

The South African Government continues to obstinately ignore the growing judgment of the world community. Its negative reaction reinforced widespread doubt about the sincerity and intent of its recent statements favoring a dialog with black Africa.

Furthermore, its continued intransigence reinforces arguments for suspending the sugar quota which we now grant it and redistributing that quota to other sugar-producing nations, including those of black Africa. As amendments to write such a suspension into law has been introduced by the distinguished Senator from Massachusetts (Mr. KENNEDY), and I am proud to be a cosponsor of it.

Mr. President, I ask unanimous consent to have printed in the RECORD an article describing the World Court's action, published in the Washington Post.

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

WORLD COURT RULES AGAINST SOUTH AFRICA

THE HAGUE, NETHERLANDS.—The world court today said South Africa has violated the mandate under which it administers South-West Africa and should immediately surrender the former German colony.

The court's ruling, a 13-2 decision, with a British and a French judge voting in opposition, was a legal opinion to back up a U.N. Security Council resolution that the republic's mandate, granted by the now defunct League of Nations 50 years ago, should be revoked and that the territory now should be administered by a U.N. commission.

The opinion carries no legal weight, but it was considered an important element of international pressure on South Africa.

However, the court's ruling was expected to have no immediate effect on South Africa's control of the sparsely populated, mineral-rich territory which has about 500,000 Africans and 73,000 white settlers.

In Pretoria, Prime Minister John Vorster said South Africa had no hesitation in rejecting the world court ruling.

"An advisory opinion by its very nature has no binding force and in the present case is totally unconvincing," he said in a nationwide radio broadcast.

"It is our duty to administer South-West Africa so as to promote the well-being and progress of its inhabitants," he said.

"We have guided and administered the peoples of South-West Africa for more than half a century in a manner which has earned their full-hearted confidence. We have set them on the way of peace, prosperity and self-determination and we do not intend to fail that trust."

South Africa has disputed the right of the United Nations to make such a decision and has continued to run the territory, an area larger than France.

It was South Africa's refusal to comply with the U.N. decision which led to the Security Council asking the International Court of Justice for a legal ruling.

This ruling, given today, was:

"The continued presence of South Africa in Namibia (the United Nations' new name for the territory) being illegal, South Africa is under an obligation to withdraw its administration immediately and thus put an end to its occupation of the territory."

To enforce its ruling, the court, also by a majority vote, called for an economic boycott on South African trade deals made on behalf of the mandated territory and asked for the withdrawal of diplomatic representatives whose appointment there had been approved by South Africa.

THE SUPERNURSE

Mr. KENNEDY. Mr. President, one of the most serious aspects of our current health crisis is the shortage of medical personnel. The fact is that the United States is short 50,000 doctors and 150,000 nurses. Many doctors do not take new patients because they are overworked already. One of the most urgently needed steps to cope with this health manpower crisis is to encourage the training of paramedical personnel. By developing health professionals such as pediatric assistants, paramedical aides, family health workers, and other categories of personnel, physicians can be freed for more urgent needs. The overall effect of an expanded corps of medical assistants will be more comprehensive health care for everyone.

The March issue of McCall's magazine contains an article written by Mr. Leonard Gross titled "The Supernurse," which focuses on a developing trend—the training of nurses to assume duties formerly performed by doctors. This trend is most advanced in the field of pediatrics, but the implications for all health care are evident. In the McCall's article, Mr. Gross describes the case of Dr. Lewis Day, who hired Miss Rosemarie Egli after she had completed a special course of training at the Department of Pediatrics at the University of Colorado in the pioneer program developed by Dr. Henry Silver. As a result, Dr. Day now treats 50 percent more children than he formerly was able to treat.

Last month, our Senate Health Subcommittee visited the University of Colorado Medical Center in Denver. I had the opportunity to meet Dr. Silver, and to hear first hand the extraordinary success of his program.

Mr. Gross cites other successful experiments with pediatric nurse practitioners. Also cited is the recent program at the University of Kansas, where nurses have been delegated responsibilities with a group of elderly women patients that were previously handled by physicians. Mr. Gross reports that although there were some initial complaints by the patients, the program is now working well.

Although it is estimated that our Nation has a shortage of 150,000 practicing nurses, Mr. Gross notes that there are currently 285,000 trained nurses in the United States who do not practice. Since 65 percent of the nurses who do practice are married, medical authorities deduce that marriage is not the reason most nurses quit. Frustration, boredom, low status, and low pay are much more likely reasons. These are the very things which the new programs for nurses are intended to cure.

There has been some resistance from both doctors and nurses to these new programs, but it is clear that this new flexibility developing within our health care system is a hopeful development.

I ask unanimous consent that the article entitled "The Supernurse," published in the March issue of McCall's magazine, be printed in the RECORD.

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

THE SUPERNURSE

To All My Patients:

Starting February 1 you will notice some changes in the way in which you receive your pediatric care from me. Miss Rosemarie Egli, a pediatric nurse-practioner, will be working closely with me performing certain routine procedures formerly done by me.

Miss Egli has recently completed a special course of training in the Department of Pediatrics at the University of Colorado. Minor problems which might possibly be managed over the telephone are well within her skill to manage. She will be available for such problems through the office telephone—Lewis R. Day, M.D.

The quiet tone of that letter from a Colorado doctor mutes what is quite pos-

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 obsolete, pioneering doctors and educators are training nurses to practice what borders on medicine.

The fact is that the United States is short 50,000 doctors, more by far than existing medical schools can comfortably produce. There is neither money nor time to wait for new medical schools and their graduates. New *ideas* about health care are required.

"Medicine has not changed its way of delivering health care in fifty years," says Dr. Day. "The medical industry just doesn't have anybody between the president and the typewriter pusher."

When Dr. Day began his practice in suburban Wheat Ridge, Colorado (near Denver), colleagues warned him that the population was unsophisticated 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 then and there I decided that I ought not to practice medicine when my skill was affected. It took me six months to recover. I decided that I had to cut down on my load. How? Increase prices? People just think you're a better doctor. They keep right on coming. The only way to do it is just to tell people you won'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 Colorado's Academy of Pediatrics at which Dr. Henry K. Silver, then president of the academy, suggested that nurses could be trained to give care 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 racetrack. They're using a three-hundred-fifty horsepower engine to do what, lots of the time, a fifty-horsepower engine could do. Isn't it more efficient to have two engines?"

Soon thereafter, Rosemarie Egli arrived, a tall, sweet-faced nurse with no taste for notoriety. She became, in all likelihood, this country's first private pediatric nurse-practitioner.

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." What had happened was that some patients refused to talk to her. Some left for other doctors. And some of the other doctors accused Dr. Day of "unfair competition" 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 now."

It was time for her to see a patient, eleven-week-old Stephanie Johnson. With the examination went a running patter:

"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 a humidifier. Does she sleep on her tummy? Try to put her on her tummy. It will help her cold. Try not to take her out shopping or to church. . . ."

Then Miss Egli administered an oral polio vaccine to Stephanie and readied a baby shot. "You pick her up as soon as I'm through, so she realizes that when the world's really mean, mothers are around."

In went the needle. Stephanie puckered, angered, and sobbed her rage. Her mother picked her up. Miss Egli chuckled sympathetically. "Tell her we're sorry," she said.

Three years after Rosemarie Egli joined his office, Dr. Day's patients reflected these findings: 94 percent were satisfied with the care they received; 57 percent stated that the joint care was better than the care they had received from a physician alone; more than 90 percent considered the association of doctor and nurse-practitioner to be "a desirable and inevitable trend in the private practice of medicine."

Dr. Day's time with each patient has been cut from twenty minutes to between five and ten minutes. Since Miss Egli's arrival, he has accepted a steady supply of new patients—he can treat 50 percent more children now. Office turnover has risen from twenty to thirty-five patients a day. "Every day she walks out that door," he says, "I thank her for what she's doing for me."

Accompanying this trend toward the nurse-practitioner is all the fervor and anguish that precedes every major social move. The new "supernurses" are, by turns, hailed as saviors of a medical system that cannot cope with modern demands, and damned as "second-rate doctors" by those medical professionals who feel threatened by any thought of innovation and change.

At least four major social issues could be affected by the outcome of this struggle.

For doctors, the issue is nothing less than the continued existence of fee-for-service medicine. Many believe that an enlarged role for nurses is the essential basic reform that must be undertaken to forestall the advent of socialized medicine in this country.

For nurses, the issue is whether they can break away at last from obsolete and stifling traditions that have wasted millions of health-care hours and contributed greatly, in the view of experts, to this country's grave—and artificial—shortage of nurses. We have 700,000 practicing nurses in the U.S., an estimated 150,000 short of the need. Yet we have some 285,000 trained nurses who *do not* practice. Since 65 percent of the nurses who do practice are married, medical authorities deduce that marriage is not the reason most quit. Frustration, boredom, low status, and low pay are much more likely reasons—every one of which the new programs for nurses is intended to cure.

For you and me, the issue is, conceivably, a vastly improved brand of health service that should, among other benefits, repersonalize medical care. According to Dr. Dorothy A. Mereness, dean of the school of nursing at the University of Pennsylvania: "The use of the well-prepared nurse in the extended role of the physician's assistant might reestablish the time-honored and still-needed practices of visiting patients in their homes; of responding to night calls; of delivering mothers at home; of improving the care of well children, and of focusing attention upon the family as a unit of care. . . ."

The fourth major social issue is arguably the catalyst of the other three. The burgeoning movement to enlarge the role of nurses is the most dignified illustration available today of substantive change in how men view women and how women view themselves.

By almost any yardstick, American medicine has shown a consistent bias against women. Only 9 percent of American doctors are women, compared to 24 percent in Great Britain and 65 percent in the Soviet Union. Whatever other factors may account for this disproportion, one factor has surely been male chauvinism. A seven-year study of medical schools and their administrators by Dr. Harold I. Kaplan, a psychiatrist at New York Medical College, uncovered a widely held view that women were emotionally unsuited to be doctors.

But it is the doctor-nurse relationship that suffers most from scrutiny.

"The nurses have been hospital wives," says Dr. Eileen Jacobi, executive director of the American Nurses' Association, which has created "intellectual passivity" and "a flattering, if often ambivalent, emotional subservience to physicians." And doctors, to some of their critics, have paraded as "the last of the autocrats."

It is within this classic social stew that the new ingredient of the super-nurse must be savored.

The more resourceful and independent nurses—particularly public-health nurses—have always cared for patients beyond customary norms. The more enlightened doctors have always trained their nurses to assume responsibilities as broad as they could handle. But what is happening today differs significantly from these exceptions.

Doctors seem increasingly willing to accept nurses' findings to a degree that was unimaginable only a decade ago. They now permit nurses to give well-child care, to identify and appraise acute and chronic illness and to manage minor problems and emergencies. Care is taken to use such words as "appraise," "assess," "observe," and "judge." But all these words, in reality, are euphemisms for "diagnose."

One of the biggest dividends of the new willingness to enlarge the nurse's role is to put medical care where it has never been before. In one such experiment, the University of New Mexico Medical School has created what it describes as "something less than a doctor but something more than a nurse," and placed her in her native hamlet. The hamlet, Estancia, contains some 2,000 persons who have never before had resident medical care of any kind. The nurse received an intensive four-month training course before going to her post. Once there, she had a direct telephone line to the medical school. Residents or interns from the University Hospital make twice-weekly visits to the outpost, and the entire hospital serves as a back-up resource.

The nationwide effort to expand nurses' roles is only one part of a larger movement to find help for harried physicians, but many well-placed doctors consider nurses the most important component of that movement.

In January, 1970, the executive vice president of the American Medical Association, Dr. E. B. Howard, tucked a single sentence into a speech in Boston that elevated the nurse-enrichment program to major national status. "It is the conviction of many in the AMA," he said, "that with only modest additional training, one hundred thousand nurses could become associated with physicians in such a way as to expand markedly the physician's ability to serve his patients." Within a week, the AMA's board of trustees had adopted the idea as policy.

Yet the nursing profession has not been so quick to accept the plan. In fact, Dr. Howard's statement provoked an outraged retort from the American Nurses' Association. "We strongly object to this unilateral action," the ANA president declared, "by the AMA that they would attempt to meet the physicians' shortage by compounding the shortage of nurses." Other nursing professionals viewed the scheme as a means of skimming the cream of nursing away from the profession. Since then, with few exceptions, nursing educators and administrators have maintained a suspicious, and at times hostile, stance toward the move. They make a distinction between "caring" and "curing"; nurses, they say, can only give "care."

Yet doctors and nurses in the enrichment programs scoff at such distinctions. "We do use some of the tools a doctor uses," nurse Loretta Ford of Boulder, Colorado, admits. "So does a mechanic." They argue that by extending and dignifying the nurse's role, they can not only improve the quality of medical care but also, by making nursing more attractive, lure more young women into it—and perhaps, in time, into medicine as well.

Advocates of the new program argue that many of today's distinctions between what a doctor does and what a nurse can do are indulgences: the demand for medical care is too vast. Between 1958 and 1968, spending for health increased from $23 billion to $54 billion. There are more services available, there is more money to pay for them, and there is a deeper awareness that they must be shared with those who cannot pay. Should the country turn to a comprehensive national health-insurance program, as many expect, American medicine as organized today would not be geared for the job.

Since Dr. Lewis Day's experiment with supernurse Rosemarie Egli, other doctors have followed suit. And with few exceptions, results elsewhere have been as good. In Greeley, Colorado, after two pediatricians, Donald Cook and John Cooper, brought nurse-practitioner Joan Carvajal into their program; the telephone calls they themselves had to answer dropped from fifty a day to ten; their time on the phone, commensurately, dropped from two-and-a-half hours to a half hour. In 1968, they took care of 8,700 office visits, all they could handle. In 1969, with Mrs. Carvajal aboard, they were able to treat 24 percent more patients in the office, a total of 10,800. Preliminary figures for 1970 indicate a 15-percent rise over 1969. "I don't have to spend time on, 'This week we'll feed carrots, and next week we'll feed squash.'" Dr. Cook says. "To me it makes a lot more sense to have a woman tell another woman how to feed a baby." What kinds of things is he able to do that he couldn't do before? Dr. Cook smiles. "Be president of the symphony board, for one. And spend more time with the problem patient."

Another two-man pediatrician team reported an 18.8-percent increase in the number of patients seen after they'd been joined by a pediatric nurse-practitioner and an increase in gross charges of $16,000.

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 in 82 per cent of 280 conditions reported. There was some disagreement on 17 percent of the judgments, but the disagreement was not considered significant, since 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 in judgment significant.

After forty-eight pediatric nurse-practitioners had completed his 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 result in doubling 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 out into practice."

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

Stories of better communication 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 midwifery program begun in 1965 at the University of Utah College of Nursing describes how the skepticism that greeted the project at the outset has given way to acceptance. One reason: "The nurse midwife, whose field of practice and area of concern is inherently more restricted medically than that of the physician, is thereby freed to lavish attention on the very areas the physician is likely to leave untouched—the intimate womanly details—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 clinic physicians. Many of the women 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 think of a health team, we do 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 young doctors' association sees the day when care will be administered by a health team composed of a psychologist, a dentist, a pharmacist, and other specialists—as well as a doctor and nurse. "We think that the leader will come out of that group naturally," the spokesman goes on. "It 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 simply will not buy the argument that nurses will be dispensing second-rate medicine. Dr. Jean French, who helped start a program in family-health care for nurses at the University of California, declares, "In areas of their responsibility, they will be as competent as physicians. They won't go beyond their competence—and they will know enough to know what their limitations are." Where the nurses cannot care for the sick directly, they will be able to direct patients through the "maze of our health-care system" to be certain they receive needed care.

The tide is strong for change, and younger nurses appear eager to ride it. "There's a difference between where nursing leaders and educators say the profession is and where it really is," says Ann Smith, who was one of Dr. Silver's first students and is now a nursing professor.

Where the nurses appear to be is where, at long last, they can act with fullness toward patients.

As Dr. Silver puts it: "Too often, nurses have been assistants to physicians. Our program helps them to be associates to physicians. Doctors could probably train nurses in their offices. But how many would? And they couldn't give their nurses certificates. A nurse can't go to another city and sell a doctor's office training. If this girl is skilled, she should get a certificate. She should get credit, and she should be able to say, 'I am now one of the best-trained nurses in the world.' The facts I teach her are important, but not as important as the fact that she changes her concept of herself."

S. 2108, THE DRUG AND ALCOHOL TREATMENT AND REHABILITATION ACT OF 1971

Mr. CRANSTON. Mr. President, yesterday I introduced S. 2108, the proposed Drug and Alcohol Treatment and Rehabilitation Act of 1971. It is my hope that introduction of this bill will point the way toward the Government's assuming and carrying out in the next year and thereafter responsibility for the treatment and rehabilitation of the almost 100,000 veteran drug addicts, especially those returning servicemen from Indochina, and the enormous number of veteran alcoholics—probably at least 2 million—in this country.

The immediate focus of this bill is the Vietnam era drug addict or drug abuser. We have all read in recent months of the rapidly escalating drug addiction and abuse which now threatens far greater destruction of the lives and welfare of our servicemen, veterans and their families than the war in Indochina itself.

This epidemic of drug addition among our returning veterans has been highlighted by hearings last Congress and this Congress by the Subcommittee on Alcoholism and Narcotics, on which I serve under the outstanding leadership of Chairman HAROLD HUGHES, of the Labor and Public Welfare Committee.

Senator HUGHES, more than any other American, has stirred our national conscience about the scourge of drug addiction and abuse which is sweeping our country like an infectious disease.

Thus, it has been a great privilege for me to join my good friend Senator HUGHES in conducting joint hearings of his subcommittee and the Health and Hospitals Subcommittee, which I chair and on which he also serves, of the Veterans' Affairs Committee, to explore the problem of veterans drug addiction.

We opened these hearings this past Tuesday, June 15, and heard from a panel of Vietnam and Korean conflict former addict veterans; the directors of a community-based drug rehabilitation program in Sacramento, Calif.—the Aquarian Effort—Dr. Sidney Cohen, clinical professor of psychiatry, the Neuropsychiatric Institute, University of California at Los Angeles, and former Director of the Division of Narcotic Addiction and Drug Abuse, National Institute of Mental Health in Health, Education, and Welfare; Dr. George Solomon, associate professor of psychiatry, Stanford University School of Medicine, and formerly chief of the Stanford Psychiatric Service at the Palto Alto VA Hospital; and representatives of AMVETS, the Disabled American Veterans, and the Veterans of Foreign Wars.

Mr. President, tomorrow, June 23, we will convene at 9 a.m., in room G–308, New Senate Office Building, to receive testimony from the Administrator of Veterans' Affairs, Donald E. Johnson; the Administrator of the Health Services and Mental Health Administration, Health, Education, and Welfare, Dr. Vernon E. Wilson, accompanied by the Director of the National Institute of Mental Health, Dr. Bertram S. Brown; and the executive director of the American Civil Liberties

Union, Aryeh 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 witnesses that the Veterans' Administration drug treatment program requires very substantial expansion; that the VA needs authority to treat all addicted veterans, regardless of the nature of their discharges or findings of service-connection for 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 within VA facilities. The bill I 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 of his addiction, can qualify for care. But a veteran who made a mistake and was discovered received, until very recently with the inception of limited amnesty programs, a less than honorable discharge and usually has been, thereby, made ineligible for treatment. This sort of disparity makes no sense whatsoever.

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

There being no objection, 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 hospital, domiciliary, and medical care, to include "alcoholism and drug dependence" and also to include "impairment of function (including by alcohol or drug abuse)". The definition, as amended, would read: "the term 'disability' means a disease (including alcoholism and drug dependence), injury or other physical or mental 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 supercede the basic title 38 definition in section 101(2). The amendment would make veterans with undesirable or bad conduct discharges generally 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 3103(a) of title 38—those discharged as conscientious objectors; for refusing to obey a lawful order; for desertion; or on resignation from officer status—which discharge the Administrator determines is a product of any disability incurred during service.

Subsections (*c*), (*d*) *and* (*e*). Amend present clauses (5), (6), and (7) of section 601 of title 38 (redesignated as clauses (6), (7) and (8) by subsection (a) of the bill) to include "rehabilitative services" as part of the definition of, respectively, "hospital care", "medical services", and "domiciliary care" for purposes of chapter 17.

Subsection (*f*). Amends section 601 to add a comprehensive definition of "rehabilitative services" as follows:

"(8) The term 'rehabilitative services' includes such services as professional counselling, educational and vocational guidance, education, training and job referral and placement and such other intensive, skilled services applied, on an in-patient or outpatient 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 (and as completely rehabilitated) as practicable, to his or her family and community as a productive, self-respecting, and self-sustaining member of society."

Section 3. Subsection (*a*). Amends section 602 of title 38, which presently establishes a presumption of service-connection for active psychoses arising within two years of discharge, so as to extend the presumptive period to three years and cover "neuroses" and "personality or character disorders" as well.

Subsections (*b*) *and* (*c*). Relate to changes in the catch line of section 602.

Section 4. Subsection (*a*). Inserts a new section 612A in chapter 17 of title 38 for special medical treatment and rehabilitative services for alcoholism, drug dependence, and alcohol and drug abuse disabilities for any veteran regardless of the nature of his discharge or the provisions of section 3103(a), discussed *supra* under section 2(b).

Subsection (*a*) *of the new section.* Directs the Administrator of Veterans Affairs to furnish the most comprehensive treatment and rehabilitative services for such disabilities of any veteran, regardless of the nature of his discharge or of any determination of service-connection. The treatment and rehabilitation would be provided in VA facilities or other Government facilities (Public Health Service or Department of Defense, for example). When Federal facilities are not available, the Administrator would be required to contract with community facilities with special priority, wherever feasible, for community-based multiple modality treatment programs utilizing former addict counselors and stressing outreach efforts to identify and counsel veterans eligible for treatment and rehabilitation under the new section.

The treatment and rehabilitation to be provided are to be as comprehensive as possible, including "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 counselling (including appropriate referral for legal assistance), vocational and educational guidance, and crisis intervention." The places of treatment would be hospitals, domiciliaries, outpatient clinics, and half-way houses (including store-front facilities located in areas where large numbers of eligible veterans reside).

Subsection (*b*) *of the new section.* Directs the Administrators to use all available resources in an outreach effort aimed at attracting into treatment addicted veterans eligible for treatment and rehabilitation under the new section. It also authorizes the Administrator to enter into personal services contracts or employ directly former addict veterans to work as counselors in treatment and rehabilitation programs. The Administrator would be authorized 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 be 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 chapter 31 of title 38 for veterans accepting treatment and rehabilitation under the new section but only for so long as the veteran continues to receive such 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 counselling and related services, as well as the total cost of training and education plus a subsistence allowance of, for example, $135 for a veteran with no dependents taking full-time training. The goal of the vocational rehabilitation program is to restore employability to veterans with service-connected disabilities from World War II or the Korean conflict or other veterans rated as 30 percent for disability compensation purposes (chapter 11). The Administrator is authorized to arrange for training facilities for vocational rehabilitation trainees in all the following ways: by employing additional experts and personnel; by utilizing and extending VA facilities and those of any other Federal or joint Federal-State agency; by contracting with public or private institutions or establishments for additional suitable facilities; and by cooperating with and utilizing other governmental and state employment agencies for job referral and placement.

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 counselling, training and education and a subsistence allowance 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 through the new section would not affect any 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 successfully 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 the purpose 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 section to each veteran depending upon his individual needs.

Subsection (*f*) *of the new section.* Requires that funds for the VA treatment and rehabilitation program for alcoholism, drug dependence, or alcohol or drug abuse disabilities be set forth in a lien item in the VA budget estimate.

Subsection (*g*) *of the new section.* Provides for transfer, subject to reimbursement to the VA, to VA hospitals of active military, naval, or air servicemen during their tours of duty for treatment pursuant to the new section under terms agreed upon between

the Administrator and the Service Secretaries.

Subsection (h) of the new section. Requires the Administrator to make periodic progress reports to the appropriate Service Secretary on treatment of servicemen transferred to the VA under subsection (g) of the section and to return such servicemen to the appropriate Secretary when the servicemen 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 5. Amends section 1502(a) in chapter 31 of title 38, "Vocational Rehabilitation," to cross reference the eligibility of veterans receiving 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 S. 2108, I have included treatment and rehabilitation for alcoholism and alcohol abuse, as well as treatment and rehabilitation for drug addiction and abuse, for a number of reasons.

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, alcoholism afflicts 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' yoeman efforts in securing enactment last Congress of the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act—Public Law 91-616—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 not doing what must be done to wage the war to combat 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 about one in eight of current VA hospital 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 far too modest a scale. As Senator HUGHES' hearings have demonstrated, alcoholism traditionally has been especially prevalent in the military and the attitudes of the uniformed services toward alcoholism have been medieval. Only recently have the services reluctantly acknowledged that alcoholism is indeed a disease.

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 made an integral part of 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 dropped out of the rehabilitation program 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 that a veteran 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, S. 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 and authorizes the Administrator in his own programs to hire these 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 Food and Drug Administration still considers methadone maintenance to be experimental and that since most addict veterans became addicted in, rather than before, service, competent medical authorities have told us they have a far better chance to recover without drug maintenance or dependence than the unfortunate street "junkie." This is particularly so because the veteran has a chance to leave the military, foreign environment where he became addicted. It would be a tragedy to perpetuate drug addiction for 50,000 to 60,000 young veteran addicts through a maintenance program without an individual medical judgment that a full recovery is not possible for a particular veteran.

BUDGET LINE ITEM

The bill also requires that the President's annual budget include a separate line item for the treatment and rehabilitation program for alcoholism, drug dependence, 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 a 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 describe at this point.

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 courts-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, a 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" (38 U.S.C. § 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 repeated AWOL's, almost invariably it ends in determination of ineligibility. In any event, even if a favorable determination results, it comes many, many months after the need for care arises.

I hasten to note that a good portion of such delays in adjudication are due to incredible slowness on the part of the armed services in producing military medical records needed for the 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—other than 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 one of the absolute bars to benefits set forth in section 3103(a) of title 38, United States Code, which S. 2108 does not propose to change—namely, those 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 present eligibility requirements, first, because I have long believed present strictures are unenlightened, inhumane, and counterproductive for society, particularly in denying wounded veterans care for their service-incurred disabilities because of some deficiency in their discharges. 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 TEAGUE of the House Veterans Affairs Committee in H.R. 9264 introduced on June 18, and leaders of veterans organizations—seems to feel are necessary in eligibility requirements in order to provide VA drug addiction treatment for veterans regardless of the nature of their discharges, I am unable to find any moral or logical basis for distinguishing between the case of a veteran with an undesirable 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 as much assistance as possible toward becoming productive, tax-paying, self-respecting citizens.

DEFINITION OF REHABILITATIVE SERVICES

In another provision, a basic definition of "rehabilitative services" is added to 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 NEUROSES 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 2 years of active duty discharge. Under the bill, neuroses and personality or character disorders as well as psychosis, arising within 3 years of discharge would also be presumed to be service connected.

Section 602, containing the original active psychosis presumption, was added to title 38 by Public Law 82–239 in 1951. The House-passed bill—H.R. 320—had included a 3-year period for active psychosis and the Senate reduced it to 2 years—Senate Report No. 749, 82d Congress, first session, 1951.

Very substantial testimony at our oversight hearings on medical care for Vietnam veterans last Congress and again at our joint drug addiction hearings this past Tuesday has demonstrated to my satisfaction that the psychiatric casualties of the Indochina war are—as a result of multiplicity of factors—turning up many months and even years after discharge and often tend to be suffering from lower grade psychiatric disturbances. Under S. 2108 veterans with these conditions would be eligible for full outpatient care in the same way as treatment for a service-connected disability, which is generally the most effective and productive method of care.

In view of this, I believe that the same justification underlying the original provision for active psychoses arising from World War II and the Korean conflict should be applied to the types of psychiatric conditions which seem to characterize the Indochina war. The purpose and rationale of section 602 were described in the House and Senate Committee reports as follows:

The Committee is of the opinion that the bill is fully justified in view of the difficulty medical science has in tracing the exact cause of psychoses. The additional presumptive period would authorize service connection in many meritorious cases which are barred under existing law. The presumption is of course rebuttable when there is affirmative evidence to the contrary. . . . (H.R. Rept. No. 239, 82d Cong., 1st Sess. 2 (1951)).

It is generally recognized that the disease of psychoses is not only an individual problem but involves broad social aspects as well. It is urgent that those who suffer from this unfortunate malady should receive prompt and complete institutional care and treatment. Although war veterans are now entitled to hospitalization by the Veterans' Administration for non-service-connected psychosis, their admission is subject to availability of beds and their inability to defray the expenses. . . . (S. Rept. No. 749, 82d Cong., 1st Sess. 2 (1951)).

APPROPRIATIONS FOR VA DRUG AND ALCOHOL TREATMENT PROGRAMS

Mr. President, before closing, I want to address myself to the question of appropriations to carry out any drug addiction programs. I spoke to this in my opening statement at our June 15 joint hearings on Veterans' Drug Addiction as follows:

According to Senator Hughes, the veterans addict population may total 80,000 to 90,000 by the end of fiscal 1972. Most of the afflicted veterans have returned to this country over the last several years and have received no care or attention from the VA. So this is really not a new problem we focus on today. Yet the government's response so far has been to open five VA Drug Dependents Units around the country. And these were opened only in 1971.

Given the devastating extent of the drug addiction problem among veterans, it is shocking to me that right now the VA is treating only 219 in- and out-patients for drug addiction at these five centers, with 116 veterans now on the waiting lists at these new facilities alone.

In the face of this, the VA originally planned in its FY 1972 budget to open up 13 new centers by June 30, 1972, for a total of 18 centers. These 18 new units originally slated for next fiscal year are funded in the budget with only $3.2 million additional. This is only about $175,000 per unit. Actual experience with the five units already indicates this figure is far too low. Units operated for a full fiscal year require about $540,000 in the first year and $480,000 thereafter with about 35 staff members for each unit's in- and out-patient programs.

By contrast, the VA's plans, after meat-axing by the Office of Management and Budget, allow for less than half the necessary funds and one-third the necessary staff in order to run an effective drug abuse treatment program with adequate follow-up and the requisite individual care. For fiscal year 1973 the VA initially projected opening 12 more of these drug dependence units for a total of 30 in operation by June 30, 1973.

But, as the Hughes Subcommittee turned up the heat on the military drug abuse problem, some of the flames apparently began igniting these VA plans. Now, VA representatives say they will accelerate their plans and make all of these 30 centers operational by the end of fiscal year 1972. They also seem to be talking about opening an additional 30 centers by mid-1973.

I understand that each of these projected centers is to be capable of treating 200 addicts annually for a total agency-wide capacity during the next fiscal year of 6,000 veteran addicts, less than 7 percent of the estimated total number of veteran addicts requiring treatment and rehabilitation.

The VA, the Congress, and all of us in the country can and must do better than that. We cannot rely on community facilities in the private sector to take up this enormous slack. These local facilities are already severely overburdened and are far too few with far too little funding support from the federal government, or local or state governments for that matter.

At a minimum, it seems to me that we must double the new VA estimate and have 60 units operational by this time next year, with a capacity to treat 12,000 addicted veterans annually. To do this job properly will require a minimum of $28 million more than is budgeted. And then untold millions will still be needed to provide care in community facilities under contract with the V.A. I pledge myself—together with Senator Hughes and my good friend "Tiger" Teague, Chairman of the House Veterans Affairs Committee—to do all we can to convince the Appropriations Committees in each House and the full Congress that all necessary funds must be made available immediately for these programs. . . .

It is no longer a sufficient answer to deny a governmental responsibility for the man who incurred drug addiction during service by saying he willfully subjected himself to addiction. Nor is it any longer satisfactory to try to exclude from any treatment a man who happens to receive a less than honorable 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 marshall the necessary resources and enact the necessary laws to confront this problem head-on with compassion, firmness, conviction and the sense of urgency that its enormous dimension demands.

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 $155 million he requested in that message, he called for "$14 million to permit immediate 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 service. This money would be used to assist in the immediate development and replacement of VA rehabilitation centers which will permit both inpatient and outpatient care of addicts in a community setting."

If this $14 million is spent to staff clinics at desirable levels, only about half of the 60 clinics I believe we need operational in fiscal year 1972 would be opened.

We must add to the $28 million needed for drug dependence treatment centers about $16 million more to open 20 new alcohol treatment units in fiscal year 1972. This would give us an annual treatment 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 funding drug and alcohol treatment units on June 29 before the Senator PASTORE's Appropriations Subcommittee which handle the VA budget.

Mr. President, I plan to expedite consideration of S. 2108 in the Veterans' Affairs Committee's Health and Hospitals Subcommittee and to question the administration witnesses as to its general provisions at our joint hearings on June 23.

Mr. President, I ask unanimous consent that, for the convenience of Senators, the text of S. 2108 be printed in the RECORD.

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

S. 2108

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assemled, That this Act may be cited as the "Veterans Drug and Alcohol Treatment and Rhabilitation Act of 1971".

SEC. 2. (a) Section 601 (1) of title 38, United States Code, is amended by inserting "(including alcoholism and drug dependence)" immediately after "disease", and by inserting a comma and "or impairment of function (including impairment caused by alcohol or drug abuse)" immediately after "defect".

(b) Section 601 of such title is further amended by redesignating paragraphs (2) through (7) as paragraphs (3) through (8), respectively, and by inserting after paragraph (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 military, naval, or air service, and who was discharged or released therefrom with an other than honorable discharge or with any discharge (notwithstanding the provisions of section 3103 (a) of this title) which the Administrator, after notice and opportunity for a hearing, determines in accordance with such regulations as he shall prescribe was the product of a disability incurred in such service."

(c) Section 601(6) of such title (as redesignated by subsection (b) of this section) is amended by inserting "and rehabilitative services" immediately after "medical services".

(d) Section 601 (7) of such title (as redesignated 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".

(e) Paragraph (8) of section 601 of such title (as redsignated by subsection (b) of this section) is amended to read as follows:

"(8) The term 'domiciliary care' includes necessary medical services and rehabilitative services, and, in the case of veterans who are unable to defray the expense of transportation, transportation and incidental expenses."

(f) Section 601 of such title is further amended by adding at the end thereof a new paragraph as follows:

"(9) The term 'rehabilitative services' includes, but is not limited to, such professional counseling, educational and vocational guidance, education, training, and job referral and placement services, and such other intensive skilled services applied on an inpatient or out-patient basis, over a protracted period as may be necessary to assist any disabled veteran to achieve his maximum potential and to return, as soon (and as completely rehabilitated) as practicable, to his or her family and community as a productive, self-respecting, and self-sustaining member of society."

SEC. 3. (a) Section 602 of title 38, United States Code, is amended by—

(1) striking out "captive phychosis" and inserting in lieu thereof "psychosis, neurosis, or personality or character disorder"; and

(2) striking out "two years" both times it appears therein and inserting "three years".

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

"§ 602. Presumption relating to certain disabilities".

(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 disabilities."

SEC. 4. (a) Chapter 17 of title 38, United States Code, is amended by adding immediately after section 612 the following new section:

"§ 612A. Special medical treatment and rehabilitative 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 Administrator shall furnish such special medical treatment and rehabilitative services and such hospital and domiciliary care (hereinafter in this section collectively referred to as 'treatment and rehabilitative services') as he finds to be reasonably necessary for an alcoholism, drug dependence, or alcohol or drug abuse disability of any veteran. Such treatment 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 counseling (including appropriate referrals for legal assistance), vocational and educational guidance, and crises intervention, and (2) be provided in hospital, domiciliary, outpatient, halfway house facilities (including storefront facilities located in areas where large numbers of veterans eligible for care and services under this section reside) over which the Administrator has direct and exclusive jurisdiction and in other Government or public or private facilities for which the Administrator contracts. In contracting for treatment and rehabilitative services in non-Veterans' Administration facilities, the Administrator shall, wherever feasible, give priority to community-based multiple modality treatment and rehabilitation programs utilizing former addict counselors and stressing out-reach efforts to identify and counsel veterans eligible for treatment and rehabilitative services under this section.

"(b) The Administrator shall utilize all available resources of the Veterans' Administration in seeking out and counseling toward treatment and rehabilitation all veterans eligible for treatment and rehabilitative services under this section. To carry out the preceding sentence and to provide counselors for the treatment and rehabilitation programs, the Administrator is authorized to contract for the services of or employ former addict veterans without regard to those provisions of title 5, United States Code, relating to the appointment of persons in the competitive service, to pay such persons without regard to the provisions of chapter 51 and subchapter 3 of chapter 53 of such title relating to classification and General Schedule pay rates, and to provide such veterans with all necessary job training.

"(c) Any veteran accepting treatment and rehabilitative services under this section shall, for as long as he continues to receive such treatment and services and for up to one year after his discharge from the treatment and rehabilitation program as recovered, be entitled, without regard to any other rights or interests under this title, to all the vocational rehabilitation benefits provided in chapter 31 of this title for a period not exceeding four years.

"(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 thereafter has been recovered, for a period of one year or more, from the disabality for which he received such treatment and rehabilitative services, 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 rehabilitative services under this section to any veteran, the Administrator shall offer alternative modalities of treatment to such veteran depending upon the individual needs of such veteran.

"(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 submitted to Congress by section 201 of the Budget and Accounting Act, 1921 (31 U.S.C. 11), a separate line item showing the estimated expenditures by the Veterans' Administration under this section during such fiscal year for the treatment and rehabilitation of eligible veterans sufferring from alcoholism, drug dependence, or alcohol or drug abuse disabilities.

"(g) Any member of the active military, naval, or air service who is determined by the Secretary of the military department concerned to have an alcoholism, drug dependence, 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. 686), be transferred to any Vetterans' Administration facility and provided treatment and rehabilitative services under this section.

"(h) The Administrator shall from time to time make a report to the Secretary concerned as to the progress of the treatment of any member transferred to him pursuant to the provisions of this section, and the Administrator shall release such member to the Secretary concerned when his alcohol or drug condition is stabilized, or upon certification that (1) the member refuses to cooperate with the terms and conditions of the treatment prescribed, or (2) the treatment which could otherwise be provided will be of no further benefit to the member."

(b) The table of sections at the beginning of chapter 17 of title 38, United States Code, is amended by adding

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

immediately after

"612. Eligibility for medical treatment".

SEC. 5. Section 1502(a) of title 38, United States Code, is amended by adding at the end thereof a new subsection as follows:

"(c) Every veteran who is in need of vocational rehabilitation on account of a disability for which he is receiving treatment under section 612A of this title under the conditions set forth in subsection (b) of that section shall be furnished such vocational rehabilitation as may be prescribed by the Administrator."

QUIET FALLS ACROSS THE PLAINS

Mr. McGOVERN. Mr. President, Life magazine of June 25 has depicted with considerable success the pallor covering rural America. This article tells the tragic story of the decline of a once thriving community in my State, Vienna, S. Dak. Just as moving and every bit as tragic is the account of a Vienna area farmer, Elwood Jorgensen. After years of hard and fruitful toil. Mr. Jorgensen sold his farm for a profit of $506, his only reward for 21 years on his farm.

The article illustrates the folly of low farm prices. There is no one cure-all for ills facing rural America, but the basic ailment is low farm prices. Every time seven family farms close, one main-street business also closes its doors. The result of this low farm price policy over the years has been the migration of millions of persons from our farms and rural communities to overcrowded cities.

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 rebuilding reserve stocks of wheat and 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 has come for us to offer 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. Because it so aptly describes the plight of rural America and the farmer, I ask unanimous consent that the article be printed in the RECORD.

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

QUIET FALLS ACROSS THE PLAINS—MIDWESTERNERS LEAVE THEIR FARMS, TOWNS, AND A WAY OF LIFE

Home to Elwood Jorgensen was always Vienna, S. Dak. Now, with $506 to show for 21 years of bone-cracking work as a farmer, he has sold out and joined the migration of country people to the city. Last week he was working part-time as a painter in Pierre. This week he is in Rapid City unloading construction material and hoping for something else when that ends. He would rather be back home in Vienna, but there is no work.

At midmorning a flag outside the post office is the only hint of life along Vienna's Main Street. From time to time a pickup truck stops in front of the corner bank or a farm wife goes into Milo Nelson's store for a loaf of bread. Later in the afternoon farmers and townspeople will gather at Arnie Hanson's bar to sip Grain Belt beer, play pinochle and watch TV.

Across the table-flat plains, from North Dakota to Texas, the lights are going out. Small towns are shriveling and dying, farmhouses stand abandoned and stark, sunbleached momentos of an era lost in a sea of prairie grass. The rural life anchored on little farmer's towns, which only 50 years ago dominated the American heartland, has come quietly to the edge of extinction.

Once a living covenant between a man and his land, farming is now sheer hard business, where sentiment about the past has little place. The economics of narrow profit margins and staggering mechanization costs have been forcing farmers either to extend their stakes or to get out, yielding up their failures at auction-block prices to more successful neighbors. As farms become larger and farm families fewer, the crossroads communities that served them, like Vienna, S. Dak., flounder and die from disuse. Once so numerous that almost every farmer was within an hour's horse-and-wagon haul of one, such towns sprang up less than 100 years ago around grain elevators and early railheads. Their decline was signaled by the automobile and sealed by the supermarket.

What began as gradual migration from rural areas after World War I has become a general exodus today. Ten years ago there were 15 million people living on farms. Figures from the 1970 census, just now being analyzed in detail, are expected to show that fewer than ten million of them are left. Almost every state has some rural counties with net losses. Most severely hit of all, however, are the broad wheatlands of the upper Midwest where farmers like Elwood Jorgensen are no longer able to eke out a decent living, even from a half section of good land. Scale and efficiency have carried the day against many family farms. Often with hope, usually with regret, thousands of rural Americans are moving weekly toward the cities and a whole new set of problems, abandoning the country's outback.

THE TRAINS DON'T OFTEN STOP HERE ANYMORE

Two railroad lines intersect at Vienna. They brought the town into existence in 1887, and seemed to assure that it would always be on the map. When automobiles began draining Vienna's trade away to nearby cities, four gas stations appeared. Now three of those are abandoned. Two trains each day still go through but never stop at the tiny station. And on some maps the dot that was Vienna has already disappeared.

Hans Bossen moved to Vienna in 1930 to open a blacksmith shop. Now it is called a machine shop and although Bossen will not admit that it is closed, it is hardly ever open. With the help of his wife Clara, he has plenty of time to clean up the leaves in the yard.

Once Vienna had four grain elevators, a stockyard, three saloons, two doctors, a lumberyard, a flour mill, a blacksmith shop, a newspaper, four churches, an apothecary, a theater and two hotels—each with its own horsedrawn hack to meet the trains.

The Vienna Grain Co. still does business shipping wheat, oats and barley from the one remaining elevator that is the dying town's economic soul. And enough worshipers show up on Sundays to keep Bethlehem Lutheran Church open. But the modest glory of Vienna is gone. Even the two-story brick schoolhouse, pride of the town when it was opened in 1914, has been boarded up and plastered with no trespassing signs by a man who bought it for just $811 as winter storage space for bees.

Omer Aice and Milo Nelson, each too proud to give in to the other, go on operating meagerly stocked grocery stores on opposite sides of Main Street, dividing the town's bread-and-milk trade while supermarkets 30 miles away draw the big weekly shopping business. Harry Kannegieter, who manages two branches of the Citizens State Bank, has cut his time at the Vienna office to two days a week. Everything else that once made a busy Main Street is gone. Most of the buildings have burned to the ground; a few stand vacant and boarded up. Even the shade trees planted by Vienna's founders, which made it look like an oasis on the prairie, are starting to die. And the few trains that whistle through stop only by prearrangement when a shipment of grain is ready.

The 1970 census showed Vienna's population officially down to 119 from 191 in 1960. But after six funerals this spring alone, the actual number has dropped to 103. Of those who are left, the average age is over 65.

HOW THE LAND IS EMPTYING

The migration away from rural areas of the nation in the 1960s resulted in net population losses for three states—North Dakota, South Dakota and West Virginia. Five farm states in the upper Midwest showed declines in 316 counties (out of a total of 417) and reported a combined net gain of only 2.3% compared to 13.3% nationwide. For most of the losing counties the dismal returns from the 1970 census are a continuation of a trend that began 20, 30 or even 50 years ago.

What is new is that the drain now has reached the point where thousands of towns and villages, most of them between the Mississippi River and the Rocky Mountains, no longer function as economic units. For the aged clinging to these towns, who cannot afford to leave and would have no place to go if they could, there are few stores, no doctors and often not even a neighborly café for a cup of coffee. If they are too old to drive or cannot afford a car, there is not even a way for them to get to the nearest city.

Depopulation does not necessarily mean decreasing prosperity. Nebraska has shown steady increases in real per capita income in 91 of its 93 counties even though 67 of them were losing people. It is the successful, 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. Since 1920, when the country's population was evenly divided between rural and urban, more than 40 million Americans have moved from farm to nonfarm areas. The flight from the land is led by young people, mainly recent high school and college graduates between 17 and 22. When they vanish with their diplomas aboard buses marked Minneapolis or Denver or Omaha, they take with them country habits and values that make them strong candidates for city jobs. Many employers say that "kids from the sticks" work harder and stay on the job longer with fewer complaints. But surprisingly many hope to return to rural areas when they are ready to raise families.

Adults giving up farm life have a tougher time. Willing but unskilled for urban work, they often wind up with menial, low-paying jobs. Compared to the young, their shock of adjustment is generally far more profound.

AFTER YEARS OF TRYING, A FARMER GIVES UP

Even before there was Vienna, there was a Jorgensen place. Hans Jorgensen, speaking hardly a word of English, arrived to stake his quarter-section homestead in 1880. Thirty years later his son Andrew started farming a dusty mile due west of town. That place is where Elwood Jorgensen was born 51 years ago, right in the farmhouse, and where he spent his boyhood years helping his father to coax a crop during the Dirty Thirties. By 1950, after a stint in the army and a few years working at a nearby dairy, Jorgensen had saved enough money to buy some used equipment from an uncle and start

farming himself. Buying his own land was out of the question—prices had already hit $70 an acre and were rising fact. But after a few good years as a tenant he hoped to be able to buy a quarter section. In the meantime he would work another man's land and turn over a third of each harvest to his landlord.

The dream of owning his own farm was a long time dying for Elwood Jorgensen. For 21 years he plowed and planted and harvested. Two sons and a daughter were his only labor supply. Three times what looked to be good money-making harvests were wiped out by ten-minute hailstorms late in the summer. Year by year the need to work his land with new and better machines—tractors, plows, combines—pushed Jorgensen's revolving farm loan higher. By the time his kids had grown and, like so many others, left, their help was no longer essential. Modern equipment let him farm 320 acres alone in less time than it used to take four of them. But over the years the price of flax had dropped from $8.30 a bushel to $2.44; rye fell from $3.40 to 93¢ and wheat from $2.50 to $1.57. To make his expensive new equipment pay off, he had to have more land, more volume. Already owing the bank nearly $15,000, with land at a premium, there was no answer.

In 1963 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 and Carolyn Donley had gone to school together, and her husband had died in an auto accident a year before Evelyn. They were married. It was a new beginning, and suddenly Jorgensen found himself able to look beyond the farm and Vienna. In his last few years on the farm, he averaged a net income of less than $1,200. In 21 years he never had to pay income tax because he never earned enough. The next time the landlord complained, after the 1970 harvest, that his share of the crops was too small, Jorgensen made the hardest 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.

This spring, their possessions reduced to what they could carry in a half dozen trips from their front porch to the pickup truck, Elwood and Carolyn Jorgensen and a collie 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 ELWOOD JORGENSEN $3,000

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 Jorgensens' 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 auctioneer Ole Hall coaxed the bids up by painful dimes and quarters. 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 assembled his equipment, a hard wind from the north brought a dust storm. He insists this cost him at least $3,000 in reduced bids. By the time the auctioneers reached the stock pens, Jorgensen had given up hopes for the cafe and filling station. In the end the bank got its money, but after paying the auctioneers, the Jorgensens had only $506 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 coffee cup and says good-bye 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 our rural areas. Indeed, the health care 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—particularly the rural poor—even inadequate 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 alarming shortage of physicians and other health personnel. Because most health professionals tend to locate in or around urban population centers, this shortage is expecially acute in rural areas.

Rural areas suffer as well from this country's intense maldistribution of medical resources. Simply put, this means that the average rural citizen has less than half the access to physicians, 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 more serious 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 others for whom traveling is a problem without convenient public transportation, this can be a real obstacle 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 more serious health problems.

The shortage of medical resources, and the distance rural people must travel to obtain medical care have their most serious effect on situations requiring emergency treatment. Mr. President, farming is not an occupation without its hazards. 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 fatality 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 in rural areas. Studies have shown that those injured in rural areas have only one-fourth the chance of survival as compared to urban accident victims, even though their injuries were often less serious. Mr. President, people are dying in the rural parts of our Nation—not because of fatal injuries—but because of a fatal lack of care.

The growing distress of our rural health care system falls especially heavily upon the aged, who make up an increasingly large proportion of the rural population. Aside from the difficulties involving transportation to distant medical facilities, the isolation of many rural areas makes its difficult and extremely costly to provide elderly people with the kind of home care they so often need. The elderly have special needs for specialist care and continuing care for chronic diseases. Yet their resources are generally fewer, and the kind of care they need is largely unavailable in most 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, denying to elderly citizens the opportunities they deserve, to live out their lives without constant fear of illness for which treatment is not available.

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 a last resort. And at this point medical care becomes even more costly, and usually less effective. The heavy burden of providing health care to poor families falls not only upon the patient and his family, but upon his community as well, which must provide for those who cannot bear the costs alone.

THE PHYSICIAN SHORTAGE

The key to the rural health care crisis is the physician shortage. The number of physicians in rural practice is declining 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 mainstay 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 upon 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 indeed the dedication and devotion of these selfless men. In all seasons 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.

But today, because of the nationwide 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, unable to keep pace with the unprecedented advances constantly being made in the medical sciences.

Additionally, the rural general practitioner, because he is often the only physician for great distances, is called upon to undertake treatment and perform procedures that would ordinarily be performed by a specialist with more particularized training. And because of the growing sophistication of medical techniques, rural general practitioners must increasingly refer patients to specialists in distant towns and cities for the necessary care.

Because of the shortage of health care personnel, hospitals in small, rural towns often cannot provide the quality of care that they ought to. Small hospitals in rural areas do the best they can, and provide vital services for their communities. But they are less able to maintain the kinds of facilities and staff that larger urban hospitals maintain, and they are less likely to be able to meet the kinds of standards that are required for accreditation.

There is not enough health care available for rural America, and the quality of 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 sense of 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, and to Congresswoman MARTHA GRIFFITHS, 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—items such as food and housing are significantly less expensive in rural areas—medical costs, the fastest rising item on the Consumer Price Index, are rising as fast in rural areas as elsewhere.

The employer-provided health insurance that covers millions of working Americans does not cover most agricultural workers, and self-employed farmers. And for those in rural areas 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 is of vital importance.

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 abilities. 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 to insure the rapid and 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, as well as other institutions training health care personnel. We need to encourage greater utilization of paramedical personnel, and encourage the more than 30,000 military corpsmen 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 acute shortage of health personnel, 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 also to develop and implement new methods of delivering health care to the rural population. Present models of rural health care are clearly inadequate. Using techniques learned in experiments being carried on around the country, experience derived from our medical efforts in Vietnam, and in the space program, we can significantly increase the effectiveness and quality of health care offered to rural America.

In the days when rural health care was the country doctor, what are known as the horse and buggy days, the model of rural health care most frequently found was the solo practitioner caring for as many people as he could who lived within a fairly close distance to his office. Today, however, with improved transportation, a physician 25 miles away is actually closer to his patients than he was 50 years ago living 5 miles away. Greater numbers of patients, from a wider area can come to the physician's office than ever before. The physician shortage makes it imperative that patients come to the doctor, unless absolutely impossible, rather than the doctor traveling all over the landscape looking after his patients.

What must be encouraged are group practices of physicians centrally located in well equipped clinics, and satellite clinics in the outlying areas staffed by paramedical personnel who can handle the initial, routine matters. There are several models of this sort of practice presently in operation in several States. But they all share this one fundamental feature: it is the physician's skills which are most valuable and most scarce, and these must be utilized with optimum efficiency and effectiveness. It is fruitless, Mr. President, to insist that each patient have the individual care of a physician for every ailment. That would be fine—but we must realize that there are not enough doctors. There never were—and it is unlikely that there ever will be. What we need to do is get decent care to everyone, not good care to some, and no care at all to most. The kind of health care delivery system which I have briefly sketched out above can be adapted to many different types of areas and situations. It offers the best chance to share our existing and developing health care resources with as many people as we can, and at the same time delivering a higher level of care than is presently being offered.

A lot of the effectiveness of the centrally located group—or individual—practice and surrounding satellite clinics depends upon the kind of access people can have to the facility. Not everyone has a car, and in an emergency situation, automobile travel may not be feasible.

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 service, and all involve well equipped 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 often 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 of our citizens. The first is that all citizens should get 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 ghetto, or who are old, 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 creative capacity within us 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—for our sake, 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 me on April 20, for example, the State Department said:

> Since we placed an overall embargo on map assistance to Pakistan in 1965, we have supplied no lethal end-items of military equipment to Pakistan, 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 and credit sales to Pakistan of non-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 has 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 for such delivery.

Now we learn from press reports, Mr. President, that a Pakistani ship, the *Padma*, sailed last night from New York to Karachi with American military supplies sold to Pakistan under the Foreign Military Sales Act. Apparently this is not the first violation of officially stated policy, and, according to some sources, it is not to be the last.

Whether it is doubletalk, incompetence, or both, the shipment of U.S. arms to Pakistan is a violation of policy. And even worse, it will continue to fuel military actions which have already been the primary cause of over 6 million refugees and countless civilian dead. Last Friday, I expressed, again, my dismay over our Government's silence and apparent indifference over the actions of the heavily American supplied Pakistan Army toward the people of East Bengal. Today we find it is not just silence and indifference, but a degree of complicity, which is unconscionable.

But saddest of all, Mr. President, is the fact that our great Nation is more efficient in moving military hardware than in arranging humanitarian relief. A ship left last night laden with military goods for Pakistan, while very urgently needed relief operations—in both East Pakistan and India—lie in a morass of procrastination and redtape.

When will we begin to attach the same degree of priority—the same sense of urgency—in moving food to aid the victims of war that we apparently attach to the guns that create those victims?

And, more importantly, when will we begin to attach priority to concerted diplomatic initiatives to restrain the forces that generate conflict resulting in such massive human tragedy?

Mr. President, if Congress can no longer believe the word of the executive branch—if their promises and assurances are so easily violated by their own actions—then we must reluctantly conclude that Congress must write those promises and assurances into law, which cannot be so easily violated.

DOUBLE STANDARD IN CIVIL RIGHTS LEGISLATION

Mr. TOWER. Mr. President, I have spoken oftentimes in the Senate concerning the dual standard that is imposed against the South when it comes to applying the civil rights laws of the Nation. Recently, we in the Senate have agreed to the Stennis amendment to the Emergency School Desegregation Act which had as its primary function the desire to end the double standard in the field of school desegregation. In the last few days, the Department of Health, Education, and Welfare has released the latest figures concerning school desegregation which shows northern schools more segregated than those in the South. Such figures point up one more reason for doing away with such an unsupportable dual standard.

The Dallas Times Herald of June 9 published an editorial criticizing the double standard in the Federal civil rights policy. I think that it would be helpful to Senators to read the editorial, so I ask unanimous consent that it be printed in the RECORD.

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

THE DOUBLE STANDARD

A single unifying assumption underlies several cases which the gentlemen of the federal bench have recently adjudged.

One case pertains to legislative districts in Mississippi, another to legislative districts in Indiana, still another to school construction in Dallas. The assumption that unites them? It is that conscious and calculated racial discrimination scarcely needs objective proving when the alleged offense is committed to the south of Mason-Dixon.

There's nothing new in this, of course. One recalls the recent U.S. Supreme Court decision demanding racial balance in Southern, but not Northern schools.

The latest court cases, however, illumine even more splendidly the agonizing distance which the double standard can be pushed.

In the Mississippi case, the high court found that Hinds County (Jackson) may not have multi-member legislative districts, because such districts do not accord Negroes equal representation. Yet a few days later, in the Indiana case, the court said that multi-member districts are quite all right in Indianapolis.

Why one rule for Mississippi, another for Indiana? Why, in effect because discrimination may be presumed in once-segregationist Mississippi. The court finds that "ghetto" candidates in Indianapolis have no federal right to election. But in Jackson, it is otherwise. Because black candidates do not win, the court must intervene.

The consider, if you will, last week's federal appeals court ruling that Dallas Federal Judge William M. Taylor must reconsider an injunction to halt school construction, pending the imposition of a new plan whereby local schools achieve better racial balance.

The contention that desegregation takes precedence over the fulfillment of of construction contracts is sufficiently absurd. Worse, though, is the appeals court's assumption that the Dallas school board, through its construction policy, may be conniving at the perpetuation of dual schools.

Whence the assumption? Well, Texas once had legal segregation, you know; therefore, the board may be trying to maintain the dual school system by building schools in thoroughly white and thoroughly black neighborhoods.

The appeals court gets away with such shabby logic because the Supreme Court has said there are two different kinds of segregation—de jure (resulting from law and found only in the South) and de facto (resulting from housing patterns and found only in the North). The one is illegal; the other isn't—at least so far.

This is the sheerest sophistry. De jure segregation is dead and buried. But the court declines to admit that the South, like the North, could have de facto segregation, notwithstanding that Southerners—white and black alike—are as capable of making personal choices as are other Americans.

It is sophistry, we say; and sophistry makes for bad law. More unfortunate still, it sometimes makes for two laws. As all too painfully, Southerners are becoming aware.

DISASTER RELIEF FOR DROUGHT-STRICKEN SOUTHWEST

Mr. BAYH. Mr. President, the terrible drought which has afflicted the southwestern section of the United States for the last year or so has caused sizable

losses 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 which would extend to these afflicted counties the full benefits of the 1970 Disaster Relief Act.

In many respects the situation is beginning to resemble the terrible Dust Bowl conditions of the 1930's. Shortage 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 engaged in agricultural 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.

Surely these dire circumstances require that the National Government should do everything possible to help alleviate the economic and personal consequences of this disaster. For many years Congress 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 sponsor of proposed legislation which resulted in the Disaster Relief Act of 1966, 1969, and 1970, as well as from numerous public hearings conducted by the Senate Public Works Committee or its subcommittees, has convinced me that this Nation is committed to a policy of bringing Federal assistance promptly and effectively to the unfortunate victims of natural disasters.

It is my understanding that the Governors of at least three States—New Mexico, Oklahoma, and Texas—according to law, have requested the President to exercise his authority to declare portions of their States to be major disaster areas because of the drought. For reasons which which are not clear, the President has as yet taken no such action. In the belief that his refusal to make such a declaration is contrary to the purposes of the law and is a misreading of the seriousness of the problem, I urge the President to reassess his refusal in light of the severity of the drought and to make these areas eligible for the full benefits intended by Congress.

Only limited steps have been taken to date to assist the drought-striken Southwest An experimental program designed to increase precipitation by "cloud seeding" has been supported. Also, the Department of Agriculture under its own disaster powers has made some 2,100 emergency loans totaling more than $18 million to help farmers and ranchers continue their operations. These short-term loans, which are "repayable over the shortest period consistent with estimated ability," may be used to pay not more than 1 year's interest on debts secured by liens on essential equipment and for reasonable amounts as depreciation on such equipment. While they can also be for payments on not more than 1 year's interest on a borrower's essential farm and ranch real estate, these funds are not available to refinance such debts. Finally, the administration has extended certain emergency loans of the Farmers Home Administration so that repayment can now be made over periods up to 5 years instead of the previous 1-year repayment policy. These and other partial measures, such as regular farm ownership and operating loans will doubtless be of some help, but much more should and could be done.

It seems 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 major disaster means 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 determination 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 has certified need for help. Obviously 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 horrifying as the physical destruction often resulting from hurricane, tornadoes, or earthquakes. Nevertheless, those whose property has been destroyed or whose livelihood has been deprived by many continuous 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 foreclosure or a greatly reduced standard of living, while looking at his parched fields and his dead livestock, to realize that his house may still stand or his land may not be washed away.

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 some predisaster assistance 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 cannot 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 Small Business 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 cancelled. Mortgage or rental 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 to those individuals not employed because of the disaster who are not eligible for regular State unemployment compensation programs.

Additional types of 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 otherwise preclude the giving of assistance 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 Southwest 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 that 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 causing great hardship—unjustified hardship—in the drought areas of the Southwest. And, surely even if every section of the Disaster Relief Act of 1970 would not apply as completely to these victims as they did to those of Hurricane 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 13.

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

THE DUST BOWL AGAIN

(By Leroy F. Aarons)

(NOTE—More than 12 months ago the most dreaded of agricultural plagues—drought—moved over the Southwest from central to west Texas to southwestern Oklahoma, up into the Oklahoma panhandle, and into parts of New Mexico and Arizona. Like an inversion it hung—and continues to hang—over the area, burning up wheat, cotton and grazing land, setting all-time records for shortage of rainfall and forcing farmers and cattlemen 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 inflation trapping them in an ever-tightening cost-price squeeze, they watch the drought with special despair. There is the smell of finality in the torpid air. This is a report from two of the hardest-hit drought areas: the San Antonio, Tex., cattle country and the wheat and cotton growing region of Altus, Okla.)

SAN ANTONIO.—The old Union Stockyard was hopping. One after another, ranchers backed gooseneck trailers or pickups into the bins and unloaded their cattle: brown, glum-faced Herefords, ferocious-looking black Angus, gaunt, bony Brahmans.

Leather-skinned cowboys, oblivious to the rich, pungent smell of cow dung, checked the brands, slapped them on the rump with whips or canes 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 skinny cows cheap, fatten and re-sell them later.

Some of the cows looked weak and thin, the glaze of malnutrition making their eyeballs glisten. Others were average. Very few had the fleshy shiny-coated glow one remembered from a thousand movie cattle drives.

"They're lookin' sorry," said the old-timer. "Too skinny. One day I saw them pull in with nine in the wagon that should have held about five. Two of them were dead. One had to be condemned. They just couldn't get her up. They had to drag 'em out of the trailer. One they had to roll out end over end."

From all over drought-stricken south-central and southwest Texas the cattle come by the record thousands. Ranchers, unable to coax grass or grain out of the parched land, were forced to buy and haul in feed and hay—some from as far away as New Mexico and Colorado—to keep their herds alive.

But, eventually, the cost of feed began to outweigh the potential value of their animals. Many cattle died of malnutrition. Rather than lose their herds entirely, ranchers decided to sell. First they pulled young calves from their mothers—partly to spare the highly valuable breeding stock—and sold them.

Then, as things got worse and still no rain, they sold their mother herds, and finally the bulls. Hundreds of smaller ranchers simply sold out altogether and went to look for jobs in the city. Thus, today's auction would see a run of nearly 5,000 cattle, the second largest of the year and 2,000 more than last year at the same time. Total cattle sales at Union this year are up more than 40 per cent.

"What hurts me," said Asa (Ace) Fuller, a brand checker at the stockyard, "is that I see these men come here, they usually walk in here and kick the cows in the ———. But now you see 'em pat 'em on the hip and you see the old lady back there cryin' and you know this was one they intended to keep."

"THEY SICK OF WASHINGTON"

Ace Fuller is 31 years old, weighs 330 pounds and once played football in Canada. He is full of the frustrated indignation of a man who is a victim of some form of injustice, yet doesn't really know whom to blame. His vocal anger reflects the quieter frustration of his fellow ranchers.

"We got a bunch of government ——— won't do anything for us," said Fuller, whose outfit was "uniform of the day" in these parts—the straw summer Stetson, western shirt, jeans and high, pointed-toe boots. "They send some ——— from Washington in an airplane. He just damn sure didn't look at Wilson County or Florence County where there's really trouble. People like as how they sick of Washington.

"It's real bad. Even if it does rain now, the young tender grass won't grow. It's too hot. It's going to be 100 degrees from now on. The farmer and rancher is fed up. Ever since Arkansas when Eisenhower was in there, people been fed up.

"When I see these people in the big cities, they getting help. But these farmers, who are working their butts off, they not gettin' nothing'. I went through the drought of the '50s, I saw my daddy plant corn and it wouldn't come up. But this is worse. When I see some of these people I know all my life, just pat 'em like this, they're pattin' 'em good-bye. I tell you, I get so damn mad sometimes I want to spit fire."

On April 21, in response to the pleas and pressure of Texas and Oklahoma congressmen and governors, Agriculture Secretary Clifford Hardin made a personal visit to the drought country. In San Antonio his "tour" of the stricken areas is universally remembered as a "farce." Hardin, they say, spent 30 minutes in a helicopter, 15 of them taxiing and the other 15 making a cursory flight over some of the less ravaged countryside.

When the copter set down, Hardin said Texas and Oklahoma were "major disaster areas" but added that he would not seek such a designation from the President, that actions already taken offered all the aid available.

Angered by Hardin's snub, Texas Gov. Preston Smith, a Democrat, issued a statement saying that "we in Texas are not satisfied that the government had done enough . . . It has become apparent to us that no one in Washington—1,500 miles away from the drought—can see or feel the problems as we have seen and felt them."

Thus the sides were 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 in the drought—including 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 can only get an FHA loan when they can show all other sources have failed and they were totally desperate. This procedure is undignified, they feel. They want the drought country declared a major disaster area by the 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.

Nature has declared a scorched-earth policy. Driving southeast from San Antonio on Route 87 toward La Vernia, one can see some of the driest country of the drought. Row after row of farm tract, bare of grass, hay, milo, or anything, sit baking in the 100-degree sun, cracking and chapping under the intense heat. The heat rises in vapors in the distance, making power lines seem to waver like TV test patterns. Occasionally an irrigated field comes into view, its verdant cheerfulness startling against its dull brown surroundings.

Above, puny clouds hover like tiny bursts of ack-ack. (Air Force planes have been out trying to coax rain by seeding some of the clouds—with little success.)

"We've had some bad dust storms down here," said Ed Talk. "This is sandy country all right. You can see where the sand has piled up along the fences. But it's not as bad as in the '30s, mostly 'cause of better farming methods. Surface soil is now plowed under so the hardier substance is on top, and land that's not being used is planted with a cover crop, like alfalfa. Still, it can blow up pretty heavy."

Ed Talk is a handsome, softspoken rancher of 47, who owns about 500 acres of land near La Vernia and had 150 head of cattle when the drought started. Now he has none.

"This is the worst drought I've ever seen We have had about three inches of rain in the last year; this, in an area that usually gets 28 to 30 inches. I've been in the cattle business all my life. In the '50s it would at least rain periodically and you did grow a little something. I held on through the '50s, but this time I sold out. The feed bill was gettin' too high. Eventually you'll feed up to the price of your animal. It don't take long at $1.50 a bale of hay.

"They eat from a quarter to a half bushel a day. Plus you got to give 'em protein besides that. I finally sold out at $50 a head less than normal. A good fat cow will bring around $200. I sold mine for $150. It cost me in all about $6,000, not to mention the lost investment in planting. We planted grass, but nothing came up."

When and if the rains come, Talk will have to borrow money to replace his herd. Since so many cattle are going out of state, the price is certain to be extremely high. This will be reflected in the price of cattle to be sold next year, and ultimately in the cost to the consumer.

How come more farmers don't use irrigation, he was asked.

"It's so dad-blamed expensive. You need a cash crop, like tomatoes or alfalfa, to afford it. It costs about $10,000 for the pump and the rig, and you need two men to keep moving the pipes around. Then, butane for the pump costs 26 cents to 30 cents a gallon, and it takes about 500 gallons every four days. We finally did irrigate from 150 to 175 acres, just to sell the hay and keep us goin'."

Altus, Okla.—From the air, the tracts of farmland around Altus look like a carpet of linoleum in earth colors: rusted red for the clay country; brooding black, rich in minerals, deep, winey purple for Tifton loam, a mixture of clay and sand; and beige for the sandy soil.

Except for an occasional greensward, denoting irrigation, the terrain is depressingly void of crop growth. Suddenly, on a bare spot of the beige-colored soil, one notices that someone had plowed three huge letters, designed to be seen from the air. The letters spelled D R Y.

There is lots of sun, lots of wind, very little rain, and almost no wheat at all. Wheat harvest had just ended, and old George Holder, who runs the Bunge grain elevator, one of the largest in the area, had the grim facts:

"On the average we exceed 300,000 bushels. Last year we took in a little over 200,000. This year we got 10,000. That's a disaster, or as close to it as you can get." Holder, 60, brought a slender hand to his chin. He had been running grain elevators for 25 years. "I would guess that not more than 2 per cent of 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 seen 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 irrigated land did better). The fall wheat planting failed to come up during the winter. Farmers use the winter wheat for grazing land for cattle, but there was nothing to graze. The spring wheat, as Holder said, was almost a total disaster.

Now, farmers are 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 50,000 acres of farm land as well as supply drinking needs, is down so low that water officials refuse to release it for irrigation.

There have been scattered spots of rain,

but not enough to dampen the earth, let alone provide crucial subsurface moisture. Altus rainfall records show 1970 with 10.2 inches, the lowest rainfall in the town's drought continues much longer it could mean total tragedy.

AN ECONOMIC BREAKDOWN

Already the economic pinch has been felt. Altus itself, a pleasant, sleepy Bible-belt town of 23,000, is being buoyed up economically by Altus Air Force Base. But neighboring farm towns like Mangum—where two auto dealerships and one farm implement dealer closed their doors in recent weeks—and Hollis are going into decline. An Oklahoma employment official predicts that "ultimately an almost 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. Dependent on one-year, short-range loans from banks or farm credit associations to pay for increasingly expensive machinery, plant crops, buy cattle and pay everyday living expenses, the average farmer manages to squeak through in a good year with perhaps a modest profit.

This year, with almost zero income, the farmers are unable to pay off their loans, not to mention the interest. Sympathetic agencies are trying to tide them over for another year—largely on the basis of land collateral—but some of the marginal farmers have already declared bankruptcy 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 farmers' cooperative which loans short-term money to more than 600 farmers at 7 per cent interest. "Another 130 will have to find some kind of long-term financing in order to survive. 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 income is down. If it wasn't for the land equities, the farmer couldn't stay. This is the kind of thing I think the general public doesn't recognize, the kind of situation the farmer is in . . ."

The Red River winds thirstily through the farm countryside past Elmer and Hess, south of Altus, like a rivulet pretending to be a mighty river. Its banks on either side are bleached and cakey 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 $2 a head back in Texas. Ten million they drove across Oklahoma between 1866 and 1890, great cattle drives that depleted the Longhorns and almost made them extinct.

Lester Briscoe's family lived and worked this land for 70 years. He is still working it, although in the last 30 years the small, neighborly farms have given way to larger and larger tracts as people drifted away to the cities.

But Lester Briscoe 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 be able to see the courthouse across the street. They would last about two days, just a continual blast and roar outside, blowin' around the eaves and the corners of the house.

"One day the dust was blowin' so bad the school bus couldn't make its rounds. It got so dark like it was night."

They were rough times. The dust was bad now, 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 much more urgent question now. Briscoe, a handsome, husky man of 54 with large strong hands and closely-cut white hair, farms 800 acres altogether. Last year he planted 155 acres of cotton and harvested only six bales off 45 acres. He planted 420 acres of wheat and harvested 67. He planted 70 acres of milo, which was a complete loss.

He invested about $8,000 for 40 head of cattle. He still has them, but if it doesn't rain, they'll have to go.

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 145 acres of cotton, waiting for rain. If it rains hard, he'll increase to 400 acres. "If it doesn't rain in 10 days, the whole thing's out."

He is discontented and angry, not only because of the drought but because of the financial vise in which he believes the farmer has been placed. He blames the Nixon administration, just as in the early '30s his favorite villain was Herbert Hoover.

"In 1936 you could buy a John Deere tractor for $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 his property, "and you got $1.20 a bushel of wheat. Thirty-five years later that tractor and equipment costs you $10,000 plus, and you get $1.25 a bushel of wheat—a nickel more!

"Yet, the President and the senators and all the congressmen have doubled their wages while ours has stayed the same the last 35 years. Now, I don't get it."

Of course, government price supports add roughly 11 cents a bushel to that price, but Briscoe feels this is not nearly enough to reflect the enormous inflationary spiral of the last three decades.

"I tell ya, I'd trade seats with just about anyone right now. If I could walk out and say 'here it is boys, come and get it,' that's what I'd tell 'em." He shook his head. "I don't know, in all my life here I never seen it get so dry that wheat would completely die. This'll wind me up this year if it doesn't go to rain—the weather, the prices, or something. What'll I do? Maybe sell tractors. I don't know what I'll do. This is the only thing I know."

The dust storms of the '30s taught everyone a lesson. They happened because the land had been brutally torn up and overworked by farmers ignorant of conservation measures. When the drought came the loosened soil, turned dry, was easily picked up by the rushing wind and transported hundreds of miles through the air like a black rain.

Out of the Dust Bowl was born the Soil Conservation Service and a new consciousness of the proper uses of land. Techniques were devised to prevent water from running off crop lands, eroding soil and filling waterways with minerals. Rotated planting was emphasized, with the purpose of giving overused land a chance to recuperate, to hold its moisture and to yield better crops.

Much was done, with the help of the Bureau of Reclamation and the Army Corps of Engineers, to provide dams and reservoirs for irrigation and drinking water.

By the time the seven-year drought of the 1950s came, farmers were better prepared. But the great drought of 1970–71 has demonstrated that the arid regions of the Southwest are still unable to cope with major emergencies.

All over the stricken areas of Texas and Oklahoma reservoirs, like Lake Altus, are giving out; irrigation supplies are rapidly being depleted and the water tables dropping dangerously. At San Angelo, Tex., as far back as March, the primary reservoir was already dry and reserves were diminishing.

Clearly, local water projects are insufficient in extended periods of intense drought. The answer is a statewide, comprehensive water plan, as in California, which would utilize surpluses in one part of a state to supply needy areas elsewhere. But these proposals are expensive; they have been rejected by the public in the past—as in Texas, where a multibillion-dollar water plan was turned down in a referendum two years ago.

Now, a similar, extremely ambitious plan estimated to cost $4.25 billion is being proposed for Oklahoma. It would assure towns like Altus that never again would farmers have to fear the blight of drought.

Yet, every advance has its price. 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, more advanced states are grappling with now.

To the beleagured farmer and rancher, these issues are distant and exotic. They must cope with the here-and-now realities of impending disaster.

In Altus, their ears are turned to the ground—where Barry Shive, the local gravedigger, revealed recently that he dug nearly 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 session to hear further overview testimony on the President's four executive reorganization proposals, S. 1430–33. We were privileged to have 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 RIBICOFF, Senator METCALF, 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 desirable and why we should get to work to implement it as soon as possible.

I ask unanimous consent that the brief prepared statements of both Secretary Connally and Mayor Lugar be printed in the RECORD at this point.

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

REMARKS OF THE HONORABLE JOHN B. CONNALLY

Mr. Chairman and Members of this distinguished Committee: You have heard from George Shultz, Director of the Office of Management and Budget; Roy Ash, President of

Litton Industries and Chairman of the President's Council on Executive Organization; Ben Heineman, President of Northwest Industries; Joseph Califano, former Assistant to President Johnson; John Gardner, former Secretary of Health, Education and Welfare, and Charles Shultz, former Director of the Budget Bureau.

They talked in considerable detail about reorganization of the executive department in discussing S. 1430, S. 1431, S. 1432, and S. 1433, 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 revest power in the Cabinet Secretaries.

By doing that, you take away the necessity for a growing staff of arbitrators and policymakers in the White House.

You can deal with an Executive Branch whose functions are easy to grasp and thus serve your constituents better.

Second, for the Executive Branch: 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 and put it in the hands of capable regional administrators.

It would improve the quality of advice to the President on both proposed programs and existing programs.

It would give Cabinet officers the necessary staff and the power to make their departments respond.

Third, hopefully, the American citizen will:

Have a renewed faith that Government is 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.

Now, what are the disadvantages? It temporarily interrupts the triple alliance among special interests, middle-level bureaucrats and a few Members of Congress. Regrettable as this is, it is no reason not to adopt this program.

This 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 a 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, Vice Chairman of the Advisory Commission on Intergovernmental Relations, and as a citizen who admires constructive attempts to make government more credible and accountable to each citizen. The reform of federalism in the United States is fraught with discouragement because debate on organization attracts few advocates interested in the details of organization but does attract opponents who are well prepared to defend specific vested interests and to rally specific categorical constituencies.

The proposed Department of Community Development is extremely important to the vitality of urban areas in this country. The last policymaking Congress of Cities was held in December of 1970 prior to the President's State of the Union Address in January 1971, and subsequent message of March 25, 1971, on departmental reorganization. Therefore, I asked the Executive Committee of the National League of Cities to consider an interim policy stance at a special called meeting of that Committee in Philadelphia on June 14, 1971. After a summary briefing of the issues involved and their importances to cities, the Executive Committee voted to support organization of a new Department of Community Development.

We believe that the President of the United States should have the privilege of reorganizing his Cabinet provided that the level of services provided to cities does not diminish. The National League of Cities also wished to record the hope that in reorganizing the Department of Transportation, equal weight be accorded to the problems of urban mass and public transportation along with highway planning, construction, and safety programs.

Obviously, the departments of government which affect community development should be grouped together. The Ash Council Report recommended that present programs of federal development aid to States and local governments should be consolidated in a single department. The grouping suggested in the proposed Department of Community Development is eminently sensible and would be extraordinarily helpful to every State and local government.

I have included as an appendix to this testimony an article written for the AIP Newsletter of November, 1970, by Donald L. Spaid of the Indianapolis Department of Metropolitan Development which describes funding by HUD, DOT, HEW, 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 $500,000 may be saved over a three-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 of Indianapolis has been working with many sympathetic Federal governmental agencies to coordinate Federal planning efforts, at least, in one city. Specifically, we have obviated the need to make 16 separate planning applications and to coordinate either locally or regionally 16 planning organizations thus saving several man years of work and the consequent $500,000 over a three-year-period. We are suggesting, strongly, that if Federal community development 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 nor to coordinate Federal efforts within a given locality. Many Federal efforts remain unknown to local officials. Failure to adopt the new Department of Community Development proposal is to insure the perpetuation of wasteful duplication and chaotic discouragement which Federal programs engender in their current organizational format. Worse still, the failure to see housing programs, highway, and urban mass transit programs, water and sewer grants, urban and rural inter-relationships, and insurance programs which cover all of the above as one whole cloth has resulted in further fragmentation of geographical and functional responses to hapless citizens who can find no one responsible but who suffer and who will be heard. The haphazard and shoddy governmental planning responses of the past are no longer humorous but border upon tragic irony. A strong case can be made that much of the often described crisis of the cities is a result of well-meaning but substantially ill-coordinated categorical grant responses of the past.

In Indianapolis, we have been making a valiant attempt to effect a strong measure of governmental and political unity through state legislation and local administration. With the active cooperation of farsighted Federal administrators, we are trying to reorganize even the Federal government within our city in its relationships to us. Common sense would dictate that Federal reorganization on a city-by-city basis is laborious and unlikely, but metropolitan and regional planning without a consolidated Federal Department of Community Development is virtually impossible without a repetition of the Indianapolis experience in hundreds of individual cases.

The Presidential messages outline well the elements of accountability, balanced growth, and timely response to technological change which the new Department could foster. My testimony will not repeat the findings of reference papers introduced previously. The status quo is indefensible, but even the indefensible survives if a good alternative is unavailable. A good alternative is available and the Congress will do much to restore faith in the entire Federal system of government by prompt consideration and adoption of the proposal for a Department of Community Development.

MODERN IMPROVEMENTS IN HOSPITAL CARE

Mr. KENNEDY. Mr. President, a part of the crisis in the American health care system is the 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 which are improving quality and lowering cost.

St. Elizabeth Community Health Center, in Lincoln, Nebr., called on the services of Mr. Gordon A. Friesen, head of a Washington, D.C., consulting firm that bears his name. A fundamental concept of Mr. Friesen is making better use of nurses by cutting down or eliminating their nonnursing duties. Traditional nursing stations are eliminated and teams of nurses are assigned to different sections of the floor. A compact nursing alcove in each patient's room contains the patient's chart, medications, and supplies. A doctor may read the patient's chart without disturbing the patient, or even entering the room. Nurses are saved many trips to supply centers and medication areas. A recent study showed that a patient in one hospital had 185 interruptions in 24 hours. The nursing alcove would help eliminate many of these unnecessary disturbances.

An integrated communications system provides better surveillance of the patient's condition and faster communication between the patients and the doctors and nurses. Doctors and nurses have

pocket pagers which alert hospital personnel to any situation which demands their attention. Automatic monitoring equipment at the patient's bedside watches respiration, temperature, or other vital signs, and pages the nurse when a danger point is reached.

At St. Elizabeth's, supplies are distributed from a centralized storeroom on a monorail system that goes to every floor at least once every 24 hours. Prepackaged frozen meals are delivered to each floor where they are heated in microwave ovens and served at convenient times.

Equally important, these automated systems do not produce neglect of the patients. Rather, nurses find that they have more personal contact with the patients, now that they have less paperwork to do and less tracking down of supplies and medications.

Longrun expenses of automated equipment will be less expensive than present hospital systems. Immediate benefits are better patient care and distribution of supplies. Doctors and nurses are encouraged to assume more of a role in hospital planning. More active involvement by doctors and nurses in dealing with hospital services will speed technological improvements.

I believe that Mr. Ferber's article is extremely valuable in making known the improvements in hospital care which are currently available. I ask unanimous consent that the article, entitled "The High-Technology Hospital; Better Care, Lower Cost," be printed in the RECORD.

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

THE HIGH-TECHNOLOGY HOSPITAL: BETTER CARE, LOWER COST

(By Stanley Ferber)

Since patients and the public tend to blame doctors for health-care inflation, are physicians doing as much as they might to keep hospital costs from zooming faster than other elements of medical care? An internationally renowned and often-controversial authority on hospital operation believes that doctors *can* do more—by abandoning indifference to technological advances ("It isn't our affair") and adopting less of a defeatist attitude ("Lay administrators and governing boards make the decisions, and there's nothing we can do about it").

Gordon A. Friesen, head of the Washington, D.C., consulting firm that bears his name, puts it this way: "No single group can be blamed for the fact that we're trying to practice 20th-century medicine in 19th-century facilities. Or that there's been practically no progress in the last 50 years to design and run hospitals to make them more comfortable and convenient for patients and less expensive for those who pay the bills. But progress would come if doctors as well as nurses and hospital directors assumed a more positive role in getting things done differently."

Friesen maintains that physicians can and should be more active in pressing for innovations going beyond new diagnostic and treatment facilities. About six years ago, he described in these pages a number of developments his firm perfected to run hospitals more efficiently and less expensively. (See "Who Says Hospitals Can't Cut Costs?" Medical Economics, Feb. 8, 1965.) Systems incorporating those developments have been installed in a number of hospitals since then, sometimes with a certain amount of resistance by attending physicians. "People who favor a change tend to be quiet about it, while those who dislike it are outspoken," Friesen says. "So now and then a vocal minority on medical staffs has objected to a departure from tradition because of its impact on a particular way things have been done—without realizing that improving the over-all hospital environment would improve the general level of care, at lower cost."

The consultant says that a growing body of evidence shows satisfaction among doctors and other health professionals, as well as patients, in hospitals where the innovations have gone into effect. This has been so even when they've been added at existing hospitals—Friesen and other consultants realize that all obsolete hospitals can't be replaced overnight. But the most convincing picture of heightened efficiency and lowered cost is presented when many features of the new systems are interrelated in a new hospital. One of the most recent examples embodying Friesen's concepts is St. Elizabeth Community Health Center in Lincoln, Neb. Here are highlights cited by St. Elizabeth personnel and by Friesen to demonstrate the advantages of some of the major concepts:

Abolishing nursing stations. A prime Friesen concept is making better use of nurses by cutting down or eliminating their nonnursing duties. In calling for hospitals to do away with traditional nursing stations, the consultant says: "Let's get the nurse back where she belongs, at the patient's bedside. Nursing stations serve little purpose except for prestige. That is, the longer a nurse sits at a nursing station, the higher her prestige." Instead, he advocates dividing sections of patients' floors into zones, with teams of nurses in each zone.

Functional changes tie in with this plan. One of these is constructing a compact nursing alcove in each patient room. Another is the Nurserver—a kind of double-door locker built into the alcove wall in each room. Supply technicians thus can load fresh supplies into one section and take away the used ones from the corridor side without entering the room. This means less disturbing of the patient by people coming in and out of the room. Under the traditional system, Friesen cites a study showing that a patient in one hospital had 185 interruptions in 24 hours.

"Now, it's mainly the professionals and not nonprofessionals who come to the patient's bedside," observes Sister Mary Antonette, the administrator at St. Elizabeth. Stuart P. Erickson, the hospital's director of public relations, adds: "Fewer disturbances mean more rest and relaxation for the patients, which should be a factor in speeding recovery. 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 nonproductive "walking time" devoted to distributing supplies. More effective use of nurses may even indicate that the nursing shortage is illusory, he says.

Where doctors have balked at this kind of change, the main bone of contention seems to center around keeping patients' charts in the Nurserver instead of at a central station. Friesen explains: "Some doctors prefer to be connected with the nursing station when they phone for information about a patient. They say this saves time, but it really doesn't. We find that the doctor usually doesn't want to talk to just any nurse. He wants the one who's specifically caring for his patient. It would take just as long or longer to locate her and get her to the station to discuss the chart as it does for her to go to the room after being alerted by pocket pager, get the chart from the Nurserver, and talk to him from the nursing alcove."

Friesen also argues that the change is more efficient for physicians themselves. "At most hospitals, a doctor comes in to make rounds and goes to the central charting area where he reviews five or six charts at once," he points out. "He may get some details confused when he goes from there to the various patients' rooms. With the new system, he goes straight to each patients' room, looks at the chart in the Nurserver, and has everything fresh in his mind before he sees every patient. He may even consult a chart there without the patient's knowing he is there."

Integrating the communications system. "Walkie-talkie" equipment now in use in many hospitals can be effectively expanded to tie in with the concept of team nurses in assigned zones, Friesen contends. These nurses have pocket pagers by which patients can summon them. But Friesen goes 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 sentry who doesn't take action until the enemy has already attacked." His solution: Plug automatic monitoring equipment at the bedside into the intercom system. When a danger point in respiration or temperature or other vital sign is reached, the equipment registers the same kind of call as when the patient pushes a button himself.

On the theory that the improvements he advocates can be most effective when interlinked, 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. A nurse who needs some supplies apart from the routine ones kept in the Nurserver doesn't have to go to another floor to get them: She calls the control center, and a technician is instructed to obtain and deliver what she needs.

"The administrative control center system is great," says Sandra Ahlin, an R.N. at St. Elizabeth. "I should know, because I was a head nurse under the old system. Then it was run, answer 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, and it comes along on the next cart. I can function more like a nurse and less like an aide—I have nearly twice as much time for patients.

That reaction is seconded by a G.P. who works primarily in the emergency room at St. Elizabeth: "In the old days, if a patient wanted a nurse and the nurse was busy, 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 move around on a monorail. At least once every 24 hours, the supply carts make the rounds. There's also emergency provision for immediate delivery of supplies whose need wasn't anticipated. Orders are placed via the electronic communications network.

What of the fear that mechanization will dehumanize patient care? This, Friesen says, is a mistaken notion: "These machines and gadgets, when properly used, make it possible for the patient to see the nurse's smiling face more often, not less often. It makes sense to put on a production line everything the doctor and nurse need, when they need it, and where they need it—just so long as we don't put the patients on a production line." In light of the present shortage of hospital labor and spiraling wages, he adds: "It's a lot better to convey supplies automatically than to rely entirely on little men pushing carts around. We're running out of little men."

Even food preparation and distribution can be automated, according to Friesen. His solution is to prepare, prepackage, and freeze meals. They're then delivered to a patient floor and can be heated and served at convenient times. He points out that many doctors say gripes about food are among the chief complaints of their hospitalized patients, yet the physicians feel nothing can be done about it. "We *can* do something about it," Friesen maintains. "If the airlines are able to serve palatable meals miles up in the sky, we can find ways to do it on the ground."

At St. Elizabeth as in other hospitals utilizing the Friesen "ready-foods" system, galleys on each patient floor have microwave ovens for speedy heating. Says Charles Beyer, 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."

Converting all rooms to single occupancy. Wasteful use of space is a chief reason for costly hospital operation, Friesen maintains. He says that the present national average of less than 85 per cent occupancy could be brought much closer to 100 per cent if hospitals had only one patient in each room. This would eliminate the drawback of having to keep some beds empty because patients have to be segregated by sex, because they have highly 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 movable walls, or area dividers, which can easily be folded away when not in use. They're said to be as acoustically efficient as a fixed plaster wall. Movable walls provide flexibility in making patient accommodations larger or smaller, the consultant says, as when a hospital finds that there is a need to create an intensive-care unit.

Combining OB and O.R. facilities. Additional 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 them—partially, he says, to eliminate waste of OB facilities as the birth rate continues to decline. Resistance, in this case, seems to him another manifestation of doctors' wishing to cling to former hospital prerogatives and working methods.

"Surgeons are used to having the surgical department take care of their instruments; obstetricians likewise want the OB department to handle delivery instruments," Friesen says. "With all instruments and other supplies kept in a central depot and delivered when needed, separate handling is no longer necessary. Similarly, there's no valid reason why the facilities for both departments have to be kept apart." A St. Elizabeth attending comments: "This should have been done everywhere, a long time ago."

Can it be demonstrated that the advances Friesen advocates significantly reduce costs? "There's no doubt about it," 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 improvements we perfected cost no more to construct than conventional ones."

"An automated monorail system is expensive in itself, but not so when you consider that it's a single system replacing several systems," Friesen continues. "We have to go more deeply into evaluating the cost of new facilities compared to the cost of those they supplant. For instance, many hospitals have gone overboard in using disposables. There's no doubt that they are cheaper than reusable supplies that are processed inefficiently. 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 nonprofessional hospital workers is 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 Antonette 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 administrator. She says: "Doctors on the staff have suggested changes, and these have all been for the better. Now they see that their patients are getting a better kind of professional care than 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 Berwick, Pa. "All the modern aids in the world are no good if doctors resent them, nurses resist them, and employes don't know how to use them," Monaco says. "We developed cooperation by discussing every new idea with doctors at the planning stage and by consulting them on how these ideas would work best without interfering with physicians' prerogatives. This helped sharpen ideas, with the result that our per-diem costs and ratio of personnel to patients are lower than the national averages. At the same time, our hours 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 hospital is to be built or additions made to an existing one," he says, "the medical staff should become involved in the early stages of planning. Physicians should form committees to evaluate what's being proposed and compare it with what's been done elsewhere. They should feel free to criticize and suggest; they shouldn't be made to feel that the hospital 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 is worth reflection on 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 confidentiality. As the news media recognize this as a fundamental right and vital to its interests, this same sense of confidentiality is most important in conducting the diplomatic affairs of Government, especially on extremely sensitive levels.

I ask unanimous consent that the column be printed in the RECORD.

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

IT DEPENDS ON WHOSE SECRET IT IS

(By Orr Kelly)

The New York Times' own internal security problems provide a perfect example of the reason 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 different security 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 this regard, security was, if not perfect, at least completely adequate. The paper achieved its purpose of keeping its secret long enough so that it was the first to break the story and to begin printing excerpts from the archives.

This is the same kind of security the government tries to maintain all the time. It is time-sensitive security—vitally important in advance of an operation, but hardly sensitive at all after a certain time has passed. The most recent example was the embargo-on-an-embargo imposed while troops were moved into position before the South Vietnamese foray into Laos earlier this year.

The second kind of security problem the Times had was to protect its sources. Just as the Times felt it a duty to print what the government considered secret, there were a lot of other reporters—and the government itself—eager to find out the secret of who leaked the archives to the Times.

Protecting the source, as it seems to have turned out, has proved to be a much more difficult task than simply preserving secrecy on the whole enterprise until the first story appeared.

And yet, protection of a source is one of the newsman's most fundamental and vital duties. If people cannot talk to him in absolute confidence that their identity will not be revealed, he may well find that no one worthwhile will talk to him at all.

The government has this same kind of problem, especially in its relations with other countries. If government leaders cannot talk to each other in confidence, the tendency is not to talk at all—and there already is ample evidence that there is too little open, honest communication between governments.

In view of this obvious parallel between the newsman's responsibility to protect his sources and a government's obligation to protect its communications with other countries, the near-unanimous agreement among the nation's editorial writers that the publication of the documents has done no harm is hard to understand.

The Times itself said it would not have made the decision to publish the report "if there had been any reason to believe that publication would have endangered the life of a single American soldier or in any way threatened the security of our country or the peace of the world."

The Des Moines Register said the documents were wrongly classified top secret and that their publication "could in no way aid an enemy" and the Miami News said it could "find no information whatever in the reports that might endanger the nation's current security."

This judgment, that no harm will be done by publication of documents the government considers secret, is quite different from the conclusion that the public's right to know overrides the harm that might be done—and the failure to make this distinction has been at least as shocking to some Pentagon officials as anything else connected with the disclosures.

And this failure to understand each other's position could turn out to be one of the most unfortunate aspects of this whole affair if it provokes an intensified—and probably unreasonable—effort on the part of the government to plug security leaks and a corresponding eagerness on the part of the press to print, verbatim, anything it can lay its hands on.

FREEDOM TRAIL

Mr. KENNEDY. Mr. President, in this hectic and crowded day and time, it is comforting to know that Americans have not lost their sense of pride in this Nation's rich heritage and its glorious past.

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 their growth.

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 1951 created the Freedom Trail—a well marked, 2-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 neat red, white, and blue signs to Paul Revere's House, Old North Church, Faneuil Hall, or any of the other 15 landmarks. And just off the trail visitors are directed to additional points of interest like the Bunker Hill Monument, the U.S.S. *Constitution*, or Copp's Hill Burying Ground.

This trail is a significant incentive toward inculcating in our 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 commending and congratulating all 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 detail and 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 report, entitled "Economic Outlook," and an article in last Sunday's Washington Post, written by Hobart Rowen, commenting on disappointing leaked estimate for the second 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

I. SUMMARY OF RECENT GNP FORECASTS

Recent private forecasts suggest a 2nd quarter GNP increase of between $20.5 and $26.0 billion. Estimates of the annual rate of growth of real output range from 3.6 to 7.1 percent. 7.1 percent would match the first quarter and would be encouraging, whereas 3.6 percent would be dismally unsatisfactory. Second quarter forecasts are $13 to $19 billion below what would be needed to reach $1065 for the year.

Three forecasts are summarized below:

	GNP (billion dollars)		Growth of real output (annual rate)	Price increase (GNP deflator, annual rate)
	Current dollars	Constant dollars		
3d quarter 1970 (actual)	985.5	727.4	1.4	4.9
4th quarter 1970 (actual)	989.9	720.3	−3.9	5.9
1st quarter 1971 (actual)	1,020.7	732.7	7.1	5.6
2d quarter 1971 (forecast):				
DRI [1]	1,046.0	745.3	7.1	3.0
Wharton [2]	1,043.6	741.5	5.4	4.4
St. Louis Federal [3]	1,042.0	739.2	3.6	4.9
1970—actual	976.5	724.1	−.4	5.3
1971—forecast:				
DRI [1]	1,050.0	743.6	2.7	4.7
Wharton [2]	1,050.8	743.1	2.6	4.8
St. Louis Federal [3]	1,053.9	743.1	2.6	5.2

[1] Data Resources, Inc. forecast of May 17. A more recent DRI forecast of the 2d quarter estimates a GNP of only $1,041,100,000,000 real growth rate of 4.8 percent, and an inflation rate of 3.4 percent.
[2] Wharton School, University of Pennsylvania, DRI version, May 25, 1971.
[3] Assumes 6 percent rate of growth of the money supply.

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)

	Total	Manufacturing	Durables (including autos)	Nondurables
July 1969 (peak)	110.4	110.0	109.2	111.1
August 1970 (preauto strike)	106.8	105.0	101.8	109.3
November 1970 (low point)	102.2	99.6	92.5	109.1
April 1971	105.1	102.6	96.2	111.3
May 1971	105.8	103.4	97.0	111.9

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 HOUSING STARTS

[Thousands, seasonal adjusted annual rate]

	Actual	DRI forecast	Illustrative pattern to average 2 million starts in 1971
1970:			
1st quarter	1,252		
2d quarter	1,286		
3d quarter	1,512		
4th quarter	1,768		
1971:			
1st quarter	1,813		1,810
2d quarter	[1] 1,915	1,801	1,933
3d quarter		1,794	2,066
4th quarter		1,829	2,200

[1] April-May average.

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.

CONSTRUCTION EXPENDITURE

[In billions of dollars, seasonally adjusted, annual rate]

	Total	Residential	Private nonresidential	Public
December 1970	99.1	33.3	33.6	32.2
January 1971	100.0	34.4	35.5	30.1
February 1971	102.6	35.6	35.2	31.7
March 1971	102.2	36.9	35.3	30.0
April 1971	104.5	38.1	35.6	30.8

Investment plans were revised downward in the SEC-OBE April-May survey. The new estimates show plant and equipment expenditures declining in real terms during the remainder of the year.

EXPENDITURES FOR NEW PLANT AND EQUIPMENT

[Dollars in billions, seasonal adjusted annual rate]

	Current dollars	Adjusted for price increase [1]
1970:		
I	78.22	78.22
II	80.22	79.34
III	81.88	79.74
IV	78.63	75.08
1971:		
I	79.32	75.06
II (expected)	82.38	76.99
III (expected)	82.83	76.41
IV (expected)	82.74	75.39

[1] Joint Economic Committee staff estimate. Expenditure in 1st quarter 1970 prices.

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.

DEFLATED INDEX OF RETAIL SALES[1] (1967=100)

	Total	Durable	Non-durable
April 1970	103.7	101.7	105.0
November 1970	100.4	87.5	106.4
March 1971	106.3	105.9	106.6
April 1971	106.9	106.9	107.0
May 1971	105.5	103.0	106.7

[1] Computed by staff of the Joint Economic Committee.

During the first 4 months of 1971, sales of domestically produced autos were at an annual rate below that of 1969, even though these 4 months included a "catch-up" from the auto strike. Only if 9.9 million domestically produced cars were sold in 1971 would 1970–71 sales average out to the 1969 level. So far, sales of domestic cars are running at a rate of only 8.4 million.

AUTO SALES

[In millions]

	Total	Domestic
1969	9.6	8.5
1970	8.4	7.1
1971: Average of 1st 4 months at seasonally adjusted annual rate	10.0	8.4

Consumer sentiment as reported in the latest University of Michigan survey shows some improvement, but the survey team referred to it as "reduced pessimism rather than increased optimism." Their index of consumer sentiment was at 81.6 (Feb. 1966=100). This compares to 78.2 in February and 75.4 last November.

IV. INCOME AND EMPLOYMENT

Personal income gains so far this year have been moderate. The first 5 months of 1971 averaged 5¾ percent above the year earlier period. For comparison, personal income grew 7 percent in 1970 (a recession year) and 9.4 percent in 1968 (a boom year). The $6 billion increase in May was equal to the average monthly gain so far for this year—again, only moderate.

PERSONAL INCOME

[In billions of dollars, seasonally adjusted annual rate]

	Total	Increase over previous month
December 1970	817.5	4.9
January 1971	827.4	9.9
February	830.4	3.0
March	836.8	6.4
April	841.4	4.6
May	847.4	6.0

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, hence, not being counted as unemployed, unemployment would have averaged considerably higher so far this year. An estimate of the hypothetical "true" 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

	Published rate	Hypothetical rate[1]
January	6.0	6.0
February	5.8	6.6
March	6.0	6.8
April	6.1	6.7
May	6.2	6.6

[1] Estimates 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 36.9 and 37.1 ever since October (37.0 in May). The number of long-term unemployed and the average duration of joblessness both rose further in May.

Particularly disturbing is the large number of young people now entering the summer job market. The number of 16 to 24 year olds in the civilian labor force 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 GREATER FISCAL THRUST

(By Hobart 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 touted $31 billion GNP rate gain in the first quarter.

More than ever, this shows that the Nixon administration was excessively optimistic at the start of the year on economic prospects, even though there has been an extraordinary growth in the nation's supply of money.

Having based its predictions 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 take care of growing unemployment, especially among Vietnam veterans.

It will be difficult for Mr. Nixon to veto Democratic proposals calling for creation of public service jobs with unemployment at 6.2 per cent and threatening to go higher.

One bright sign has been the stock market, which had been booming over its 1970 low point. The administration had been touting the market as an "advance indicator"—a sign that general recovery was on the way. But some officials now wonder whether the market didn't get too far ahead of the economy.

Here is a measure of how far the administration missed its guesses: Given the extent of the growth of the money supply so far in the second quarter (peaking at 16 per cent for May), the controversial "model" of the economy developed by OMB assistant Arthur Laffer calls for a GNP gain of about $44 billion.

That, of course, is more than twice as much as the economy actually grew.

It tends to show that expansion of the money supply is a simplistic and incomplete answer to determining what the economy will do: The Federal Reserve can decide on a target for money supply growth. That target may or may not be met (and this year, it is clear that things got out of the Fed's control). But then, there is no assurance that the holders of money (companies and individuals) will spend the money.

If they are uncertain about the future, they may save instead of spend. And with unemployment high, interest rates still going up, the government itself pronouncing inflation a problem yet to be solved and the dollar under attack in world money markets, uncertainty about the future has prevailed.

Consumers—the essential ingredient in a real recovery—have been hesitant. "They will keep on saving money at (current) high rates until they're sure of their jobs," said former Economic Council Chairman Art Okun, "and they won't be sure of their jobs until they start spending money."

As for business, plans for new investment spending are actually at a minus level (after accounting for inflation). And with actual factory operating rates so far below capacity, it's little surprise.

An important policymaker at the Federal Reserve moans that "the old rules aren't working." By that he means that wages and prices aren't responding to the recession: Unemployment has been generated, but prices aren't responding to the recession. wages.

All of the steps taken in 1970 to slow down the economy didn't cure inflation—nor, apparently, have they set the stage for a recovery.

Meanwhile, there is a new and serious trouble on the horizon: A steel strike for higher wages will probably get under way at the end of June, and the word from Pittsburgh is that three smaller steel companies may find themselves—like Lockheed—begging for government bail-outs if there is a sizeable wage settlement.

Making the allowable discounts for industry propaganda, the situation in steel, never noted for efficiency, seems to be serious.

For these and other reasons, the Council of Economic Advisers, under Paul W. McCracken, is taking the leadership within the Nixon administration in laying the groundwork for a new program of stimulus built around accelerated personal income tax cuts.

McCracken plays down the worries of the monetarists that a new inflationary "explosion" is likely because of the excessive growth of the money supply so far this year. He recognizes the risk of inflation but finds the unemployment rate moving toward unacceptable peaks.

But within Nixon's "Troika" of top economic advisers, McCracken so far is playing a lone hand. OMB Director George Shultz and Treasury Secretary John B. Connally say they are not ready to shift policy. However, now that the Fed, under Chairman Arthur F. Burns, has started to tighten up on money, Shultz and Connally in due course may be forced to follow the McCracken lead.

DAVIS-BACON ACT

Mr. WILLIAMS. Mr. President, on February 23, 1971, the President issued a proclamation suspending the labor standards provisions of the Davis-Bacon Act as they apply to Federal construction and federally assisted construction. The suspension remained in effect until March 29 when the President reinstated the requirements of that act.

Mr. President, I ask unanimous consent that the text of these Presidential documents be printed in the RECORD at this point in my remarks.

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

[Federal Construction Projects, Proclamation 4031, February 23, 1971]

PROCLAIMING THE SUSPENSION OF THE DAVIS-BACON ACT OF MARCH 3, 1931

Section 1 of the Davis-Bacon Act of March 3, 1931 (46 Stat. 1494, as amended, 40 U.S.C. 276a), provides:

". . . every contract in excess of $2,000, to which the United States or the District of Columbia is a party, for construction, alteration, and/or repair, including painting and decorating, of public buildings or public works of the United States or the District of Columbia within the geographical limits of the States of the Union, or the District of Columbia, and which requires or involves the employment of mechanics and/or laborers shall contain a provision stating the minimum wages to be paid various classes of laborers and mechanics which shall be based upon the wages that will be determined by the Secretary of Labor to be prevailing for the corresponding classes of laborers and mechanics employed on projects of a character similar to the contract work in the city, town,

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 . . .";

Various other acts provide for the payment of wages, with these provisions dependent upon determinations by the Secretary of Labor under the Davis-Bacon Act.

The Nation is now confronted by a set of conditions involving the construction industry which, taken together, create an emergency situation:

—Construction industry collective bargaining settlements are excessive and show no signs of decelerating.

—Increased unemployment and more frequent and longer work stoppages in the construction industry have accompanied the excessive and accelerating wage demands and settlements in the construction industry.

—The excessive and accelerating wage settlements in the construction industry have affected collective bargaining in other industries, thus contributing to inflation in the overall economy.

—This combination of factors in the construction industry has threatened the basic economic stability of the construction industry and thus the Nation's economy.

—Construction industry employers and employee representatives have been unable voluntarily to agree upon any arrangement which would ameliorate these conditions.

—The Federal Government is planning to expand its direct and financially-assisted construction, in part to reduce unemployment in the construction industry and in the national economy.

—The Federal Government anticipates that a larger portion of total resources will be devoted to construction activity as the economy expands.

—The Davis-Bacon Act and other acts dependent upon it frequently require contractors working on federally involved projects to pay the high negotiated wage settlements to mechanics and laborers, thereby sanctioning and spreading the high rates and thus inducing further acceleration contributing to the threat to the Nation's economy.

Section 6 of the Davis-Bacon Act provides:

"In the event of a national emergency the President is authorized to suspend the provisions of this Act."

Whereas I find that a national emergency exists within the meaning of section 6 of the Davis-Bacon Act of March 3, 1931 (46 Stat. 1494, as amended, 40 U.S.C. 276a).

Now, Therefore, I, Richard Nixon, President of the United States of America, do by this proclamation suspend, as to all contracts entered into on or subsequent to the date of this proclamation and until otherwise provided, the provisions of the Davis-Bacon Act of March 3, 1931, as amended, and the provisions of all other acts providing for the payment of wages, which provisions are dependent upon determinations by the Secretary of Labor under the Davis-Bacon Act;

And I do hereby suspend until otherwise provided the provisions of any Executive Order, proclamation, rule, regulation or other directive providing for the payment of wages, which provisions are dependent upon determinations by the Secretary of Labor under the Davis-Bacon Act;

In Witness Whereof, I have hereunto set my hand this twenty-third day of February in the year of our Lord nineteen hundred seventy-one, and of the Independence of the United States of America the one hundred ninety-fifth.

RICHARD NIXON.

[Filed with the Office of the Federal Register, 11:17 a.m., February 24, 1971]

STATEMENT BY THE PRESIDENT UPON SUSPENDING PROVISIONS OF THE DAVIS-BACON ACT, FEBRUARY 23, 1971

I am today suspending the provisions of the Davis-Bacon Act which require contractors working on Federal construction projects to pay certain prescribed wage rates to their workers. In my judgment, the operation of this law at a time when construction wages and prices are skyrocketing only gives Federal endorsement and encouragement to severe inflationary pressures.

The action I have taken today is based on the principle that Government programs which contribute to excessive wage and price increases must be modified or rescinded in periods of inflation. This was the principle I applied to industry in the case of recent excessive increases in steel and oil prices. This is the principle. I am applying to organized labor in the construction emergency.

This decision suspends a special provision of law which 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 Government. For under the Davis-Bacon Act, wage rates on Federal projects have been artificially set by this law rather than by customary market forces. Frequently, they have been set to match the highest wages paid on private projects. This means that many of the most inflationary local wage settlements in the construction industry have automatically been sanctioned and spread through Government contracts.

The Davis-Bacon Act was originally passed in 1931 to ease extremely severe downward pressures on wages in the construction industry. I believe, however, that this preferential arrangement does not serve the best interests of either the construction industry or the American public at a time when wages are under severe upward pressures. I am therefore using the authority which the law gives to the President to suspend this provision. The proclamation I am issuing today also suspends the wage determination provision of more than 50 other Federal laws relating to federally-involved construction which incorporate the Davis-Bacon Act. I am calling upon States and other governmental bodies with similar statutes to take similar action.

This action is the most appropriate of the actions which are available to me at this time. Nevertheless, I make this decision most reluctantly. It has been my hope that the problem of excessive and inflationary wage settlements in the construction industry could be met without such measures. Yet on several occasions over the past 2 years I have also made it clear that I would take whatever further steps were necessary if the inflationary pattern did not end.

That pattern has not ended. In fact, inflation in the construction industry has grown worse. In 1970, the average contract settlement in the building trades called for a first year wage increase of 18.3 percent. On the other hand, the average increase for the first year of new contracts in manufacturing industries was 8.1 percent—a striking contrast. And in the last two quarters of 1970, wage settlements in the construction industry went even further out of control; 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 its victims. I have met with construction contractors and labor leaders on a number of occasions—including a meeting last month. I know that many of them have been doing their best to find an answer to this situation. It is evident now, however, that decisive Government action is needed to protect the public interest while labor and management continue their efforts to attack the causes of this problem.

Those causes are deep and complex. They are rooted in the way the construction industry is organized—and particularly 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 available nearby. One out of every three wage negotiations in the building trades now produces a work stoppage. When these and other structural factors are combined with a law like the Davis-Bacon Act which, in effect, requires employers to pass on to the Government the cost of high local settlements, then the inflationary problem becomes even more acute.

The results of this inflationary situation are felt in every part of our society. As construction costs go up, so does the price for buying or renting new homes and apartments. Because the entire economy is affected by rising construction costs, other prices are driven up also. The taxpayer bears a particularly heavy burden since the Government spends so much for construction. The Federal Government alone plans to spend some $13 billion for construction in fiscal year 1972. A good part of this spending will come from the defense budget—which means that inflation in the construction industry 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 taxpayers get their moneys worth for all this spending and that it not be used to accommodate—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 workingman. The rate of unemployment in the construction trades last year was substantially higher than in any other major industry and double the national average. It stood at 11.2 percent this past January. 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 cycle. 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 inclined to demand an even higher hourly wage which can have the effect, in turn, of further reducing available employment. By curbing 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 money. We have worked to stabilize the cost of materials and to increase productivity. We are planning to expand Federal construction programs—especially in housing—and we are making additional efforts to assist private construction.

We are now on the threshold of a new economic expansion. That expansion must be a genuine expansion, one that is measured 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 great confidence in the potential of the construction industry and we want this potential to be fully realized.

But the construction industry cannot realize its potential—and it cannot make its full contribution to the stable growth of our entire economy—unless it can overcome 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—it can serve both the public and the industry best by correcting that situation.

I have suspended the Davis-Bacon Act because of emergency conditions in the construction industry. The purposes of the Davis-Bacon Act can once again be realized when construction contractors and labor unions work out solutions to the problems which have created the emergency.

In the final analysis, those who are directly involved in the construction industry must assume the leadership in finding answers to these complex problems. Construction contractors and labor leaders will have 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 rest largely on the determined effort, the practical wisdom, and the mutual understanding of labor and management in an industry whose future is now being undermined by its own excesses.

Wage increases negotiated last year in the construction industry were more than twice those of factory wage increases in the same period. These increases—along with other distortions in the economy of the industry—were reflected in the rising costs of construction, including the costs of home building to hard-pressed families and the costs of defense and other government construction projects to the hard-pressed taxpayer. But at the same time that wages and prices in the construction industry were soaring, unemployment in the industry rose to a level which is nearly double the national average.

The leaders of the construction industry—from both labor and management—are aware that unless this trend is countered disaster lies ahead. There is a limit to what those who pay for construction can afford. Continued excesses can lead only to less building, to continued unemployment and to further distortions in the practices of the industry and in the economy of the nation.

I am confident, however, that if sensible restraint is practiced the construction industry can look forward to a bright and prosperous future. Accordingly, the Federal government has taken the initiative in what is essentially a corrective enterprise. Contractors and labor leaders have indicated their willingness to cooperate with the government in fair measures to achieve greater wage and price stability.

I am therefore today reinstating the Davis-Bacon Act, which I suspended on February 23, 1971, and I am substituting a system of constraints to which I expect all parties will subscribe.

The Executive Order delegates to the Secretary of Labor, the responsibility to appoint a tripartite industry committee of twelve members, which—with the assistance of joint craft disputes boards established by contractor associations and international unions—will review all collective bargaining agreements negotiated in the construction industry after the date of this order.

The boards and the committee will determine whether future negotiated wage agreements fall within certain criteria established in the Executive Order. Agreements that violate the criteria shall be disregarded in making wage determinations under the Davis-Bacon Act for Federal and Federally assisted construction. In addition, all Federal departments and agencies shall review their construction plans in this light.

The Executive Order also establishes a committee on construction to develop criteria for determining the acceptable level for prices in construction contracts as well as the acceptable level for compensations including bonuses and stock options that are not subject to the terms of a collective bargaining agreement. The members of this committee shall be appointed by the Secretary of Housing and Urban Development.

The causes of the inflationary wage and price pattern in the construction industry are extremely complex. They are related in part to the highly fragmented way in which the industry and its bargaining processes are organized. A full solution to this problem will come only through patient, persistent efforts to change these fundamental conditions. Meanwhile, however, the action I have taken today will provide a framework within which management, labor and government can work together in limiting the dangerous consequences of continued 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 provisions of the Davis-Bacon Act of March 3, 1931 (46 Stat. 1494, as amended) and the provisions of all other acts, Executive Orders, proclamations, rules, regulations or other directives providing for the payment of wages, which provisions are dependent upon determinations by the Secretary of Labor under the Davis-Bacon Act, 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, as to all construction contracts for which solicitations for bids or proposals are issued after the date of this Proclamation, whether direct federal construction or federally assisted construction subject to the previous Proclamation No. 4031.

In witness whereof, I have hereunto set my hand this 29th day of March in the year of our Lord nineteen hundred and seventy-one and of the Independence of the United States of America the one-hundred ninety-fifth.

EXECUTIVE ORDER PROVIDING FOR THE STABILIZATION OF WAGES AND PRICES IN THE CONSTRUCTION INDUSTRY, MARCH 29, 1971

Whereas, the stabilization of wages and prices in the construction industry is essential to the maintenance of a strong national economy; and

Whereas, wages and prices in the construction industry have tended in recent years to increase at a rate greater than that for the economy as a whole; and

Whereas, the Congress has expressed its concern over the unrestrained rise in wages and prices through the enactment of the Economic Stabilization Act of 1970 (84 Stat. 799 as amended); and

Whereas, it was necessary to suspend the prevailing rate provisions of the Davis-Bacon Act in order to assist in alleviating the inflationary spiral of wages and prices in the construction industry, which suspension is no longer required due to the establishment of an equitable stabilization plan under this order; and

Whereas, the national leaders of labor and management in the construction industry have indicated, since the suspension of the Davis-Bacon Act, that under such an order they will participate with the Government in fair measures to achieve greater wage and price stability; but are unable to agree on any voluntary arrangement; and

Whereas, stabilization of wages and prices is most effectively achieved when accompanied by positive action of labor and management; and

Whereas, this order is required to establish an arrangement for the application of general criteria by an operating structure with a minimum of Government involvement and sanctions within which labor and management may act to effectuate the stabilization of wages and prices consistent with and in furtherance of effective collective bargaining in the industry.

Now, therefore, by virtue of the authority vested in me by the Economic Stabilization Act of 1970 (84 Stat. 799 as amended) and as President of the United States, it is ordered as follows:

Section 1(a). A Construction Industry Stabilization Committee (hereinafter referred to as "Committee") is hereby established to assure generally conformance of any increase in any wage or salary in the construction industry to the provisions of this order.

(b) The Committee shall be composed of twelve members appointed by the Secretary of Labor and selected as follows: four of the members shall be representative of labor organizations in the construction industry; four of the members shall be representative of employers in the construction industry; and four of the members shall be representative of the public. The Secretary of Labor shall appoint one of the public members as chairman of the committee.

Section 2. Associations of contractors and national and international unions shall jointly establish craft dispute board (hereinafter referred to as "boards") to determine whether wages and salaries are acceptable in accordance with the criteria established in section 6. Each board shall be composed of appropriate labor and management representatives.

Section 3(a). It shall be the responsibility of each board, in relation to the craft or branch over which it has jurisdiction, to provide advice and assistance in an effort to resolve any unresolved collective bargaining disputes involving wages and salaries and to promptly examine every collective bargaining agreement negotiated on or after the date of this order and to determine, in accordance with the criteria established in section 6, whether wage and salary increases in the agreement are acceptable and may thus be approved. The board shall make determinations within a reasonable time and shall notify the parties and the Committee of action taken. When it is determined by the board that a wage or salary increase is not acceptable, the board shall also notify the Secretary of Labor.

(b) Each board shall also have the authority to examine collective bargaining agreements negotiated prior to the date of this order which contain wage or salary increases scheduled to take effect on or after such date to determine whether any increase is unreasonably inconsistent with the criteria established in section 6.

Section 4(a). Upon receipt of a notification by a board that it has found a wage or salary increase acceptable, the Committee shall have fifteen days in which to determine whether it will assume jurisdiction over the matter. If the Committee does not determine within that time, and so notify the parties and the board, that it will assume jurisdiction, the board's determination will be deemed final and the increase may take effect. If the Committee determines that it will assume jurisdiction it shall be a violation of this order to implement the increase unless and until the Committee affirms the board's initial determination. The Committee shall notify the parties, the board and the Secretary of Labor of its final action.

(b) The Committee is also authorized, upon its own motion, if a board has not yet reported or an appropriate board has not been established, to review any proposed wage or salary increase to determine its acceptability.

(c) Unless and until an increase in wage or salary has been approved in accordance

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

Section 5. Upon a determination by a board or the Committee that a proposed wage or salary increase is not acceptable and 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 related statutes the provisions of which are dependent upon determinations by the Secretary of Labor under the Davis-Bacon Act, and including state statutes or laws requiring similar wage standards, the Secretary of Labor and all states shall not take into consideration any wage or salary increase in excess of that found to be acceptable in making determination under that act and related statutes.

(b) In order to assure that unacceptable wage rates shall not be utilized in Federal or federally-related construction, the heads of all Federal departments and agencies, subject to the direction and coordination of the Secretary of Labor:

(1) shall review all plans for construction and financial assistance for construction in localities in which wage or salary increases have been certified by the Secretary of Labor to be unacceptable and shall, on the basis of that review, determine whether such plans can be approved or continued; and

(2) shall review current and prospective construction contracts for Federal construction and for construction on projects receiving Federal financial assistance in the area affected by a certification by the Secretary of Labor and shall, on the basis of such review, determine whether such contracts can be awarded or continue.

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

(d) Any other action authorized by law to carry out the purposes and policy of this order shall be available to 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 negotiated on or after the date of this order will be those normally considered supportable by productivity improvement and cost of living trends, but not in excess of the average of the median increases in wages and benefits over the life of the contract negotiated in major construction settlements in the period 1961 to 1968.

(b) Equity adjustments in labor contracts negotiated on or after the date of this order may, where carefully identified, be considered over the life of the contract to restore traditional relationships among crafts in a single locality and within the same craft in surrounding localities.

Section 7. The parties to a labor contract negotiated in the construction industry shall promptly submit that contract to the appropriate board or boards. Where there is no appropriate board to consider the acceptability of a proposed wage or salary increase, the affected national or international union, and the affected association of contractors shall promptly submit that contract to the Committee.

Section 8. The Interagency Committee on construction (hereinafter referred to as "Interagency Committee"), is hereby established to develop criteria for the determination of acceptable prices in construction contracts as well as criteria for acceptable compensation, including bonuses, stock options and the like. Officers and employees of Federal departments and agencies shall be designated to serve as members of the Interagency Committee by the Secretary of Housing and Urban Development who shall also designate its chairman. The Interagency Committee shall consult with the Secretary of Labor, with major Government procurement agencies and with the Committee in developing such criteria and concerning the application of such criteria. Until criteria have been developed and applied and prices and compensation are determined to be unacceptable, prices, and compensation shall not be deemed in violation of this order.

Section 9. In the conduct of every Federal or federally assisted construction project or program the affected Federal agency shall assure the conformance of such project or program with the criteria established in Section 8.

Section 10. The Committee and the Interagency Committee, subject to approval by the Secretary of Labor, and the Secretary of Labor are authorized to issue such rules and regulations as may be necessary to provide for the expeditious and effective conduct of their responsibilities under this order and to effecutate its purposes. Such authority of the Committee under this section shall include the authority to issue such rules and regulations as may be necessary to assure the effective operation of any board which may be established under this order, and to provide for the resolution of impasses within any board.

Section 11(a). The term "construction" shall mean, for the purpose of this order (1) all work relating to the erecting, constructing, altering, remodeling, painting, or decorating of installations such as buildings, 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 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 the 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 5.2 (g) of Part 5, Title 29 of the Code of Federal Regulations.

(b) The term "wage or salary" shall mean, for the purpose of this order, all wage or salary rate schedules and economic benefits established pursuant to a collective bargaining agreement in the construction industry.

Section 12(a). Expenses of the Committee and the Interagency Committee shall be paid from such appropriations to the Department of Labor and other Federal agencies as may be made available therefor.

(b) All departments and agencies of the Federal Government are authorized and directed to cooperate with the Committee and the Intragency Committee in order that they may carry out their responsibilities under this order.

Section 13. There shall be periodic examination of the effectiveness of this order to determine whether further measures will be required to effectuate a stabilization of wages and prices in the construction industry.

Section 14. This Order shall be effective immediately.

Mr. WILLIAMS. Mr. President, during the interim, Government contracting agencies took many different measures to respond to the President's decision. In some instances the contracting agency went ahead with the awarding of contracts already solicited. In some cases, the agencies resolicited bids made prior to the suspension of Davis-Bacon for purposes of deleting the Davis-Bacon provisions from the solicitations. The period between February 23 and March 29 appears to have been a period of turmoil in Government construction contract procedures.

After the reinstatement of the Davis-Bacon provisions, I learned that the Government's construction contract procedures were in no less of a turmoil than during the period of suspension. Many contracting agencies apparently took it upon themselves not to reinstate the Davis-Bacon provisions in solicitations that had been made during the period of suspension.

This led the Secretary of Labor, after consultation with the President, to issue a memorandum—Memorandum No. 94—setting forth the President's view 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, take such action to accomplish a resolicitation of bids or proposals as is authorized under the governing procurement laws and regulations and is most appropriate to effect a reinstatement of the application of the Davis-Bacon provisions to the proposed contract work.

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 7, 1971, requesting reports by 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 February 23–March 29, 1971, the period during which 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 my remarks.

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

JUNE 7, 1971.

Hon. JOHN A. VOLPE,
Secretary of Transportation, Department of Transportation, Washington, D.C.

DEAR MR. SECRETARY: On April 27, 1971, the Secretary of Labor issued Memorandum #94 stating, in part:

The President has asked me to explain 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, take such action to accomplish a resolicitation of bids or proposals as is authorized under the governing procurement laws and regulations and is most appropriate to effect a reinstatement of the application of the Davis-Bacon provisions to the proposed contract work.

As Chairmen of the Senate and House Subcommittees with legislative jurisdiction over the Davis-Bacon provisions, we have been advised that some contracts have been awarded without the Davis-Bacon provisions even though resolicitation could have been made legally and without undue hardship.

It is important that concerned members of the Senate and the House of Representatives be informed of the steps you are taking to implement the President's decision. Therefore, please provide us with a list of those projects: (a) on which contracts have

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 provisions.

We would also appreciate being informed of your reasons for not resoliciting those bids or proposals.

This information should be provided no later than June 15, 1971.

If you have any questions, please do not hesitate to contact the staff of our respective Subcommittees at 225–3674 (Senate Subcommittee on Labor) or 225–5331 (House General Labor Subcommittee).

Sincerely,

HARRISON A. WILLIAMS, Jr.,
Chairman, Subcommittee on Labor, U.S. Senate.

JOHN H. DENT,
Chairman, General Labor Subcommittee, U.S. House of Representatives.

Mr. WILLIAMS. Mr. President, pursuant to that request, I have received five responses to date. At this point I will not comment on the substance of the responses, although they warrant comment. I merely wish to bring them to the attention of the Senate at the earliest possible time. I ask unanimous consent that these responses from the Department 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:

OFFICE OF THE ASSISTANT SECRETARY OF DEFENSE,
Washington, D.C., June 14, 1971.

Hon. HARRISON A. WILLIAMS, Jr.,
Chairman, Subcommittee on Labor, Labor and Public Welfare Committee, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: The Secretary of Defense has asked me to respond to your letter of June 7, 1971, requesting a list of those projects: (a) on which contracts have 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 we are not resoliciting for purposes of including the Davis-Bacon provisions.

You also asked to be informed of our reasons for not resoliciting those bids or proposals.

We do not have the information which you have requested immediately on hand. However, we have asked the Military Departments to obtain and furnish that information to us on an expedited basis. Many contracting activities are involved, and all must be queried in order to develop the full picture. We shall furnish you the information promptly upon receipt.

You may be interested to know that the Secretary of Labor, by letter dated May 13, 1971, has directed to us a number of questions pertaining to Department of Defense contracts affected by the suspension of the Davis-Bacon Act. A copy of that letter is attached, together with copies of the information which we are furnishing in response to it. Information in addition to that enclosed is expected to be forthcoming from the Department of the Army, and we will furnish it to you as soon as it is received.

We can and have, in a number of cases since the President's reinstatement of 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 on February 23, 1971. To implement the Proclamation, the Assistant Secretary of Defense (Installations and Logistics) issued instructions to the Military Departments directing that no contracts be awarded with Davis-Bacon provisions.

On 29 March 1971, the President issued a Proclamation partially revoking his prior suspension of the Davis-Bacon Act. The reinstatement applied to all construction contracts for which solicitations for bids or proposals were issued after the date of the second Proclamation. This second Proclamation did not revoke the initial suspension insofar as it affected solicitations which had been issued on or before 29 March.

It would have been possible, of course, to resolicit procurements outstanding as of 29 March. Since such resolicitations would have followed the date of the reinstatement, they would properly have included Davis-Bacon provisions. In effect, therefore, it was left to the discretion of contracting agencies whether they would resolicit such procurements so as to make applicable the provisions of the Act.

Following the 29 March Proclamation, the Assistant Secretary of Defense (I&L) after consulting with the Military Departments, and based on their recommendations, issued implementing guidance essentially 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 urged that they effect a reinstatement of Davis-Bacon Act provisions in contracts not yet awarded, if such could be accomplished legally and without undue hardship. As a result, the Acting Assistant Secretary of Defense (I&L) on 7 May, issued further guidance to the Military Departments which instructed them to reissue the solicitations in question, except, among other things, where bids had already been opened. It was felt that to do otherwise would be too disruptive to construction programs already under way, many of which had already been delayed once due to the suspension.

We have had continuing correspondence with the Secretary of Labor on this matter. You may be interested to know that, on 24 May, the previous guidance to the Military Departments was further revised as follows:

". . . to insure that the maximum number of construction projects not yet under contract are accomplished using Davis-Bacon provisions, each construction contract should be considered on a case by case basis, and where there is a question as to whether undue hardship exists and consequently whether resolicitation would be appropriate, such question should be resolved in favor of resolicitation."

There have been many facets to the complex problem of reconciling the legitimate interests involved. However, we think it apparent from the record that we have done and are doing all we can to give Davis-Bacon Act provisions the broadest possible application in those construction projects affected by the suspension, while at the same time attempting to minimize disruption of the procurement process, avoid undue hardship on bidders, and meet the construction requirements of the Department of Defense.

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

Sincerely,

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

THE SECRETARY OF TRANSPORTATION,
Washington, D.C., June 15, 1971.

Hon. HARRISON A. WILLIAMS, Jr.
Chairman,
Subcommittee on Labor,
U.S. Senate, Washington, D.C.

DEAR SENATOR WILLIAMS: This replies 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 projects: (a) on which contracts have not yet been awarded; (b) on which solicitations or resolicitations were made during February 23-March 29, 1971, the period during with the Davis-Bacon Act was suspended; and (c) for which resolicitation is not being made for the purpose of including the Davis-Bacon provisions.

Sincerely,

JOHN VOLPE.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION,
Washington, D.C., June 15, 1971.

Hon. HARRISON A. WILLIAMS, Jr.
Chairman, Subcommittee on Labor,
Committee on Labor and Public Welfare,
U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: This is in response to your letter of June 7, 1971, regarding Memorandum No. 94 issued by the Secretary of Labor on April 27, 1971. In particular, you requested that we advise you as to the steps we have taken to implement that Memorandum. You also requested that we furnish you a list of those projects on which contracts have not been awarded, and on which solicitations or resolicitations were made during the period of suspension of the Davis-Bacon Act, and for which we are not resolicitating to include the Davis-Bacon Act provisions.

In Memorandum No. 94, the Secretary of Labor issued instruction regarding contracts not yet entered into for which bids or proposals were solicited during the 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. Specifically, the Secretary advised that with respect to such solicitations, each agency should, if it could do so legally, and without undue hardship, take such action to accomplish a resolictation of bids or proposals as is authorized under governing procurement laws and regulations and which would be most appropriate to effect a reinstatement of the application of the Davis-Bacon Act provisions to the proposed contract work.

Promptly upon receipt of the Secretary's Memorandum, we issued implementing instructions to our field installations. Those instructions directed the amendment of all affected outstanding solicitations issued during the suspension period to include the Davis-Bacon Act provisions in (1) negotiated procurements, and (2) in advertisel procurements where bids had not been opened, unless the cognizant procurement officer determined, in writing, for each procurement, that such action would create undue hardship. Those instructions further directed that the term "undue hardship" would not be construed to mean mere inconvenience, but

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 discloses no NASA procurements within the purview of the criteria set forth in your letter.

If we can be of further assistance to you or the Subcommittee, please do not hesitate to call on us.

An identical response is being submitted to the Chairman, General Labor Subcommittee, House of Representatives.

Sincerely,

JAMES C. FLETCHER,
Administrator.

DEPARTMENT OF AGRICULTURE,
Washington, D.C., June 16, 1971.

Hon. HARRISON A. WILLIAMS, JR.,
Chairman, Subcommittee on Labor, Committee on Labor and Public Welfare, U.S. Senate, Washington, D.C.

DEAR SENATOR WILLIAMS: Secretary Hardin has asked me to report to you concerning the request of June 7, 1971, signed by you and Congressman John H. Dent on the current status of solicitations or resolicitations for bids on Department of Agriculture construction contracts which were issued between February 23 and March 29, 1971—the period during which the Davis-Bacon Act was suspended.

The four agencies within the Department which let construction contracts subject to the provisions of the Davis-Bacon Act have been surveyed and have reported that there are no contracts remaining to be awarded from bid invitations issued during the suspension period.

Only two of the four agencies issued construction bid solicitations during that period and none of those invitations were resolicited. The reason for this was that the early advice received from the General Services Administration was explicit in pointing out that those solicitations issued during the suspension period were not to be subject to the Davis-Bacon Act provisions (see paragraph 2 of enclosed wire from Robert L. Kunzig, Administrator, General Services Administration). All of the contract awards from those invitations were made by the time the Department of Labor issued the clarification memorandum of April 27, 1971, mentioned in your letter.

All USDA construction invitations issued on or after March 30, 1971, have either been resolicited or amended to include the applicable Davis-Bacon Act provisions.

Sincerely,

CHARLES L. GRANT,
Acting Assistant Secretary for Administration.

MARCH 31, 1971.

General Services Administration:

This telegram supplements my messages to you of 2-25 and 3-15-71 regarding the Davis-Bacon Act. On 3-29-71 the President issued a proclamation which revoked proclamation No. 4031 of 2-23-71 ". . . As to all construction contracts for which solicitations for bids or proposals are issued after the date of this proclamation, whether direct federal construction or federally assisted construction subject to the previous proclamation No. 4031." Agencies shall give effect to the revocation of the suspension as follows:

1. Solicitations issued on and after 3-30-71 shall comply with the requirements of the Davis-Bacon Act and with the provisions of subpart 1–12.4 and the use requirements for the April 1965 edition of standard form 19–A as set forth in the federal procurement regulations.

2. Solicitations issued on or before 3-29-71 but on or after 2-23-71 continue to be subject to the suspension of 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 should be amended prior to award consistent with paragraph 1 of this message.

4. Where new work is added to a contract which was entered into during the suspension of the Davis-Bacon Act requirements and the new work is outside the scope of the existing contract, the new work should be handled in accordance with paragraph 1 of this message.

ROBERT L. KUNZIG,
Administrator.

GENERAL SERVICES ADMINISTRATION,
Washington, D.C., June 17, 1971.

Hon. HARRISON A. WILLIAMS, JR.,
Chairman, Subcommittee on Labor, Committee on Labor and Public Welfare, U.S. Senate, Washington, D.C.

DEAR SENATOR WILLIAMS: In reply to your letter of June 7, signed jointly by you and Congressman Dent, we are enclosing a list of construction projects which did not contain Davis-Bacon provisions at the time of their solicitation and which we are planning to award without resoliciting for the purpose of including them.

In determining to proceed with the award of the above contracts, several factors were weighed: (a) the President's Proclamation of March 29, stating that the reinstatement of the provisions would apply only to solicitations invited after that date; (b) Department of Labor Memorandum No. 94 reflecting the President's desire that the provisions be reinstated wherever it could be done legally and without undue hardship; (c) the hardship already experienced by contractors when bids were rejected after opening as a result of the President's Proclamation of February 23; (d) the detrimental effect on Federal programs of a delay in the competion of the facilities involved; and (e) the conflict with other national priorities (viz. Sec. 8a, Small Business contracting, inflation control, etc.) which rejection of bids and resolicitation would entail.

By way of background, pursuant to the Presidential Proclamation of February 23, this agency rejected bids opened on 77 projects. In a few special cases, contracts were awarded on the basis of negotiations with the bidders and several other projects were deferred or canceled for a variety of reasons. Forty-two of these contracts were readvertised (without Davis-Bacon provisions) between February 23 and March 29. Sixteen others were readvertised after March 29 and, therefore, included the provisions. These actions, apart from exerting a large administrative burden on our regional offices, caused considerable consternation among all the contractors, especially those whose otherwise acceptable low bids were rejected. They also resulted in delays of 2–3 months in the start of construction of the projects involved. In several instances, firms whose bids had to be rejected sought the assistance of their Congressional representatives and of the Comptroller General of the United States to protest that action. In the light of the foregoing, we were pleased to find that the provisions of the Presidential Proclamation of March 29 were to apply only to solicitations invited after that date and did not contemplate the rejection of bids already opened but not accepted.

It is noteworthy that Department of Labor Memorandum No. 94 did not require the reinstatement of Davis-Bacon provisions in contracts already solicited, where such action would result in undue hardship. Four of the contracts on the enclosed list are being awarded under Section 8a of the Small Business Act and represent months of effort to direct a significant portion of our construction dollars to minority contractors. Five of the projects had already been resolicited in accordance with the February 23 Proclamation. To have required a third round of bidding on the same projects would have subjected this agency and the Federal Government to severe criticism. Three of the projects are Social Security Administration District Offices being constructed for the Department of Health, Education and Welfare, which is most anxious that these facilities become operational as soon as possible. Most of the others are small repair and improvement projects which must be done during appropriate seasons or which have been scheduled as part of GSA's continuing maintenance program for Federal buildings.

We feel 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 1–2.404–1) 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 would have to be rejected are small business firms, whom we have been encouraging to bid on Federal projects.

We wish to point out that the Davis-Bacon provisions have been included in the contract awarded on June 14, for $69,383,000, for the construction of the Federal Bureau of Investigation Building superstructure (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 for the Howard University Teaching Hospital (estimated cost—$31,000,000). 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,

WM. SAUNDERS,
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.

Boston, MA Post Office Garage, Replace floor, install Diesel Tank.

Philadelphia, PA 2255–18th Street, Modernization, interior & exterior painting.

Roanoke, Virginia Post Office and Courthouse, Fire Protection Improvements.

Washington, DC Forrestal Building, Elect. Metering Equipment.

Parkersburg, WV, Boiler Safety.

Alderson, WV U.S. Post Office, Fuel Conversion.

Augusta, GA U.S. Post Office and Courthouse, Interior & Exterior Painting.

Bradenton, FL Federal Building, Painting, Boiler General Repair.

Charleston, SC Federal Building, Airconditioning Repair—HW System.

Corinth, MS U.S. Post Office, Painting & Repair.

Cross City, FL U.S. Post Office, Heating System.

Duluth, GA GSA Warehouse, Downspout Repair.

Elizabeth City, NC U.S. Post Office & Courthouse Conversion.

Fitzgerald, GA Federal Building. Painting & Replace Roof.

Gastonia, NC District Office, Social Security Administration.

Gulfport, MS District Office, Social Security Administration.

Louisville, GA U.S. Post Office & Agriculture, Painting and Pointing.

Opp, AL U.S. Post Office, Pointing, Painting & General Repairs.

Orlando, FL U.S. Post Office & Courthouse, Airconditioning Repair, Painting, Roof Replacement.

Ridgeland, SC U.S. Post Office & Federal Bldg., Painting, Roofing and General Repairs.

Rutherfordton, NC U.S. Post Office. General Repairs.

Winchester, TN U.S. Post Office & Courthouse, Painting, General Repair, Grounds.

Greenville, MI U.S. Post Office, Airconditioning & Painting.

Kansas City, MO 1500 E. Bannister, Standby Generator Building.

Topeka, KS District Office, Social Security Administration.

Redding, CA U.S. Post Office, Roofing & Related Repairs.

Pomona, CA U.S. Post Office, Exterior Painting.

Riverside, CA U.S. Post Office, Exterior Painting.

U.S. DEPARTMENT OF LABOR,
Washington, D.C., May 13, 1971.

Hon. MELVIN R. LAIRD,
Secretary of Defense,
Washington, D.C.

DEAR MR. SECRETARY: The Department of Labor was requested by the Office of Management and Budget to establish means by which the impact on construction wages and costs of the suspension of the Davis-Bacon Act could be measured.

Even though the suspension has now been withdrawn, OMB still desires that an analysis be performed so that we can learn as much as possible about the industry's early response to the suspension.

One means would be an analysis of the results of readvertising and rebidding on contracts where bids had been received but awards had not been made prior to the suspension on February 23, 1971.

On February 25, 1971 GSA set forth policies with respect to bids on proposals which involve the Davis-Bacon Act. Agencies were directed to "cancel invitations for bids where bids have been opened but awards have not been made and resolicit bids or offers as appropriate after deletion of all Davis-Bacon requirements". I request that your agency provide the following data to Mr. John Cheston, Director Office of Evaluation, Office of the Assistant Secretary for Policy Evaluation and Research by May 28.

1. For each project which involved a readvertisement subsequent to the GSA directive, (February 25, 1971) and prior to the revocation of the suspension (March 29, 1971) for all prime contractors and where applicable, their principal sub-contractors.

A. the types of construction involved: commercial, residential high rise, residential multi-family (garden apartments), single family, highway, or heavy construction

B. location of the project by county and city (also designate if metropolitan areas, central city, non-metropolitan area)

C. the dates of advertisement, receipt of bids and the dates of the readvertisements and receipt of bids

D. a list of all bidders and rebidders, and the amount of their bids and rebids (include amounts for all new bidders under the readvertisement)

E. wherever possible, a designation of bidder as to union and non-union composition of their workforce, based on the knowledge of your field staff

F. wherever possible, a description of bidders who bid under the readvertisement who do not customarily bid on similar projects

2. The views of regional and local agency personnel of the impact of the suspension of Davis-Bacon in their locality or region, including any documentation they could provide supporting such views.

Your assistance in this matter will be important to our efforts to more effectively administer the Davis-Bacon Act.

Sincerely,

J. D. HODGSON,
Secretary of Labor.

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 every 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 21014. This is an idea that I have supported ever since I came to this body and one which I continue to support.

In pursuit of this goal there are many legitimate steps that the Federal Government can and should take. Some of these will place a necessary burden on the private sector—the onerous nature of which is outweighed by the benefits conferred.

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 an unfair, costly and too detailed burden on those to whom it is directed. Its sweep is too inclusive. All businessmen who have Federal contracts of $50,000 or more or at least 50 employees will be required to file annually a detailed report on their affirmative actions 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 proposed form A 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 in cleaning up the environment. Under the leadership of the Mason-Dixon Council, youth, adults, community groups, corporations, public agencies, and the mass media were enlisted in this comprehensive cleanup drive. The results were certainly impressive: 130 specific sites cleaned, 307 miles of roadside and riverbanks cleared of junk, plus an additional 187 acres of empty lots and parkland cleaned. Some 46,600 pounds of scrap metals were recovered and sold for recycling, along with large quantities of cans and glass suitable for recycling.

Even more constructive than the material results of this 1 day was the spirit of community involvement generated in the course of planning and carrying out this massive operation. More than 7,600 volunteers, including at least 6,378 youths and 1,231 adults, participated in Keep America Beautiful Day. Through the efforts of the mass media, citizens throughout the three-county target area were made 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 one phase of the Mason-Dixon Council's overall program for Operation SOAR—Save Our American Resources—a national 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. Frush, chairman of Project SOAR, and relevant news articles.

There being no objection, 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, Hagerstown, Md.

DEAR MERLE: By any standard, Keep America Beautiful Day (KAB) on June 5, 1971 was a success. The public response was overwhelming as a result of timely news reporting and advertising. The cleanup efforts of Boy Scouts, Members of the 1007 Maintenance

Company, U.S. Army Reserve, and other community groups (see Annex E) vividly demonstrated the need to clean up and wisely use our American resources. As denoted by the amount of litter and junk collected, these people discovered for themselves and pointed out to others the magnitude of the problem as it now exists and what the long-range effects will be if the situation is not alleviated.

KAB Day was the day designated to draw public attention to Project S.O.A.R. (Save Our American Resources) a national conservation program of the Boy Scouts of America. Locally, we have initiated the inventory of the Antietam Watershed in a three-county area—Washington County, Md., Franklin and Adams County, Pa. Phase I of SOAR consisted of map development and included planning the methods of conducting the inventory and collation 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. Then KAB Day alerted the public to the existing and potential dangers of solid waste. This phase of SOAR is scheduled for completion by the end of August 1971. The three counties have been divided into quadrangles; each Boy Scout will inventory 208 acres of land, or 1/24 of a quadrangle, the total area includes 125,000 acres.

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 the means to tell our story to the public. At the day's end, 6378 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, but this figure does not even include the safety equipment, state police, and communications network that was established. Automobile dealers in the area provided 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 developing on the ground.

The communications system and a local radio station—WHAG, are especially worthy of note. At Boy Scout Headquarters the Hagerstown Civil Defense Unit established a 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 shuttle equipment and people 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 media gave live coverage of Keep America Beautiful Day and told our story to the public. Based on these interviews many concerned citizens contacted Boy Scout Headquarters and asked how they could help. Area news media were also instrumental in giving 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, 11 sites in Fulton County and 80 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 litters and junk amounted to 913 tons. Scrap metals sold to Maryland Metals, Inc., amounted to 46,600 pounds, the weight report of recycled cans and glass will be made available when received.

With a 913 ton yield in but one day, it was amply demonstrated that a huge 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 program to keep people aware of the 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 produced 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 their employers of their efforts to make this program a success.

Sincerely,

DONALD R. FRUSH,
Chairman, S.O.A.R.

S.O.A.R.—K.A.B.

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

Antietam Motors.
Bester-Long, Inc.
City of Hagerstown Street Department.
Victor Ditto.
Fairchild—Republic Division.
J. B. Ferguson & Co.
Edward Henson.
C. William Hetzer, Inc.
Hoffman Chevrolet.
Letterkenny Defense Depot.
Maietta Trucking Contractors.
Massey Ford.
John H. Merrbaugh.
National Park Service.
Pennsylvania Glass Sand.
Plummer Construction Co.
Potomac Edison.
United States Army Reserve—1007th Maintenance Co. (LE).
Warrenfeltz Tree Experts.
Washington County Roads Department.

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

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

Cavetown Planning Mill Co.—donation to advertising fund.

Coca-Cola Bottlers, Hagerstown—displayed special KAB Day signs on their trucks.

Fairchild Republic Division, Hagerstown—donation to advertising fund.

Mack 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.

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

Thomas Pangborn Lodge, Fraternal Order of Police—donation to advertising fund.

ANNEX C—PUBLICITY ASSISTANCE

The Herald-Mail Co.—ran several editorials to appeal for help from community organizations. Bernie Hayden of the Morning Herald and Arnold Platou 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.

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

WHAG Radio, Hagerstown, Maryland—waged their own public service campaign for our project. Contributed hundreds of spots during the days leading up to June 5. Gary Portness and his mobile staff spent the entire day on June 5 interviewing KAB personnel and dignitaries at KAB HQ on Crestwood Drive.

WHAG–TV, Hagerstown, Maryland—interviewed SOAR 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, Greencastle, Pennsylvania—contributed many radio spots as a public service gesture.

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

ANNEX D—THE KEEP AMERICA BEAUTIFUL DAY COMMITTEE

Position, name, employer

Chairman, Howard R. Thomas, U.S. Army Area Maintenance Supply Shop, Greencastle, Pennsylvania.

Co-Chairman, David W. Harp, Herald-Mail Co.

Pennsylvania Coordinator, Harold C. Martin, Fairchild-Republic Division.

Equipment and Recycling, Larry Seavolt, John Conrad, 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 Brownsville.
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.

United States Army Reserve—1007th Maintenance Co. (LE).

Washington County Civil Defense Rescue Squad.

Church of the Holy Trinity, United Church of Christ.

[From the Hagerstown (Md.) Morning Herald, June 7, 1971]

VOLUNTEERS CLEAR 900 TONS OF TRASH FROM AREA COUNTIES

The Hagerstown area is missing 900 tons of trash today because 7,500 people spent Saturday 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 307 miles of roadway and streams and 170 acres of empty lots and park land," Harp said. Loaded dump trucks made 193 trips to the Washington County landfill near the Greencastle-Williamsport Pike, he said.

Harp said more than 100 persons concentrated their efforts in the Pen Mar Park area around the Appalachian Trail. Another 60 persons continued to pick up trash there Sunday.

"We hauled away truckloads of junk," Harp said. "This was one of the worst places we could find. It's a real prostitution of what the trail actually stands for. People shouldn't have to walk along there and dodge old refrigerators and rusty cars."

The Hagerstown Boys' Club and several Girl Scout troops collected trash in downtown Hagerstown, he added.

The tons of glass and cans collected will be taken today to Baltimore to be recycled. Harp said. The junk autos and other salvagable metals will be bought by Maryland Metals in Hagerstown "so we'll realize some profits," he added.

Saturday's activities are part of a two-year Save Our American Resources drive. By the end of August, area Boy Scouts should have completed the survey of the Antietam Creek in Adam and Franklin counties in Pennsylvania and Washington County, Harp said.

"We want to find out where the water pollution is and what's causing it," Harp said. Once the survey results are compiled, the scouts will go back to the landowners to offer their help in correcting the pollution problems, he said.

The many groups helping in Saturday's drive included: the 1007th Army Reserve Maintenance Co. in Hagerstown, Letterkenny Army Depot near Chambersburg, Boy Scouts, Girl Scouts, the Boys' Club, the Ornithological Society of Washington County, First Christian Church, of Hagerstown, Chewsville Lions Club, Chewsville EUB Church, Downsville Christian Church, 4–H clubs in Maugansville and Brownsville, Leitersburg Fire Co. and Washington County Civil Defense Rescue Service.

Besides the Washington County Roads Department, and the City of Hagerstown, several area firms donated equipment or financial support. They included: the J. B. Ferguson Co., Plummer Construction inc., C. William Hetzer Inc., Victor Ditto Co., Bester-Long Inc., John Merbaugh, Maietta Trucking Contractors, Fairchild Industries Inc., Mack Trucks Inc., Pennsylvania Sand and Glass Co., Edward Henson Contractor, Potomac Edison Co., the National Park Service, Massey Ford Inc., Antietam Motors Inc., Hoffman Chevrolet Inc., Warrenfeltz Tree Experts, North American Rod and Gun Club, the Beer Wholesalers of Washington County, Cavetown Planing Mill Co. and Thomas Pangborn Lodge of the Fraternal Order of Police.

[From the Daily Mail, May 19, 1971]

POLLUTION SEEN FROM AIR: THOUSANDS ASKED TO AID COUNTY CLEANUP JUNE 5

(By Arnold S. Platou)

The idea is to keep America beautiful.

That's why several hundred bulldozers and trucks, radios and helicopters for communication and first aid and an army of 10,000 volunteers are being readied for an all-out assault on pollution.

Zero hour is early June 5 when Keep America Beautiful Day begins. Sponsored by the Mason-Dixon Council Scouts but planned to encompass every resident in Washington, Fulton and Franklin Counties, the mass local project has been dubbed by national scout leaders, "the most ambitious in the nation."

"We're trying to get people to clean up in their own areas," explained David Harp, community actions chairman for the local KAB Day. "Even if everybody just went out and cleaned up 100 yards in front of their house, the day would be a tremendous success," he said.

Harp said the 4,500 Scouts of the Mason-Dixon Council have already pledged their support. "But we're trying to stress public service for everyone," he added.

The KAB organizer said several 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 autos 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 me on a helicopter tour of the area.

We lifted off from Fairchild shortly after 1 p.m. and headed southeast over several North End homes and the Longmeadow Shopping Center.

When we neared Security, we sat 200 feet above the Aantietam Creek—a stream that runs north and south through the council area and is the gathering point for waters 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.

Those 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 fancy Christmas ribbon, there seemed nothing but farmland around. Here and 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 help—but we want the landowners to realize the cleanup is for their good."

Harp said anybody can call the area Scout office, 739–1211, and "we'll send trucks and volunteers out to pick up your junk cars and trash. We're working on a 50–50 basis, you help us and we'll help you."

Many of the stream banks below were barren of any plant cover and on some, the marks of erosion were evident.

Harp said planting trees and other ground cover would stop this. But he continued, they've got to get the landowner's 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.

As we moved northward up the creek toward Leitersburg, 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 seemed to lessen.

"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 and a fisherman below waved to us.

Our pilot moved a control and the copter slid sideways and we headed cross-country back to Fairchild. I took more note now of the farmlands below—acres and acres of ground plowed as though someone had penciled in straight lines.

Blankets of green and brown fields alternated and were sliced by pale blue-gray roads. The altimeter ticked at 50 feet and we settled 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 ADDRESS 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, the national health insurance legislation that I have introduced in the Senate with the distinguished Senator from Kentucky (Mr. COOPER), the distinguished Senator from Ohio (Mr. SAXBE), 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 ineffective 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 through cost control—dollars that will be wasted if we adopt the ineffective plan recommended by the administration, with its multiplicity of separate and unequal programs, its deductibles and coinsurance, 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 of the private health insurance industry, for whom every private claim is a threat to corporate profit and under whom the people have never had an effective voice.

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, because we failed to meet the challenge today.

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. I have 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 a 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 3 years ago when it enacted a major new antiriot 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 who foresaw the possible abuse of legitimate protest by radical and anarchist groups who pay heed to no laws of civilization except their own warped credo of chaos. I might 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 Congress has sought to use the full scope of its powers to prohibit mass disorders of the very kind which were perpetrated in Washington last month. The statute, which added a whole new chapter to the Federal Criminal Code on "Civil Disorders," reads as follows:

> Whoever commits or attempts to commit any act to obstruct, impede, or interfere with any fireman or law enforcement officer lawfully engaged in the lawful performance of his officials duties incident to and during the commission of a civil disorder which in any way or degree obstructs, delays, or adversely affects commerce or the movement of any article or commodity in commerce 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 and distribution of the United States mails. (18 U.S.C. 232(3).)

Finally, the terms "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 willfully attempting to shut down the Government by blocking the streets and bridges and jamming the Federal office buildings in Washington were committing a criminal act of the first magnitude—indeed a felony offense. It further becomes apparent that the men 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 incomprehensible to see recurring reports about charges manufactured by groups such as the American Civil Liberties Union maligning the effective and excellent job of preserving order which the police performed. It was the responsibility of the law enforcement officers to keep the avenues of traffic open. It was their duty to make certain the entrances of Federal buildings remained open and that the U.S. mails 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 antiwar demonstrators. 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 the arrests were illegal and those detained were held too long or without adequate accommodations.

Well, Mr. President, I want to say right here and now that each 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 poise and civility. The truth is 39 policemen were injured by demonstrators. The truth is the rioters rolled boulders into streets, threw bottles at passing motorists, slashed at 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 hooliganism.

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 disruptive actions planned by organized groups led by people who had met repeatedly with Vietcong and North Vietnamese leaders.

Mr. President, the real truth about the Mayday disorders has been honestly and eloquently discussed by Richard Kleindienst, who is Deputy Attorney General of the United States. Mr. Kleindienst has exposed all the fabrications which liberal news columnists have

wrung their hands about and has done so with detailed, precise facts to back up his rejoinder.

Mr. President, I believe this important message deserves 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 the Midwest to Washington. In 1932 World War I veterans marched on Washington to demand payment in full of their military bonuses. In the 1960s several very large demonstrations were staged in Washington for civil rights and antiwar objectives. Again, in the third week of April 1971, antiwar protest marches and demonstrations were held in Washington. But all of these were staged to dramatize popular support for certain causes, not to interfere with Governmental processes.

The May 3 action was openly planned and executed to stop the Government. It was met firmly and decisively by the highly competent Washington, D.C., metropolitan police, who were also thoroughly conscious of the liberties and rights of the public. And they not only kept the city functioning normally, but did so without giving the mob the opportunity to make claims of police brutality.

They won the thanks and commendation not only of the President of the United States, but also of the vast majority of members of Congress who commented on the event. The attempt to stop the Government had failed, and it failed in a way that reflected credit on the law enforcement officers and cast discredit on the disrupters.

In view of the alarming spread of violent mob actions in recent years, it is my hope and expectation that this event is an historic turning point, and that the rule of the anarchistic mob will not prevail in this country.

Despite all this, we have come to expect that voices will be raised in justification of such mobs and in criticism of efforts to maintain peace and order. The Washington case is no exception. The debris left by the disrupters was still being swept from the streets when the chorus of complaints began. Out of these complaints has come a fictitious Mayday in Washington—a Mayday that never happened. Napoleon cynically observed that "History is a fable agreed upon," but those of us who saw the reality of Mayday can never agree to the fable that has been created. We cannot live with history that is a fable. I want to separate for you the fable and the fact in Washington, D.C. on May 3, 1971.

Fable No. One—that the Mayday action was a spontaneous outburst of antiwar opposition—that its participants were harmless demonstrators merely trying to get the Government's attention. I quote from the *New York Times* of May 12, 1971: "In fact, the Mayday demonstrators were mostly feckless and leaderless."

Fact No. One. The Mayday disruption—and I am speaking from public sources freely open to all—was planned as early as June 1970, when its leaders met in a Strategy Action Conference in Milwaukee. In the summer the plans were pushed along in a meeting at Berkeley, California. An organization known as the National Coalition Against War, Racism and Repression was formed, and approved the concept of shutting down Washington, D.C. Later the name of this organization was changed to the People's Coalition for Peace and Justice—familiar to us as the group which organized the Mayday event. Leaders of the organization went around the country speaking to students and inviting them to come to Washington and shut down the Government by blocking the streets and bridges of the capital.

Now, since immediate abandonment of South Vietnam by the United States would obviously benefit the Viet Cong and the North Vietnam regime, a natural question has been whether the People's Coalition for Peace and Justice was in any way connected with those foreign adversary interests.

Leaders of the People's Coalition for Peace and Justice have met repeatedly with representatives of the Viet Cong in conferences at Stockholm. A leader of the PCPJ has met twice with the North Vietnam delegation at the Paris Peace talks. Late in 1970 leaders of the movement went to Hanoi and negotiated a so-called "People's Peace Treaty" with North Vietnamese students. And during Mayday week the banners waved by the disrupters were those of the forces fighting against American soldiers overseas. Other lawbreakers pulled down American flags at the Washington monument.

Returning to the plans made for Mayday, a Student and Youth Conference on a People's Peace, meeting last February 7 at Ann Arbor, Michigan, approved the Mayday disruption and sent out a call for support. Meanwhile, headquarters for the Mayday 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 Tactical Manual was printed and distributed through the coalition's regional offices. It gave detailed descriptions of the key bridges and traffic circles leading into the central city, and explicit instructions on how to block them.

It also made some clear statements of purpose. These included the intent to engage in "disruptive actions in major Government centers, primarily Washington, D.C., (creating the spectre of social chaos) . . ." Again I quote, "The objective is to close down the Federal Government sections of Washington, D.C., by blocking traffic arteries during the early morning rush hours of May 3 and 4." And again, "If the Government won't stop the war, we'll stop the Government."

Make no mistake, this was a calculated attempt by organized disrupters, led by people who had met repeatedly with Viet Cong and North Vietnamese leaders. It was not a group of frolicking picnickers, as some Washington columnists have tried to make out. This was a deadly serious program to halt the U.S. Government, and a force of 20,000 had been mobilized to do just that.

Fable No. Two—that the police mostly arrested innocent bystanders and office workers trying to get to their jobs. A newspaper advertisement by the American Civil Liberties Union states, "We say categorically that the majority of those arrested were not committing any offense whatever, and the Government knew it when they swept them up and knows it now."

Fact No. Two. Out of about 7,500 arrests that had to be made on Mayday to keep the mob from taking over Washington, there were probably a few lawful arrests of persons who turned out to be innocent, but these are certainly the exception rather than the rule. A great many cases have since been dismissed because it had not been possible at the time of arrest to preserve evidence. But that is not the same as saying that these persons have been tried and acquitted. On Mayday the police were arresting disrupters who were breaking District of Columbia laws, and the offenders knew it when they were arrested and they knew it then.

Let's look at a few figures now available from the arrest processing. Out of 12,000 arrested from May 3 to May 5, the arrest records of nearly 8,300 have so far been reviewed for place of residence. Only 11 percent were from the District of Columbia, and a substantial majority of these gave various temporary addresses. It might be claimed that most of those arrested were commuters from neighboring Maryland or Virginia, but the fact is that those two states together accounted for only a small proportion of those arrested. Several other states contributed more of those arrested than did Maryland and Virginia, although one would think that the proximity of these two states to the capital would yield a larger proportion of disrupters. The large majority who came from other states could not by any stretch of the imagination be called commuters trying to get to work, but maybe the American Civil Liberties Union will tell us that they were all tourists who just happened to be on the streets and bridges at 6 o'clock in the morning.

The truth is that eye-witnesses tell a completely different story from the ACLU fable. Says the *Washington Post*, "Our observations on the streets at the time and from the films made that day don't bear out the assertion that most of those arrested were innocent, 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 activists 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 "civil disobedience in the American tradition of Thoreau and Martin Luther King." The New York Times said of the participants, "They did not generally taunt the police; they tried to engage in friendly dialogue with them, they did not resist arrest. Incidents of violence against property were comparatively few and well within the power of the police to contain."

Fact No. Three. Approximately 20,000 disrupters tried their best to carry out their announced intention of paralyzing Washington and stopping the Government. They did this by widespread and unremitting acts of violence. The minute-by-minute police log of May 3 and numerous on-the-spot photographs of the incidents show conclusively that the disrupters endangered people by rolling boulders into streets, laying metal pipes across roadbeds, stringing barbed wire and ropes across streets, setting fire to trash cans, spreading nails on roads, throwing rocks and bottles at passing motorists, removing manhole covers, slashing at motorists with wooden poles.

They destroyed property by smashing windows, slashing tires, overturning cars, pushing parked vehicles into traffic lanes, ripping down signs and traffic markers. On one occasion they stopped a fire truck trying to get to a fire and took away its ladders to use in blocking traffic. On another occasion they pushed an automobile trailer down a steep hill, completely destroying the trailer and

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 so the truck plummeted down into the street.

They blocked police emergency vehicles, turned on fire hydrants, disabled city buses and commuters' 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 Mayday week now stands at 39.

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.

And in view of 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 the President's press conference earlier this week a reporter stated that the defendants "are not being released on the grounds that guilt isn't proved. They are being released on the grounds that they weren't properly arrested." This charge refers principally to a period from 6:45 a.m. to 2:10 p.m. on May 3 in which the use of Field Arrest Forms was suspended.

Fact No. Four. The validity of the arrests was *not* challenged by the Court, which dismissed cases for lack of evidence, *not* for improper arrests. There is no requirement in the Constitution or in the D.C. law for the use of Field Arrest Forms. Such forms had 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 25 minutes on May 3 was that the offenses of thousands of disrupters bent on destroying the processes of Government were coming so fast that there was no time for officers to fill out the forms.

To do so at that time would have immobilized them in the performance of their duty to prevent the disruption of the nation's capital. This is not an excuse for violating lawful processes, because the arrests made without the forms were perfectly legal. But, according to the critics, the police should have turned their backs on a rampaging mob in order to busy 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 this was not due to any calculated scheme on the part of the police, as charged by their critics. On the contrary, it was caused by the calculated scheme of the lawbreakers to disrupt all the processes of Government, including the police.

That the courts did not consider these arrests illegal is shown by the statement of the Chief Judge of the Superior Court of the District of Columbia: "The fact is that thousands of persons were arrested under circumstances which in many instances would not permit the gathering of evidence. This court has no criticism of that procedure."

Fable No. Five—that those arrested were detained for a long period of time to keep them from going back on the streets and creating more disturbances. A spokesman of the ACLU wrote: "There is not a shred of evidence that there was any intention of releasing them until after the crisis had passed . . ."

Fact No. Five. The record shows that the police processed the defendants as fast as physically possible in the face of the massive enforcement problem forced upon them. and that undue delays were caused mainly by the defendants themselves—including hundreds who refused to identify themselves.

Let's look at the figures as far as they are available from data processing that has not been finished. Of about 7,500 arrested on May 3, most were given the opportunity, beginning on the same day, to be released by posting collateral of $10 each. By noon of the following day, about 4,700, or more than 60 percent, were released. That same Monday, 400 persons were presented by the police in court and released on bail. Of the remaining 2,400, approximately 1,000 were released after submitting to court-ordered photographing and fingerprinting. About 600 were released without even that requirement, so that by Tuesday night only about 500 persons who refused to be processed remained in custody. They were released the next day, May 5. The other 300 or so persons were either charged with more serious offenses or were juveniles and processed in a separate manner.

All were given the opportunity to be released within hours after their arrests. The vast majority was released within less than one day, only about 500 remained in custody after a day-and-a-half, and because of their refusal to be processed were released the following day, having been in custody for up to two-and-a-half days.

I am not supporting two-and-a-half days or one-and-a-half days as a proper time for defendants to be held without being charged, but I do say that under the conditions deliberately imposed by the organized disrupters, the police did a remarkably fast job of processing those arrested—faster than the law itself required under the circumstances. The real cause of any delay was the determination of the disrupters to shut down the services of the city, including the processes of justice. As their Mayday Tactical Manual said, "It greatly enhances our tactical position if the jails and detention facilities are filled with demonstrators. And the mid-April issue of the *Quicksilver Times,* which was also used beforehand to instruct the disrupters, told them: "Many people are choosing to post no bail in Washington, since it is expected that tens of thousands of arrests will take place and the judicial system can be effectively paralyzed if people stay in jail."

The critics who charge that due process of law was inadequate do not talk about the fact that masses of people came with the express purpose of overwhelming those legal processes. This is a little like a skyjacker forcing a pilot to fly to Cuba and then complaining because the plane ran out of gas on the way.

Moreover, those eager to get back on the streets for more disruptions were certainly accommodated. A preliminary review of disruption-type arrests over a two-week period shows approximately 630 persons were arrested two and even three times.

Fable No. Six—that the police held the defendants incommunicado under beastly conditions without basic facilities. The American Civil Liberties Union said they were "illegally penned into detention centers without shelter, adequate food or sanitary facilities or medical attention, without the chance to notify their families or call a lawyer."

Fact No. Six. Contrary to the claims, the defendants did have telephones available, though they had to stand in line for them. They did have rest room facilities available, though they had to stand in line for them. Attorneys could and did contact them. They were given lunch by 2:00 in the afternoon on May 3, and were not without meals thereafter. They were given blankets, though not as early as they would have liked.

Extensive press reports of the scene did not record any degree of suffering. On the contrary, they recorded a kind of festival marked by singing, chanting and dancing.

RFK Stadium and the Washington Coliseum are not claimed as ideal jails, but the charges of inhuman treatment were fabricated in order to find something on which to fault the police. The fact is that the activists came to Washington to disrupt the Government services, and then they complained that those services were inadequate. They came planning to be arrested by the thousands, and then complained when the jail facilities were overtaxed.

The truth is that those who leaped forward to cry "foul" when the Washington police did their duty would have found something to complain about no matter how Mayday was handled. The truth is that the police foiled an attempt to stop the Government with a minimum exercise of authority. Any less authority would have risked letting the mob rule the national capital.

So as in Aesop's fable of the fox and the sour grapes, the critics have nothing left but to carp at the police department and create a fable about its conduct. They have not come up with one reasonable suggestion as to how *they* would have handled the situation.

And in their eagerness to fault the police these sidewalk superintendents make some revealing omissions. They find no fault with the disrupters for trafficking with those who are shooting at our soldiers in Vietnam. They are not expressing shock and indignation that 20,000 lawbreakers would try to stop the Government. They are not appalled that a mob would make life unsafe for hours at a time at key points on the streets of Washington, and would injure 39 policemen. Instead it was the police, according to the Washington chairman of the ACLU, "who were the cause of the most of the wrong."

This, I submit, is a fable that far outdoes Aesop or Hans Christian Andersen. Even Napoleon never dreamed such history could be fabricated, 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 feed. Finally, I submit that 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 State and Local Capital Financing."

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 1975.

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 certainty of Federal participation in 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 though in a more restricted form, a Federal subsidized lending authority along the lines of 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 the 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.

There being no 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)

(NOTE—L. R. Gabler is a senior analyst with the Advisory Commission on Intergovernment Relations (ACIR), an intergovernmental commission created by Congress in 1960. Recognizing that the United States has many problems which will not be solved unless all levels of government work together to find the solutions, and recognizing also that many more such problems are on the national horizon, ACIR was given a Congressional mandate to encourage discussion and study of the problems, preferably while they are still in their early stages. The following article summarizes the findings of such a study.)

State and local needs for public facilities have increased dramatically since the postwar period. And the end is not in sight. In 1965, state and local governments spent $20 billion building bridges, highways, schools, hospitals, sewage and solid waste disposal systems, public buildings and other types of capital projects needed to meet their citizens' needs. At present they are spending $30 billion annually, and by 1975 the total is expected to hit $40 or $50 billion.

Traditionally the states and localities have found the necessary financing in taxes and user charges (which, as any toll-weary cross-country traveler knows, are particularly important in highway and bridge construction), federal and state financing (which is available only for certain types of projects), and the municipal bond market (which furnishes between one-half and two-thirds of the total capital requirement). The term "municipal bond," incidentally, covers not only securities issued by towns and cities, but also those issued by counties, states and special-purpose entities such as sanitary authorities.

But these three sources simply may not furnish enough capital at reasonable interest rates, particularly in periods of tight money and budget contraction. In their current financial crisis, states and localities have increasingly turned to the federal government for help. The most obvious way to fill the funding gap is, of course, simply to make more federal money available. Congress is now studying many ways of doing this, including the Administration's revenue-sharing proposals.

To determine other ways the federal government can help, ACIR conducted a study published under the title, "Federal Approaches to Aid and Local Capital Financing." The study describes three specific steps which might be taken:

Reducing and stabilizing the costs of state and local borrowing

Increasing the certainty of federal participation in the financing of state-local projects

Encouraging state financial participation in federally aided local capital projects whose benefits extend beyond local jurisdictional boundaries.

This article describes each of these three methods in detail and concludes with a description of programs in three states which have taken the initiative in meeting state and local financing problems—New York, North Carolina and Vermont.

REDUCTION AND STABILIZATION OF STATE AND LOCAL BORROWING COSTS

The year 1969 may long be remembered as the year of upheaval in the market for state and local bonds, primarily because of the precipitous departure of commercial banks from the market. Commercial bank purchases of municipal bonds—or "munis," 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 constructive development of ideas by which states and localities can meet their capital financial requirements. The special vulnerability of the state and local bond market to tight money policies reemphasized the necessity of reducing and stabilizing the interest rates paid by the state-local sector. The key question therefore became:

What mechanisms can be created to broaden the access of state and local governments to the capital markets, thereby relieving pressures on an already overburdened municipal bond market?

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 $15.6 billion in interest-bearing securities outstanding; by mid-1970, this amount had risen to the $140 billion level, just under nine times the postwar level. Several factors largely associated with the economic growth and change of the nation itself, have spurred this increased volume of state-local bond issues.

The postwar advance 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 fact that later facilities are apt to incorporate improved materials and ideas. Construction costs have risen rapidly—at more than twice the rate of increase 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—two groups with obvious needs for capital facilities—have been even more dramatic. Since this population growth has been coupled with the relentless movement from rural to the 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 governments. Federal aid for construction of capital facilities has grown each year during the 1960s; for fiscal 1971 it is estimated at $8.1 billion in grants and $337 million in loans. This federal aid is vital as a stimulus to the construction of many needed public facilities that might otherwise not be built. But it does not reduce the demands for state and local funding. On the contrary, since most federal programs provide only a portion of the necessary financing and requires state and local contributions to own up the total such programs usually generate additional demands for funding at the state and local level.

Increased use of federal debt service grants. In many types of programs (such as mass transportation, pollution control and public housing), a special type of grant, known as the debt service grant, is used in place of the more traditional federal lump sum payments. In the debt service type of grant, the federal government pays its portions in yearly installments of equal amounts over the life of the debt issue, thereby avoiding an immediate large dollar outlay and a consequent increase in the federal debt. However, construction costs cannot normally be paid on the installment basis, but are usually due for payment during or immediately after completion of the project. This means that the state or locality must have the total funding available very early in the game. And this in turn means that, under the debt service type of federal grant, the states and localities are forced to raise immediately not only their share of total project costs but also the unpaid portion of the total federal share. As the annual federal installments are received during the years that follow, this latter portion of the debt can be retired. However, federal appropriations may change as the years go by, and states and localities may be left holding the bag if continued funding for their project is not voted by Congress. Even if this does not happen, during the entire life of the debt issue the state or locality must continue to pay interest charges on the unpaid portion of the debt, and interest charges on a large debt can be sizable.

Sensitivity to changes in interest rates. Since state and local bond issues are in stiff competition for the investor's dollar, they are particularly sensitive to changes in the interest rate. Any changes in national monetary policy which affect interest rates—for example, Federal Reserve Board policies aimed at dampening inflation—will therefore have a direct and marked effect on state and local financing. While anti-inflationary monetary policies are frequently defended as a general control whose effects are intended to be spread over the various sectors of the economy, experience shows that certain sectors—state and local governments, housing and small business—are most directly and strongly affected.

In addition, many students of the investment market have concluded that changes in the interest rate affect not only the interest that state and local officials must pay for borrowed money, but also their expectation of what the future source of interest rates may be—and that it is this latter effect which may be the most important. Thus a given interest rate may at one point in time cause a postponement or cancellation of a bond offering if the rate was not anticipated; the same rate at a subsequent date may have no effect at all if it was expected and if the local officials have adjusted their financial plans. According to this view then, it is the difference between the actual and expected rate of interest—not the actual rate itself—that is crucial.

FACTORS AFFECTING THE INVESTOR'S DECISION TO PURCHASE MUNICIPAL BONDS

When states and localities turn to the municipal bond market to raise their long-term capital, they both literally and figuratively capitalize on the tax-exempt status of their bond issues. As any taxpayer knows, a dollar of tax-exempt interest income is clearly more valuable than a dollar of taxable income; how much more valuable depends on the marginal tax rate to which the holder is subject. For example, an individual in the 50 percent federal income tax bracket would consider a 7 percent state or local tax-exempt issue to be the equivalent of a 14 percent taxable bond issue, since after federal income taxes are deducted the net yield from the two alternatives is the same. Since this 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 signficantly lower interest cost to the issuing government than would be the case if such securities were taxable on the same basis as other income. (Whether or not municipal bonds are subject to state income taxes—which varies from state to state—also affects an investor's decision to buy.)

Because the value of tax exemption increases with the marginal tax bracket, the municipal bond market attracts a rather small group of investors—mainly high-tax-bracket individuals and commercial banks. This heavy reliance on only two investor groups subjects the market for tax-exempts to relatively wider swings than other security markets and makes municipal bonds especially vulnerable to restrictive Federal Reserve monetary policies. As discussed earlier, the wholesale departure of the commercial banks from the municipal bond market in 1969 amply demonstrates this sensitivity of the municipal bond market to tight monetary policies. Nor can it be forgotten that commercial banks are in business to make loans—not to buy municipal bonds—and that they therefore normally enter the municipal market only when other lending opportunities are less attractive in terms of net return and risk.

Institutional and individual decisions to purchase municipal bonds are responsive not only to current tax rates but to various other influences as well. Anticipated changes in tax rates and the the advantages of alternative tax shelters (such as capital gains income, depreciation and depletion allowances, which can also be used to reduce potential income taxes) must also be weighed.

Another significant factor affecting investment in municipal bonds is the trend of the national economy. So long as prices continue to rise or are thought likely to increase, investment in fixed-income securities such as municipal bonds will be unattractive, because investors feel that the real purchasing power of their investment will be eroded by the time the securities are sold or redeemed. The tendency for prices to creep or gallop upwards has had the effect of making stocks, particularly growth stocks, a more favored investment since both individuals and institutional investors tend to consider them a better hedge against inflation. As a result, public retirement funds, corporate pension funds and life insurance companies are now investing larger portions of their funds in stocks rather than munis.

The impact of inflation on the municipal bond market has therefore been to emphasize even more strongly the dominant role of the conservative investor whose objective is to take advantage of the tax-exempt feature of munis, to preserve his wealth rather than to enhance it. Over the long run, this probably means that there will be a relative contraction in the supply of funds for municipals, since the amount of capital coming from these wealth-conserving investors will probably be less than that coming from aggressive estate builders. Certainly this contraction means that the municipal bond market is made even more vulnerable to shifts in investment preference.

RECOMMENDATIONS FOR REDUCING AND STABILIZING BORROWING COSTS

In the future, states and localities will increasingly turn to the municipal bond market to raise their long-term capital financing. However, because of the sporadic behavior of commercial banks and the relatively small number of wealth-conserving, high-tax-bracket individuals, the competition for funds—both within the municipal bond market and among long-term securities markets as well—seems bound to intensify. The dismal 1969 municipal bond market experience emphasized the necessity for instituting remedial procedures to reduce and stabilize the interest costs paid by state and local governments. To do this, ACIR has recommended three basic measures:

1. As a necessary first step, there must be strong support—governmental and private—for an effective anti-inflationary policy. This will serve to restore investor confidence in all fixed-income securities, not just municipal bonds, and will increase the flow of savings to the nation's long-term credit markets.

2. To reduce the financial pressures on state and local governments, the federal government should finance its share of state and local projects through lump sum payments rather than debt service grants.

3. As an experimental method of easing 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.

In this pilot project, the financial operation of the proposed lending authority would be relatively simple. It would issue its own taxable bonds and lend these funds to state and local governments at preferential rates of interest, the differential to be made up by Congressional appropriations. Besides furnishing the states and localities with needed funds at lower interest rates, this authority would also make the municipal bonds more attractive to investors. By packaging a large number of small bond issues from small jurisdictions, the authority can overcome the fact that many investors are ignorant about the financial strength of these small communities, and hence are wary of buying their securities. Bonds issued and backed by the authority will also obtain a higher rating on the national bond market and will therefore be more successful in attracting the attention of potential investors. (In order to guide investors, municipal bonds are given ratings by Moody's Investors Service and Standard & Poor's Corporation, two prominent investment advisory service firms. These ratings, which range from triple-A down to C, are based on the degree of risk involved in holding the issue to maturity.)

As an alternative source of funds—one that would supplement rather than supplant the regular tax-exempt bond offerings—this mechanism should also help narrow the community-to-community variations in interest rates that show up most dramatically when money is tight.

In making these three recommendations, ACIR emphasized that they were predicated on the assumption that the tax-exempt status of state and local bonds, as reaffirmed by the Tax Reform Act of 1969, would continue to be the policy of the federal government. Indeed, proposals to reduce and stabilize state-local borrowing costs cannot be fully effective unless the federal government makes it clear to the investment community that it will not rock the boat on this matter.

INCREASING THE CERTAINTY OF FEDERAL PARTICIPATION IN STATE AND LOCAL PROJECTS

State and local officials would obviously be aided in planning their long-term public facilities if they knew well in advance the amount of federal aid they could count on. Yet such financial planning is often blighted by the uncertainty surrounding the flow of federal grants. Under the current annual federal budgetary process, appropriation action is increasingly tardy; furthermore, individual program appropriations often bear little relationship to the authorization figures spelled out in the substantive legislation. As federal aid moves into the brick and mortar field, it tends to take on a sporadic character. It can expand quickly and then level off as expenditure outlays are adjusted to meet changes in both the national economy and national program priorities.

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 how much federal money they can count on. On the other, federal officials have a natural desire for budgetary flexibility. Each new Congress and every new administration is, after all, entitled to set its own spending priorities. In addition, the President must have the power to speed up or slow down expenditures as a means of countering economic fluctuations. The key policy question therefore becomes:

If we are to meet state and local demands for greater certainty about federal financial help, how far can and should Congress go in restricting the President and appropriations committees in the exercise of their traditional budgetary prerogatives?

ACIR has 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 appropriations procedures of the largest single dispenser of funds in the nation. Under the present situation, with federal appropriations lagging far behind authorizations, federal agencies are frequently forced to operate far into the new fiscal year on the basis of what is called a "continuing resolution"—a device that ordinarily permits the agencies to obligate funds at a level no greater than that authorized for the previous year, and sometimes even lower. As a result, during the early months of the new fiscal year federal administrators are often in the dark as far as their ultimate program funding is concerned.

State and local administrators of federally aided programs are even more in the dark because they are less likely to be privy to Congressional intentions or to know what the potential impact upon particular projects will be. Needless to say, it is extremely difficult for these administrators to plan and budget for operating and capital programs when they don't know the magnitude of one of their major revenue sources. School systems are particularly vulnerable since they have to contract with teachers far in advance of the school year and are often faced with either sudden curtailment or sudden expansion of their programs when they are finally advised, late in the year, as to the exact amount of federal aid to expect. A further complication is that since school districts are required to set property tax levies early in the year, these often turn out to be too low or too high, depending on subsequent Congressional action.

(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 best afford to cut if there is a financial squeeze. When such a squeeze comes, the states should be empowered to take voluntary action to absorb their share of the contraction.

This recommendation incorporates three major ideas:

(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 take voluntary action in case of a 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 construction of state and local facilites, the anti-inflationary impact may be too little and too late. In the first place, while it is relatively easy to cut back on capital facilities 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. Second, because of the time lags involved, it is conceivable that by the time a cutback order is finally translated into reduced expenditures, the economic situation may well have been reversed so that "go" rather than "stop" signals ought to be flashed. Finally, it is inherently impractical to attempt to alter the spending decisions of 50 states and some 80,000 municipalities, counties, townships, school districts and special-purpose authorities.

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 be the first to bend the knee and bow the head when inflation threatens? It is indeed a remarkable commentary on our national priorities when Las Vegas casino operators can move ahead on their building programs while states and localities must cut back on school and hospital construction. ACIR recommends that we as a nation should avoid this kind of shortsighted action by having the President and the Governors examine together the question of national priorities, and then determine together what these priorities should be. The priorities can then be translated into guidelines which tell all levels of government what kinds of projects should be cut when the federal purse strings must be tightened, and which describe how this cutting can most intelligently be planned and encouraged.

Advantages of voluntary action. Once national priorities have been agreed upon and guidelines established by the President and the Governors, a stringent anti-inflationary federal budget may still require that some state and local project construction be halted or postponed. ACIR recommends that in this situation the states should be given an opportunity to take voluntary action in carrying out the contraction. Given information as to how great its total cut in federal funds will be, each state, working closely with its localities, can best determine which projects can be delayed and which eliminated, remembering always that national priorities must be honored in making these decisions. ACIR feels that since, under its recommendation, the Governors themselves would have a hand in determining what the national priorities should be, they will be all the more anxious to make their state and local decisions fit the grand design.

(3) All legislation dealing with appropriations for major public facility grants programs should be required to include a specific advance spending plan. Under this requirement, known as multi-year advance budgeting, the specific time frame covered by the advance budget might be as little as two years or as much as five years. Once the advance budget plan is ratified by Congress for a specific construction program, it would be difficult to make capricious changes in funding levels for the years encompassed. Although the President and Congress would still have the option of making changes in prior commitments, political pressures would necessarily limit such alterations to those that could be justified by major shifts in program emphasis or by sharply altered economic circumstances. Ordinarily such subsequent reviews by the President and appropriations committees would be limited to requesting and justifying any additional funds that are needed over and above those previously approved in the original legislation. This proposal steers a middle course between the great uncertainties generated by the present annual budgetary systems and the rigidities inherent in establishing long-term financing by substantive legislation. The responsibility for making specific advance spending commitments would remain in the hands of the President, the appropriations committees and, ultimately, the entire Congress, where it properly belongs. But state and local officials would be 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 cooperation when contracting expenditures 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.

ENCOURAGING STATE FINANCIAL PARTICIPATION 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 which are financed partially with federal funds and which furnish benefits that extend beyond local boundaries.

Two significant questions are raised:

(1) Should the federal government 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 facilities as rapidly as possible, should Congress commit the federal government to reimbursing those governments that prefinance the federal share of project costs? This action would remove some of the financial disadvantages of debt service grants discussed earlier in the article.

The ACIR study answer a resounding "Yes" to both of these questions, which will assume increasing policy significance as the federal government steps up its aid for important new kinds of public facility programs.

FINANCIAL INCENTIVE FOR STATE PARTICIPATION

With regard to the first question, the ACIR study found that since community growth and development know no jurisdictional boundaries, many projects are "local" in only the most limited sense of the word. Towns and cities, counties and even states are interdependent in programs such as environmental control, urban mass transport and airport development. Thus, if a given project of 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 added 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 in turn means that both federal and local governments will be encouraged to set up a stable and continuing flow of funds, thus assuring the fiscal health of the project.

Experience with the water pollution control program has shown that states can be induced to put some of their funds into local projects of this type if their participation is rewarded by an increase in the federal share of the total cost. Given the fiscal ability, those states with the most urgent needs will make significant contributions to a national effort by taking the lead in implementing a national policy. If the federal government is to provide a true overall incentive for state participation, however, it must increase its total dollar grants nationwide, as well as its matching share for those states that put up the required nonfederal 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 prefinancing authority, the second question posed earlier in this part of the article. In the Clean Waters Restoration Act of 1966. Congress authorized prefinancing of the federal share of the costs of constructing sewage treatment facilities; several states took advantage of this prefinancing authority, despite the fact that they were not given unconditional assurance that the funds they advanced 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 might overextend themselves, others might gobble up all available federal funds, and unlimited prefinancing authority could virtually prevent federal reassessment 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 exacerbated 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 direct federal aid will undoubtedly remain the basic sources of funds for capital improvements projects. But the remedial procedures described in the ACIR study can also 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 battlefields is still being waged 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 BEALL, HATFIELD, 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 conservation 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 without delay.

One extensive and very interesting report on the current situation at Antietam and nearby Gettysburg is Robert J. Dunphy's article, "New Fighting 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," and both battlefields "manage as of now to retain the power to stir the human soul."

The Nation cannot afford to lose the inspirational force of these two battlefields, nor can we afford to let such a crucial chapter in our history be bulldozed past recognition. I am pleased that the Antietam legislation has stimulated public discussion over the best way to preserve and protect this vital area, and intend to work closely with all concerned to secure the passage of constructive legislation this year.

I ask unanimous consent that Mr. Dunphy's article be printed in the RECORD.

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

[From the New York Times, May 30, 1971]

NEW FIGHTING REPORTED AT GETTYSBURG AND ANTIETAM—A DISPATCH FROM THE FIELD

(By Robert J. Dunphy)

GETTYSBURG, PA.—Every time another garish hamburger joint or fried chicken place or motel or gas station opens up on the perimeter of Gettysburg National Military Park, it seems as though Americans are not so much consecrating the tragic sacrifice of the 51,000 men in Blue and Gray who fell here as they are cashing in on it.

At least that's the view of National Park Service officials, many historians, Civil War buffs, concerned tourists and other Americans—all of whom are likely to feel particularly incensed about it all tomorrow on Memorial Day since that day was originally set aside as a legal holiday to honor the Civil War dead.

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 fried chicken emporia and the like, but against land sharks and real estate developers who are planning housing developments on top of or so close to the battle sites that visitors will soon get nothing more than a "clothesline view of history."

The conflict of interests being tested at the Second Battle of Gettysburg and the Second Battle of Antietam is dramtically represented in the person of one Williamsport, Md., stockbroker who happens to be a prominent member of the local Washington County Historical Society and also happens to own an 11-acre tract of land that figured importantly in the battle of Antietam. A motel chain recently was reported to have offered him $85,000 for this land that he purchased a dozen years ago for $18,000, and while the stockbroker did not sell he evidently felt so sorely tempted and guilt-ridden that he offered to resign from the Historical Society. His resignation was not accepted, but he may yet sell.

Whatever may happen in this particular instance, the battlefields face a host of commercial encroachments, already under way or in the planning stage. Already, Gettysburg has an auto graveyard on its southern flank, is bisected by a busy highway emblazoned with flashy signs plugging such enterprises as the Home Sweet Home Motel, the Prince of Peace Museum, and sundry souvenir shops. Antietam, just down the road a piece, is still farmland, spared the clutter of commercialism for the moment, but is in the clutches of land speculators.

Despite all this, and regardless of what the future may hold, Gettysburg and Antietam manage as of now to retain their power to stir the human soul. Tourists by the thousands pour into Gettysburg, marching across the open fields where Confederate Gen. George Pickett led his ill-fated charge on July 3, 1863, treading the area where Lincoln delivered his Gettysburg Address on Nov. 19 of that same year, and journeying to Antietam, just across the Mason-Dixon Line in Maryland, where the bloodiest single day's fighting of the Civil War took place on Sept. 17, 1862.

"I can't walk down Antietam's Bloody Lane without shuddering. I am repelled at the bloodshed, but being there, I feel I am part of American history," I was told by James V. Murfin, author of "The Gleam of Bayonets," the definitive work on the Battle of Antietam, and one of a number of historians I asked for advice on how to best appreciate the battlefields of the Civil War. (More of that later.)

While acknowledging the still-powerful spell of Antietam, George B. Hartzog, Jr., the director of the National Park Service, declared that its problems and those of Gettysburg typify those faced by beleaguered battlefields across the country. Among others he mentions are Chalmette National Historical Park, where an aluminum plant dominates the site of the Battle of New Orleans in the War of 1812; Virginia's Fredericksburg National Military Park, where land developers threaten to build a high-density housing project, and battlefield areas in Richmond and Petersburg, Va., hemmed in by urban sprawl. Even the spot near Fredericksburg where Confederate Gen. James Longstreet had the bad luck to be wounded by his own men in the Battle of the Wilderness is now part of a golf course—the 13th hole, appropriately enough.

Of all the beleaguered sites, however, Gettysburg and Antietam are in what Park Service officials describe as the most immediate danger. Some of the excesses committed here by the interlopers would curl the hair on "yon gray head" of Barbara Frietchie, the redoubtable displayer of the Stars and Stripes who lived almost within flag-waving distance of these parts in Frederick, Md. Here at Gettysburg, for example, one motel advertises that its guests "eat and sleep right on the battlefield," and a large Ford dealership operates within sight of the Eternal Light Peace Memorial, where the Blue and Gray opened their fateful three-day struggle in July 1863. And now there is concern about a Gettysburg tower—a 300-foot-high $1-million observation post from which tourists (for $1 a head) would get a panoramic view of the battlefield supplemented by a taped, filmed and live explanation of the conflict. A Maryland man wants to build the tower, the purists and the Park Service are bitterly opposed.

GROUND HAS BEEN BROKEN

A dreamer and a man of action, 41-year-old Thomas R. Ottenstein, of Silver Spring, maintains that his 300-foot tower, scheduled to open next spring, will do "the best job yet of interpreting the great battle." Early this month, shortly after breaking ground for his National Gettysburg Battlefield Tower—on private property across from the Park Visitors Center—Ottenstein absented himself from Gettysburg to avoid being served with a nuisance complaint filed against him in Adams County.

And even as contractors began borings on the site, the anti-Ottenstein forces were stepping up their attack. First off, the newly formed nonprofit Defenders of the Gettysburg National Military Park, Inc., came to the fore and said it was seeking funds to engage one of the nation's top environmental lawyers, Victor J. Yannacone jr., in its campaign to halt the construction. Then Martin J. Merta, spokesman and coordinator of environmental litigation for the Yannacone office, declared that he had visited Gettysburg for the purpose of preparing a lawsuit against Ottenstein "to protect a national natural historic site against further degradation."

Yannacone told me in a telephone interview: "This will be a test case for the entire National Park system. The case will raise the single fundamental issue of whether the national parks, as unique national historical resource treasures, can dictate the use of property outside their boundaries. We will attempt to show that the tower will cause serious, permanent and irreparable damage to the park vistas."

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 good-looking affair. The town is divided somewhat. We see a lot of things come and go. Look at that one block out there—the strip. The tower would attract a lot of visitors and we get 10 cents on every $1 admission."

At 300 feet, "Ottenstein's Obsession" is no Eiffel Tower (1,038 feet), but it seems to have everybody in a high dudgeon. Ironically, it's the latest of a long line of observation towers erected on the battlefield. One of five 75-foot towers put up by the Government at the turn of the century overlooks President Eisenhower's farm, which is now part of the National Park system. Visitors who climb the tower to view the battlefield usually do an about-face and zero-in on the Eisenhower farm instead. The fact that Mrs. Eisenhower still lives on the premises prompted one overzealous reader of the Gettysburg Times to suggest in the letters-to-the-editor column that a "Mamie's legion" be formed to save Gettysburg from the invaders.

Ottenstein himself calls his tower "a classroom in the sky" but Park Service Director Hartzog calls it "an environmental insult." And so the fighting goes.

Bad as the situation is at Gettysburg, the future looks even worse at Antietam, the field where some 23,000 Union and Confederate soldiers were killed or wounded in roughly 10 hours of fighting. Farms on the battlefield are up for sale.

M'CLELLAN'S HEADQUARTERS

On one of these stands the Pry House, headquarters of Maj. Gen. George B. McClellan, the commander of the Army of the Potomac, and not far away is the presumed site of a field hospital in which Clara Barton, who later founded the American Red Cross, attended the wounded. In addition, there are at least four other areas on or near the battlefield where landowners have mapped plans for housing developments, motels or restaurants. This in a landscape dotted with stone monuments and Civil War cannon, with the quiet town of Sharpsburg nearby (the Confederates always called Antietam the Battle of Sharpsburg) and on all sides rolling farmland.

For generations the land has been farmed by the same families, but now all that is changing. The old people are dying off, the young have long since left for the bright lights of the cities, and now the real estate developers and motel men are moving in with tempting offers to buy the land and cash in on the growth of tourism.

Even the most conscientious landowners show signs of weakening as the developers press their offers, and Park Service officials grow ever more fearful as they point out that there are no zoining regulations in Maryland's Washington County—or in Gettysburg, for that matter—and so nothing could prevent a buyer from erecting a roller coaster on the perimeter of the small portion of the over-all

battlefield that is presently owned by the Government.

The interest in Antietam and its surrounding Great Valley area did not spring up overnight. Most of it stems from the opening about two years ago of Interstate Highways 70 and 81, which connect with the Pennsylvania Turnpike to the north and provide, among other things, a high-speed corridor through western Maryland for motorists traveling between Washington, D.C., and the Midwest. In addition to generating more tourists, these roadways have led to the increasing urbanization of this essentially rural area, bringing Antietam, as park officials say, "under the gun."

When they speak of Antietam's being "under the gun," they are alluding to such men as William Phillips, a Sharpsburg real estate agent, who is representing Air Forces Col. Gale H. Lyon, as an owner, and Richard Lowman, as a developer, in the sale of 21 three-acre "farmette estates," collectively called Burnside Manor, in the area where Confederate Gen. A. P. Hill turned the tide of battle and saved Robert E. Lee's Army of Northern Virginia from a complete rout.

"We're getting a lot of protests from historical societies who feel that we ought to protect the battlefield," Phillips says. "The mistake people make is that they believe this part of the battlefield belongs to the Government. It belongs to anybody who wants to buy it. The National Park Service has been dickering with us, but they're absolutely ridiculous in their pricing. After all, I have my duty to my clients."

THE "PERFECT LOCATION"

Phillips waxes ecstatic over Burnside Manor and its "perfect location"—on the highest point of the battlefield, overlooking strategic Burnside Bridge across Antietam Creek (now polluted from sources outside the park area) with the Blue Ridge Mountains in the background. "Why Union General [Brig. Gen. Isaac] Rodman, one of the six generals who lost their lives at Antietam, was killed on this very land, and there are monuments on the property that are sure to wind up in somebody's back yard," Phillips says delightedly.

Few visitors realize that the national battlefields embrace only a small portion of the actual battle scene. Citing this, Phillips was quoted by a friend as having said that in the end he might wind up as the hero of Antietam—the Paul Revere who alerted the Park Service to the dangers it faces from developers.

One argument that developers like Phillips put forth in defense of their moves at Antietam is that aside from the park Visitors Center, there are few facilities to accommodate the throngs of tourists. Says Phillips: "The nearest motel to Antietam is in Hagerstown, 12 miles away, and there's no place in the town of Sharpsburg where a person can buy a cup of coffee."

One landowner who is being constantly besieged by motel interests is Richard K. Hershey, the Williamsport, Md., stockbroker mentioned earlier. Asked how long he thought he might be able to hold out, Hershey told me:

"Five years from now, who knows. . . .At the moment, there is no problem, no danger of my selling. I want to work with the Park Service any way I can. I have no interest in selling or building at the moment, and I definitely won't sell to a small-home builder." As for a motel, "I wouldn't consider a cheap motel but only one built under the auspices of or with the approval of the Park Service."

Even so, Hershey has been accused by at least one Park Service official of being willing to sell out "to make a buck" and he resents it.

"I feel I've been made a scapegoat," he said. "I offered to resign from the Historical Society because of 'conflict of interest' and the possibility of putting the society in an embarrassing position, but my request was turned down. I have lived in Washington County all my life and I oppose very definitely any commercial development of the battlefield. The small homes going up in the area are disgraceful and I am interested in holding off and waiting for the Government to come up with a solution."

BILL IN CONGRESS

Both the Burnside Manor site, comprising 69 acres, and the 11-acre site owned by Hershey would be purchased by the Park Service if a bill now before Congress authorizing the expansion of the battlefield to 3,400 acres wins approval. In addition to authorizing the purchase of lands where actual Civil War fighting took place, the legislation, with its $2.6 million in funds and machinery for condemnation proceedings, if necessary, would also provide for the establishment of a 1,600-acre "environmental protection area," or buffer zone, around the battlefield to keep motels 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.

The Antietam bill was introduced in the Senate by J. Glenn Beall Jr. and 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 to conserve this site."

While the bill's sponsors have expressed optimism over its chances of passage this year, others are not so hopeful. Similar bills are proposed every year and they get nowhere. Moreover, as one Park Service official gloomily puts it, the Spirit of '76 prevails in Congress as America's bicentennial approaches, and the Civil War is taking a back seat to the Revolutionary War.

FIGHTING BACK

Nevertheless, the passage of legislation similar to the Antietam measure is the best hope the Park Service has of effectively waging its campaign against invaders in all parts of the country, and the agency is constantly lobbying at local and national levels to get lawmakers to enlarge one or another park or appropriate more money for additional land purchases.

"This process may take months or even years," an agency spokesman told me, "and, in the meantime, the land could be lost to us. The quickest way we can get things done is to go to the National Park Foundation and get them to purchase the endangered area and let Congress buy it back from the foundation when legislation is finally passed."

The Washington-based foundation, a nonprofit organization, serves essentially as a channel for private donations of land and money to the Park Service, but as one observer noted, it has "a tremendous amount of clout—and no small amount of loot."

Robert Garvey, the organization's assistant secretary and chief spokesman, said, "Our purpose is to rally private citizen support for parks in the National Park System. We do this mainly by accepting and using gifts, and our land transactions in behalf of the Park Service have totaled about $10-million since we were set up by Congressional action in 1968.

"We've bought about a dozen pieces of property at Gettysburg in the past few years to keep it out of the hands of developers, and we are right on top of the situation at Antietam. The Government can't do anything within less than 30 days; our role is important because we can act overnight."

In carrying on the fight at Antietam and Gettysburg, the Park Service does not hesitate to use one of its favorite contemporary battle cries—the phrase "open space" Declares Park Service Director Hartzog: "Commercial development of historic lands is an insult to the heritage of our nation. Further, this insult goes beyond the historical values which are endangered to an environmental insult to a nation which is now struggling to preserve the open spaces which are fast disappearing in modern America. In the populous East, Civil War and Revolutionary battlefields represent a last hope of preserving open spaces in and near our great urban population centers."

"I think it is of considerable importance that the major battlefields be preserved as historic shrines," Bruce Catton, the Pulitzer Prize-winning Civil War historian, told me. "No one can hope to understand the America of today without giving 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, absorb the atmosphere, and thereby increase their understanding of what happened.

"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 so hard up for living space that we need to cover these sites with endless rows of ranch-style cottages, and I think we will lose something valuable if that sort of development goes on unchecked. Needless to say, I intensely dislike 'the Coney Island atmosphere' that prevails in so many places around the Gettysburg field."

BENEATH THE OPEN SKY

Yet, of course, one can get away from the "Coney Island" atmosphere. There can be no more meaningful way of understanding Gettysburg or Antietam than by simply standing in silence under the open sky—without the aid of gadgets or gimmickry—on the field where 75,000 men rushed to their deaths in the most tragic chapter of our history. The best way to intensify the experience—to relive 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 James Murfin, "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 he said 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—a red line, which he said proved that the earth had run with blood."

Until quite recently sharp-eyed and sharp-toed tourists could "kick up" bullets all along Sunken Road, which cuts into the Hagerstown Pike at a point roughly a half-mile south of the park Visitors Center. Today, however, you are more likely to "kick up" a Ph.D. candidate re-fighting the battle.

"A battlefield can evoke the strongest personal feelings, but they depend on the individual and the cluster of recollections he brings to the scene," says historian Henry Steele Commager, reached by telephone at Amherst College. "A hill is a hill is a hill, but if you view it through the eyes of history or through the eyes of love it becomes something else. Cemetery Hill at Gettysburg becomes more than just a hill when viewed through the eyes of history—it comes to life. Beauty is in the eye of the beholder, and so is history.

Cemetery Hill, where Union troops repelled a fierce Confederate attack on the second day of the battle, stands in the center of Gettysburg National Cemetery today, just a few hundred yards northeast of the Visitors Center. The Soldiers National Monument marks the spot where Lincoln delivered his Gettysburg Address four months after the battle.

T. Harry Williams, author of "Lincoln and His Generals," remarks that when he visits a battlefield he tries 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 Confederate sharpshooters sighting down the barrels of their rifles, picking off Union troops entrenched on Little Round Top."

Today's visitor can still see the huge granite boulders known as Devil's Den where the Confederate snipers holed up. Just above the site is Little Round Top, about two miles directly south of the Visitors Center. On foot, the visitor can reach the area by walking almost directly along the line of Pickett's Charge.

Historian James I. Robertson of Virginia Polytechnic Institute, author of "The Stonewall 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 battlefield. For a complete understanding you simply have to do both. I think the battlefields help convey the feeling of tragedy—at Gettysburg, for instance, I was always 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.

"You cannot deny a people their past, and the battlefields retain part of that. The Civil War was a watershed in American history; we were molded into a nation by that conflict, and it is important that we remember it."

Antietam "is being increasingly recognized by historians as the real turning point in the Civil War," says W. Dean McClanahan, superintendent of the battlefield site. "The battle has been overshadowed by Gettysburg, because of Lincoln's speech there, but the fact that Lincoln used the victory at Antietam to issue the Emancipation Proclamation five days later has given the battle greater relevance today."

Few 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 engagement; the Dunkard Church has been restored in the area where some of the day's thickest fighting took place, and Burnside Bridge occupies a pastoral setting that might have been painted by Constable.

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 Vandiver, author of "Mighty Stonewall," recounts how he had done just this in researching his book on Maj. Gen. Thomas J. Jackson, better known to history as Stonewall Jackson, whose three divisions formed a line east and west in front of the church.

"Through a process of 'osmosis'—a mixture of imagination and mysticism—I could almost see [Maj. Gen Joseph] Hooker's I Corps emerge from the North Woods (now open farmland to the north) and descend on the Confederates in the cornfield, off on the left."

Hooker had seen the reflection of sunlight from the Confederate bayonets projecting above the corn in the field. At close range the Union guns raked the field with canister and shell, "cutting every stalk of corn in the greater part of the field as closely as it could have been done with a knife," Hooker wrote. "The slain lay in rows precisely as they had stood in their ranks a few minutes before."

The Confederates who survived headed for the West Woods, which at that time stood behind the Dunkard Church. Many were shot attempting to climb the fence bordering Hagerstown Pike and lay spread-eagled across the fence or piled up on either side.

"Their ghosts are still there," Vandiver says. "You get a kind of fourth-dimensional effect in the quiet of dawn at Antietam, a second battlefield superimposed over the present one—with troops all around. You get a sense of the terrible rage of the battle."

For those vistors who arrive after dawn, which is likely to be the majority, the best way to start the day at Antietam is to begin at the Vistors Center for an on-the-spot orientation, go through the museum and then pick up the self-guided auto tour (hardy visitors may walk but it's an eight-mile hike). At least some walking, however, is advisable. Antietam today is not only still green and uncluttered but, unlike Gettysburg, where tape recorders shatter the stillness and scoutmasters shepherd their flocks with blaring bullhorns, it is also a quiet place. One can let one's imagination soar here.

The best—and cheapest—way to see Gettysburg is to drive up to the park Visitors Center, view the orientation film (free), take in the Cyclorama if you must (50 cents and dull), pick up a free pamphlet guide in the lobby and then stroll outside and go next door to the Gettsyburg National Museum (Home of the Electric Map).

A commercial attraction that billed itself as "the most visited battlefield museum in the world," it has just been acquired by the National Park Service for $2,350,000. It will continue to be operated by the former owners, the Rosensteel family of Gettysburg, until October, 1973, at which time it will probably be leased out as a concession by the Park Service.

THE THREE-DAY BATTLE RECOUNTED

The museum's electric map (admission $1 for adults, 50 cents for children over 10) recounts, with the aid of sound track and lights, the three-day battle, concluding with Pickett's Charge, in which 15,000 Confederate troops tried and failed to storm the Union lines, ending Robert E. Lee's dreams of invading the North.

Following this briefing, the visitors can repair to the battlefield, hire a guide, if he wishes, rent a cassette tape that will give him tour guidance by car or on foot ($3 and $4). Gettysburg has 70 licensed guides, who will escort you on a complete tour of the battlefield ($7 per car for a two-hour tour), outlining en route all troop movements and details of the battle.

On a busy summer day as many as 50,000 visitors have been known to pour across the site, according to Thomas J. Harrison, chief of resources management at the park. This development in all probability would have displeased Robert E. Lee, who opposed the whole idea of establishing a national battlefield park since he felt it would open old wounds. He was wrong about that, but the rush of tourists and the quest for their dollars has opened a lot of new wounds in the continuing second battle of Gettysburg.

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 was 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 it will be the policy of the Department of Labor to regularly publish data on employment and unemployment of veterans.

The first data was published in the May edition of Employment and Earnings. However, no regular press release to the media was made on the unemployment statistics.

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 an introductory 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 and Employment Statistics, and my original letter to the Secretary.

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

U.S. DEPARTMENT OF LABOR,
Washington, D.C., June 2, 1971.

Hon. HUBERT H. HUMPHREY,
United States Senate
Washington, D.C.

DEAR SENATOR HUMPHREY: The Secretary has asked me to reply to your letter of May 17 relating to unemployment data on veterans of the Vietnam Era.

We share your concern about the employment situation of veterans and have taken steps to publish figures on a regular basis. We recently concluded arrangements with the Veterans Administration to take over the responsibility for publishing the data on employment and unemployment of veterans. These figures appear on pages 5 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 for veterans of the Vietnam Era on a monthly basis because numbers of that size are subject to fairly large sampling variability owing to the small size of the sample. Changes from month to month, even though of apparently considerable amount, may not be statistically significant and may be misinterpreted. The question of reliability of the changes applies to decreases in unemployment rates as well as increases. When the population of veterans of the Vietnam Era reaches a considerably larger number, the question of publishing figures on their employment status on a monthly basis will be reconsidered.

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—that is, men who served in the Armed Forces at any time after August 4, 1964—begins with this issue of *Employment and Earnings* and will continue on a quarterly 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 VA by the Bureau of the Census as part of the Current Population Survey (CPS). The labor force concepts and sampling variability for the veterans data, therefore, are the same as those for the CPS.

Veteran status is defined by the dates of service in the U.S. Armed Forces. A *war* 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 *post-Korean-peacetime* veteran served in the Armed Forces between February 1, 1955 and August 4, 1964, inclusive. A *nonveteran* never served in the Armed Forces or served only in peacetime prior to June 27, 1950.

The number of Vietnam Era war veterans under age 30 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 rose sharply, especially in the increasingly loose labor market of the last few months of 1970 and early 1971. Nearly 375,000 veterans, on average, were jobless in the first quarter of 1971, an increase of 175,000 over the year.

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, compared with 7.9 percent in the preceding quarter, and 6.8 percent a year ago. Comparable unemployment rates for nonveterans in this age group were 8.4, 6.8, and 5.5 percent, respectively. Although the rate for the nonveterans began to rise earlier in 1970 (third quarter) than for veterans, it has remained significantly lower.

The rate for young veterans (20–24) has been considerably higher than the rate 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 veterans reflected not only the usual labor market problems that keep the rates of young adults above those of the older workers but also some elements that effect all workers. Young jobseeking Vietnam veterans and nonveterans have in common such factors as inexperience, shopping around for suitable full-time jobs, or trying to find 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, newly separated GI's shows up even more clearly as the over-the-year rise in their unemployment rate was greater than that for every other group of men by age and veteran status.

The unemployment situation of Vietnam veterans of Negro and other minority races, compared with white veterans, may be discussed only in general terms, because the unemployment data for them are based on very small sample 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.

May 17, 1971.

Hon. JAMES D. HODGSON,
Secretary, Department of Labor,
Washington, D.C.

DEAR MR. SECRETARY: It has come to my attention that the Department of Labor does not now have a practice of regularly releasing and identifying unemployment figures for Vietnam era veterans in its monthly reports.

The absence each month of unemployment statistics among veterans does not give the country a true picture of the job situation.

Members of your Department have told my staff that the first Labor Department report on Vietnam war veterans was made by the Bureau of Labor Statistics last November.

Since then the number of unemployed veterans and the percentage of veterans unemployed has risen sharply.

I believe it would be a benefit to the country to know in detail the number of veterans who have served their country well but who are unable to get jobs.

It seems to me that omissions of this type from regular monthly briefings or statements on the unemployment situation in this country tend to cloud a vital dimension of the job market.

I would hope that an improvement in this situation will occur.

Sincerely,

HUBERT H. HUMPHREY.

REAR ADM. ALLEN G. QUYNN, U.S. NAVY, RETIRED

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, and who succeeded in converting the disaster at Pearl Harbor into the victory in Tokyo Bay were not all swashbuckling, flamboyant sailors of fiction and legend. Most of them were conscientious, hard-working, unassuming, courageous and persistent. Such a man was Rear Adm. Allen G. Quynn, who died in Frederick, Md., on the evening of June 17.

Admiral Quynn graduated from the Naval Academy in 1915, so he was a part of the Navy in both World Wars, and during the bitterest defeats and the greatest triumphs. Although his service in World War I and on the China Station had made his name a household word in our community, I did not personally get to know him well until he was a commodore and Chief of Staff to the Commander, Service Force, Pacific Fleet. His consideration and kindness to me on the occasions that our paths crossed during World War II in the Pacific Theater illustrated not only his personal courtesy, but the quality of leadership which recognizes the importance of example.

In the days after his retirement from the Navy, Admiral Quynn well illustrated how that quality should be employed at home as well as at sea by assuming responsibility for many community activities in Maryland. His community is grateful to him and he will be much missed.

CALIFORNIA RURAL INDIAN HEALTH PROJECT MEETS THE HEALTH NEEDS OF RURAL INDIANS

Mr. CRANSTON. Mr. President, I invite 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 California. The success of 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 existing local health programs throughout the State. However, it soon became apparent that a serious problem of coordination accompanied the termination of Federal services. Neither Indians nor departmental personnel were certain which agency had jurisdiction and responsibility 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 Maternal and Child Health of the California State Department of Public Health 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 Department of Health, Education, and Welfare reestablished the eligibility of California Indians to participate in Federal Indian health programs.

The nine original rural Indian health project areas were geographically spread across the State, extending from Humbolt to San Diego Counties. The Federal funds contracted to the State Department of Public Health were subcontracted to the nine project areas through the tribal councils or local Indian health boards. Indians of the various regions set the priorities of their local programs and hired their own staff. Due to the small amount of money available, local projects focused primarily on community organization, health education, transportation services, and assistance in establishing eligibility for medical, medicare, and other benefits. The effort concentrated heavily on volunteer assistance. Although no funds were available for direct medical services, project staffs were instrumental in saving several lives and in obtaining volunteer medical and dental assistance. Through the projects, volunteer assistance was also marshaled to build dental and medical clinics on some reservations.

Today the projects number 15 and services have been expanded into service areas covering some 32 counties with an Indian population of approximately 30,000.

These 15 projects have formed an Indian health board, comprised entirely of Indians, with two delegates from each project. This board was recently awarded a grant by the Donner Foundation to assist them in assuming the responsibility for providing health services to all rural Indians in California.

More recently, the Indian Health Service, of the U.S. Public Health Service, formalized funding for the California Rural Indian Health Board and recognized the board as the State agency for rural Indian health. Today the California Rural Indian Health Board holds an unprecedented position as the only all-

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 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 services available to rural Indians, and 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 near 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. I commend Mr. Sarnoff's speech to the attention of the Senate and ask 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 RCA's first electronics manufacturing plant in Belgium and its first in the European Economic Community.

Europe holds a special fascination for those of us who viewed its agony after World War II. Today, its rebuilt cities and its pulsating economy reflect the simple fact that man's urge to create can overcome his capacity to destroy. Not many years ago, a leading economist said that if the United States economy sneezed, Europe went to bed with pneumonia; today, Europe casually says "God bless you."

The vigor of the new Europe is nowhere more evident than in Belgium. This ancient center of civilization has become a magnet for foreign investment and a sophisticated leader of international business and finance. It has also, as the administrative home of the Common Market, become a symbol 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 manufacture in the Common Market for our growing number of European customers. And of possible sites within the country, Liege offered most to a technology-based industry. Its alert and energetic populace includes a formidable reserve of technical manpower. It has outstanding resources of culture and learning, including a world-renowned university with an eminent engineering faculty.

We were also attracted by the courtesy and consideration of your national and provincial government officials. We are particularly indebted to Monsieur Cools, the Vice Prime Minister and Minister of Economic Affairs; Monsieur 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 to our hopes of continued multinational growth. The electronics market in Europe is surging ahead. We hold a strong position in this market with silicon power transistors and other semiconductor devices, which are used in a wide range of electronic equipment from television sets to computers. Until now, we have met European demand with solid-state devices manufactured in the United States. But it has become increasingly apparent, in this intensely competitive business, that we can do a better job of servicing European customers with a European facility.

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 move here reflects the changing character of the global economy. With increasing vigor, business is probing across national boundaries to seek new opportunities in regional and global markets.

In itself, this is not new. Industrial management has always sought to operate wherever opportunities beckoned in materials, labor, and access to markets. But the magnitude of business expansion today dwarfs 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 word in the dictionary; 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 and the Soviet Union. The output from foreign subsidiaries of multinational corporations is greater in dollar value than the total of all exports by any major nation. I believe statisticians will soon have to include a new category—Gross Multinational Product—among their basic indices of economic performance.

Unfortunately, multinationalism suffers from a poor image. To the superficially informed, it suggests an American industrial octopus, its tentacles searching for profits around the globe. It is true, of course, that the growth of American multinational firms has been a dominant fact of the past decade. But it is also true, if less well known, that European enterprise is heavily committed abroad, with its foreign direct investments escalating daily. In proportion to gross national product, the total multinational investment of companies based in the EEC countries and Great Britain rivals that of American concerns.

European corporations have operated successfully in the United States for many years. Few Americans realize when they buy gas from Shell, chocolate from Nestle or toothpaste from Unilever that part of their dollars flow abroad. In all likelihood, the flow will increase because a position in the American market represents a desirable goal to a growing list of European concerns. Several facts 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 building a strong base for expansion into new markets.

European enterprise as a whole has gained new confidence and capability in management and marketing. It can compete 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 author a 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 spearhead of an irreversible drive toward a true world economy. It seeks the most efficient use of resources on a global scale. It encourages economic integration, generates 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 crude, 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, and it cannot be met without the participation of both state-controlled and free-enterprise economies. Indeed, the precedent for cooperation already exists in successful joint ventures between Western European companies, Russia and others in the Communist world.

The ground rules of multinationalism should be designed to create a climate of continuity and consistency for businesses everywhere. They should seek to harmonize diverse national laws and regulations that deal with income taxation, mergers, pricing, anti-trust policies, fair labor practices, and other problem areas.

They should also erect safeguards against misuse of power by any multinational corporation. In effect, this means international-

izing 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 could go far toward removing their deeply ingrained suspicion of foreign companies.

An existing international body, such as the Organization for Economic Cooperation and Development, could take the initiative to establish the new ground rules. The timing is appropriate. Communications have become global. Technology is now universal in application and effect. Universal organization and management of the world's technological resources should logically follow.

A change of such magnitude, of course, will not come easily. Skeptics 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 inventive concept that can lift the nations of the world to new plateaus of economic development for the benefit of all their peoples.

I hope this 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 Balteau Electronics. We are proud to be linked through this plant with 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 on just 2 percent of the land—and the trend 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.

Unless 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 ravaged by disorder. Their cities 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 important American event of the 1950s was only dimly perceived at the time: The rapid break-up of traditional patterns of Southern agriculture, which caused large numbers of poor people to move to the cities—setting the stage for urban and racial crises of the late 1960s. We failed to understand what was happening when there was still time to do something about it—i.e., before urban problems blew up in our face.

Don't look now, but the same thing is now happening in the developing countries, and we're in danger again of missing the point. Population growth, wage distortions, and other changes are causing large numbers of people to leave farming areas for overcrowded cities. Unemployment in these cities, already high, soars further. These urban immigrants get a good look at how the other half lives, via TV and direct exposure; they want to make sure that their children have a chance to share this affluence. If it becomes clear that this isn't going to happen, they react the way you or I would; they get mad. Resulting urban violence could make the U.S. ghetto explosions of the late 1960s look mild by comparison. The British editor Alastair Burnett has summed it up:

"Calcutta may have 15 million people if life does not break down entirely in this decade; Buenos Aires may have 10 million; Cairo 6 million. And if the pace of industrial growth is not fast enough—and it is certainly not now—then it will be prudent to expect serious and bloody attempts at revolution there. What we are seeing from urban guerrillas in Latin America is only, I suspect, a beginning. It is 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 it has in the developed world. The trick is to get from here to there; the remainder of this century will be a period of maximum danger.

To surmount that danger, the developing countries will have to achieve very high rates of growth—as well as 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 annual level of multi-lateral lending to developing countries has risen from $900 million ten years ago to $3.2 billion in 1970. The regional development banks—particularly in Asia and Latin America—have stepped up their lending. The World Bank Group—to which we must look for leadership in this multilateral effort—is expected to double its previous five year level of lending in 1969–73; and mounting exciting innovations in tackling such emerging problems as population and unemployment.

If this multilateral aid effort can go forward, and *if* performance in the developing countries continues to improve, Mr. Burnett's nightmare may not come to pass.

These are two big if's; one of them, at least, hinges on the United States. 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 these requests. Multilateral aid is part and parcel of a foreign policy which seeks both to generate greater effort by others and to lower the U.S. profile. And it's good business: Each dollar of U.S. aid generates more than a dollar of aid from other donors; of the $16 billion of multilateral financing provided over the last decade. A good deal will hinge on whether the administration makes these arguments forcefully and at a high level; cabinet officers will need to put the political, as well as economic, case for action to the Congress.

The amounts involved are not all that large—about $320 million annually for three years for IDA, a slightly larger annual sum for the Inter-American Bank for each of the next two years, and 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 agreements which oblige other countries also to contribute large amounts will come unstuck; or that limiting amendments will be enacted which could make the money unusable.

If IDA and other multilateral aid institutions falter, the new phase of multilateral development aid, which had seemed off to a promising start, will grind to a halt. But the flow of poor people to the cities won't. So the possibilities for large explosions in the great cities of the developing world will mount, as will that world's drift toward extremism and disorder, with ugly racial overtones. If this happens, a lot of us will be wondering a decade hence why we didn't do something about it in time—just as we now wonder why 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 remark that wise men learn from 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 growth and 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 role in 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 Mrs. 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 maritime reporter and the base from which I have operated for most of my adult life. Yet it's also an adopted home for me—I came here originally from Nevada—and I can tell you that no matter how far away you go, Baltimore is a good place to come back to.

This is Baltimore, harmonizing, as it were, in tune with the season, moving with the tide and keeping abreast of the changing directions of 20th Century America, blending the old with the 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 as 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, new building to exhibit your collections, for the enjoyment of the public and for the benefit of scholars.

Farther into the city is the Charles Center development, with its modern office buildings and ultramodern Morris Mechanic Theatre. And then, of course, there's the Inner Harbor Redevelopment Project, with plans for offices, 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 forties, as I 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. True, Baltimore's experiencing growing pains—and at times the pains have 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 Dundalk and the old passenger terminals of Light Street have gone the way of the bay steamers, down the pages of history, locked forever in memories, never to be heard from 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 tentatviely set at $2.6 billion, with import and export tonnages totaling over 31 million—an impressive record—third in foreign tonnage for 1970. And when you consider the business and industry thriving on this mass movement and the countless numbers of jobs it creates, the figure becomes even more impressive. Who knows how many truck drivers, trainmen, dock workers, seamen, ship chandlers, steamship agents, freight forwarders, tugboat operators, line handlers, and all sorts of support personnel—maritime and otherwise—owe their livelihoods to the port? The number extends well into the thousands.

But what of the average citizen, the man or woman not connected with the maritime industry? This persons profits as well, because a Maryland economy made healthy by a leading world seaport is thus able to provide for the state's several million inhabitants such benefits as improved social services, parks and recreational facilities, cultural activities, modern transportation, and a multitude of advantages most of us have become accustomed to taking for granted.

Much of what we have in this state we owe to the port. And in order to make certain that we continue to enjoy the benefits of such prosperity, port interests have been taking steps to insure that the maritime industry in Baltimore will continue to flourish. To this end, massive development and expansion have been under way for some time, and large sums of money are being invested.

In the decade of the sixties, some $50 million in public funds were expended on port facilities in Baltimore excluding such major projects as channel improvements and private waterfront industrial development. In the first six years of the seventies, some 70 additional millions will be spent.

The Maryland Port Authority alone is spending approximately $87 million on a 10-year port improvement plan, with more than $8 million of that sum being spent during the current fiscal year. In fiscal 1972 the Port Authority plans to invest some $24 million more.

The money is going into new piers for containerization and break bulk cargo, for new development in such areas as the south side of Locust Point and possibly Hawkins Point, and to continue the expansion at Dundalk Marine Terminal, the former municipal airport which has become one of the most spectacular port successes in the United States.

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, that the ambitious project would never bear fruit. We know today that they couldn't have been further wrong: the expansive marine terminal leads the world in the importation of automobiles—some 275,000 having moved through during 1970—and was instrumental in placing Baltimore second among 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 particularly during that period that Baltimore was grateful to the activities of Rukert Marine Terminals, headed by Captain W. G. N. Rukert, who had attracted diversified cargoes to this port by offering many specialized services and Captain Rukert, who is here today and is the dean of our port, deserves much credit for the personal investment he has made in the port over the years—and his continuing interest.

New York, of course, heads the list of U.S. container ports, but Baltimore finished a strong second, with well over a million containerized tons handled during the decade's initial 12-month period. The ports of Hampton Roads were a distant third, with just over 870,000 tons in containers.

Philadelphia, the remaining member of the four top U.S. ports, was far out of the picture, having entered the decade with no container operations other than those combined with break bulk carriers. Only within the last year, in fact, did that city get its first full container service: Hapag-Lloyd, shipping between Philadephia and Northern European harbors.

But the Pennsylvania port is rapidly making up for its slow start in this revolutionary mode of shipping, with three new container terminals in the planning and construction stage, and the Delaware River's initial container berths newly operative.

These first container berths are at Philadelphia's Packer Avenue Marine Terminal, which is being enlarged by 43 acres to provide full containership handling capabilities and increased storage capacity. Future plans at Packer Avenue call for construction of two additional marginal berths equipped with a large container crane, and a slip berth for roll-on/roll-off cargo.

Philadelphia's newest facility is the Tioga Marine Terminal complex, which went into partial operation last year and is designed to handle unitized, break bulk and roll-on/roll-off cargoes as well as containers. The facility is similar in concept to Baltimore's Dundalk Marine Terminal, which also is capable of handling a variety of cargoes and is equipped with a roll-on/roll-off platform for ships with stern-door loading and unloading capability.

In the way of supporting facilities for container operations, Dundalk has had a 65,000-square-foot consolidation shed in service since 1969, and the Port Authority just recently let contracts for two similar structures which will give the terminal a total of 195,000 square feet of enclosed container-packing space by the middle of 1972. The Tioga facility has one 300,000-square-foot transit shed and 52 acres for storage. Its two slip berths are equipped with a single container crane, and the terminal has about 70 acres of paved backup area. The slip berth at the downstream end of the property is suitable for bulk handling, including lumber, and for roll-on/roll-off activities.

Philadelphia's third major terminal is to be located on 123 acres at the mouth of the Schuylkill River. But this is currently still in the planning stage, with nothing concrete at the present time.

Baltimore also has plans for another major container center—at Locust Point. Last summer, the Port Authority acquired 50 acres of land and 92 acres of riparian rights on the north and south sides of the point, stretching from Port Covington to Fort McHenry. Eleven of the 50 acres are to be used for storage and backup at the existing Locust Point Marine Terminal. But the state agency has earmarked more than $13 million for a redevelopment project on the south side, adjacent to the Western Maryland Railway's Port Covington facility. The new terminal will emphasize containerization, providing three marginal quay-type berths in addition to two finger piers, one of which is currently being operated by United Fruit Company for the importation of bananas. Acquisition of the $3 million Locust Point property, long considered a prime area for port expansion, had been under negotiation for over four years.

Yet publicly-financed facilities are not the only ones responsible for Baltimore's massive container tonnage during 1970. Better than a third of the shipments were accounted for by Sea-Land Service, Inc., the pioneer container carrier which operates its own terminal in the Canton area of the port built by the Canton Railroad for Sea-Land. In fact, it was Sea-Land's more than 400,000 tons of container cargo, added to the Dundalk total of 692,452, that put Baltimore over the million-ton mark last year.

But Sea-Land has not centered its operations in Baltimore. Far from it. The line is headquartered at Elizabeth, New Jersey, in the Port of New York complex, where it handles the bulk of its United States shipments; and recently it began direct weekly sailings to Northern Europe from Hampton Roads. Using four ships and working a 28-day term, Sea-Land is calling each Sunday at Portsmouth Marine Terminal as its last U.S. port of call on the service.

Until about a year ago, Sea-Land did not go to the Virginia ports at all. Thus this new European service underscores the line's desire to expand in the Hampton Roads area, where it also provides direct service between Portsmouth and the Mediterranean, including Spain, France and Italy.

At present, Portsmouth has two berths devoted to containership handling. But because both are of the marginal quay-type

variety, they are also used for break bulk and straight bulk cargoes. Located in the Pinners Point sector of the Hampton Roads complex, the Portsmouth container operation is on a 125-acre tract equipped with a container crane, heavy-lift gantrys, transit shed, covered warehouses and hard-paved open surfaces. Because there is ample space—including another 375 undeveloped acres—the terminal rarely has to stack containers, and even then, only two high.

Space also presents little problem here at Baltimore, with containers at Dundalk rarely piled more than two high. Such stacking at the Baltimore terminal is accomplished by five large straddle carriers specially designed for containers.

Just as Dundalk was formely a municipal airport, the container facility at Norfolk—Norfolk International Terminals—used to be an Army base. The first phase of the container development there started in 1967 with the rebuilding of 750 feet of marginal berthing space, installation of a 30-ton rail-mounted crane, and in the summer of 1969, the addition of a second, 50-ton crane to serve the terminal's second container berth—which was then opened in February 1970. And four rail-mounted straddle cranes big enough to span a stack of containers three tiers high and five wide, were installed during the first half of last year.

Phase Two of the Norfolk development plan calls for construction of an additional 3250 linear feet of marginal berthing space service by an appropriate number of cranes, and the ability to handle another five vessels. Looking to the future, the Norfolk terminal operators are considering the use of computers for the purpose of developing an accurate picture of exact lengths of time required for freight consignments of individual shippers to move through the port's facilities.

But if the Virginia state legislature doesn't start appropriating some massive sums of money for container development at its ports, Norfolk and its adjoining Hampton Roads sisters are going to lose out in this all-important race. Already Baltimore has the jump on both Norfolk and Portsmouth, and Newport News isn't even in the running. In addition, Baltimore is taking good advantage of its inland location—the Maryland port is up to 200 miles closer to the industrial Midwest than any other East Coast port. But Hampton Roads is closer to the sea, some nine hours steaming time nearer New York. And when you add the extra hours it takes a ship to come up Chesapeake Bay in rough weather, and fog, the Virginia time advantage becomes even more pronounced.

Yet Hampton Roads' biggest hangup is consolidation—not of containers, but of the various port areas themselves. If Norfolk, Portsmouth and Newport News ever wise up and join forces instead of fighting each other like they've been doing in recent decades, they could give Baltimore and New York and all the other would-be contenders on the East Coast a real run for their container money. Such a consolidation effort has been under way now for some time, and these rival ports would be well advised to keep close tabs on the outcome.

In the area of cruise business, Norfolk last month put into operation a newly refurbished passenger terminal which it hopes will attract additional cruise vessels to the Virginia port. Some $30,000 was spent to remodel the former Army Port of Embarkation pier to accommodate cruise-goers, with future upgrading to include escalators and other facilities if regular service becomes a reality.

At Baltimore, where eight Caribbean cruises and the first transatlantic crossing since the war years are under way and on tap this month and next, passenger facilities have been nonexistent since the heyday of the Chesapeake Bay packets ended some two decades ago. But—off the record—there's talk of a new terminal possibly being built here in the not too distant future, perhaps in the Dundalk or Locust Point area. Matter of fact, there's a spot at Locust Point that would be just right for such a passenger facility.

But that's speculation at this juncture, particularly in view of the problematic future of the entire passenger industry in this country, an industry which saw the last of the American-flag cruise vessels on the East Coast—the S.S. Santa Rosa—recently laid up for lack of ability to compete with the foreign lines.

There's still some U.S.-flag cruise business on the West Coast, but it won't be long before that disappears too. In the meantime, the European operators seem to be doing pretty well, and no less than three cruise ships from as many different countries will call at Dundalk terminal before the end of April.

But back to containerization. At Dundalk, container improvements have been going on almost constantly since the terminal handled its first box more than three years ago. Increasing containerized tonnages at the Baltimore facility—from 77,455 tons in 1968, to 229,948 in 1969, to the record million-ton-plus figure in 1970—have necessitated the addition of two more bridge-type container cranes currently under construction, and the signing of contracts for four similar Japanese-built models, to be operative before the end of 1972. Not counting the huge Paceco at Sea-Land's terminal, the port will thus have seven giant container cranes in public use in about a year and a half. Total cost of these units is well over $7 million, and when fully operational, they will afford Baltimore container handling capabilities unequaled on the U.S. side of the North Atlantic, with the exception of New York.

Lately, however, it appears that the American ports are not the ones most likely to present the biggest challenge to New York and Baltimore for the lead in the container race, but the Canadian ports of Halifax and, possibly, St. John's.

These two areas, in fact, threaten all the U.S. North Atlantic ports by virtue of ocean freight rates to the U.K. and continental Europe that are $20 to $30 a ton cheaper for general cargo, and the advantage of a heavily subsidized rail system. Canadian railroads, for instance, are able to offer container unit train rates to Windsor, Ontario, and thence via Detroit to the American heartland, far below the Plan II piggyback rates now applicable between our own North Atlantic ports and the Midwest. And if and when the English seaport of Falmouth comes into being, the Halifax advantage will likely become even more pronounced.

As the capital of Nova Scotia, Halifax is already well advanced commercially, as is St. John's, the capital of Newfoundland. I submit, therefore, that the real threat to the container existence, not only of Baltimore, but of all the East Coast American ports as well, lies in these emerging Canadian maritime centers.

At present, Halifax presents the major threat, though St. John's cannot be discounted as a factor in the future.

So what are we in the United States to do? Sit back as we have in the past and let the foreign interests take over? Acknowledge defeat without a fight? Certainly not! There are many things we can do. We can make every effort to remain technologically ahead of the competition. Barring that, we upon finding that our shippers or ports are discriminated against by the shipments can make such adjustments in rates or changes in order to remove such discrimination. We can take a bit more pride, too, in the services offered by our American ports instead of favoring the foreign operators because they're able to undercut our costs. And if all else fails, we can begin to look foreign competition in the eye for what it is—undercutting of our strength—and react accordingly.

Shippers in other nations don't run immediately to the competition; and if they do so at all, it's only when the savings are overwhelming. So why should we? Or, to be more precise—why *do* we? Ladies and gentlemen: I don't have the answer to that question. If I did, I'd be able to tell you why the American merchant marine finds itself in the deplorable state it's in today.

But that's a whole other story. Nonetheless, I can tell you that where the Canadian ports are concerned, we had better wake up and do something before it's too late. Because if we don't, we're going to find ports like Halifax and St. John's not only laying claim to cargo we've always thought was ours, but taking it away from us and keeping it as well.

Once a shipping pattern is established, it's hard to break. So what we've got to do is prevent Canada from capitalizing on our weaknesses by eliminating those weaknesses beforehand. In effect, we've got to shut the door on the Canadians before they can shut it on us.

Of course, we still cannot be sure exactly how the container picture is going to shape up. Whether in the final analysis there will be true "leader ports" and "feeder ports" as many industry observers predict remains to be seen. But it stands to reason that the ports with the best facilities, lowest rates, and fastest turnarounds will get the lion's share of the business. And the others just might fall by the wayside.

For the name of the game in the merchant marine of the 1970's is speed. And economy. Keeping the cargoes moving, and the ships moving as well. That's what containerization is all about. If you can't get one big box on and off a ship faster and more economically than a bunch of little boxes, then what good is it?

And if you can't get the massive, new container carriers in and out of port in a fraction of the time it takes to turn a smaller ship around, then they're not much good either. To this end, the new vessels are getting progressively bigger and (hopefully) better than their predecessors, spending more of their time at sea carrying cargo from one port to another, and fewer days—or hours, in the case of the fastest ships—loading and discharging.

Yet containerships are not the latest innovations on the maritime scene: they have been upstaged by the LASH ships, or barge carriers, if you will. LASH stands for lighter-aboard-ship, and the concept involves a huge vessel that comes into a port area—without berthing, if possible—discharges some of its barges in a protected harbor, and then goes on to its next port of call to repeat the process. The barges either propel themselves or are towed to a pier where they are then loaded or unloaded, and wait for the mother ship to return to pick them up.

The concept has many distinct advantages, notably the fast turnaround of the ship, and the relative ease and efficiency of the handling operation. Moreover, berthing space for the huge vessel is not required—in the concept's ideal operation—thus the potential for a lessening of harbor congestion in busy port areas.

There are only four such vessels in existence at the present time, and unfortunately none of these operates under the ideal conditions envisioned in the original concept. The world's first LASH ship, the Acadia Forest, carries mostly paper and seems to be making out pretty well—under foreign registry. But the second, the Prudential-Grace Line's Lash Italia, has been beset with labor problems and is just now beginning to move ahead, hopefully at full steam.

The remaining LASH vessels are not yet operational, and construction is planned or under way on eight more of the Lash Italia

variety. In addition, Lykes Brothers Steamship Company, of New Orleans, has three ships of a similar design, designated as Seabarge Carriers, or Seabees, on order and being built in Quincy, Massachusetts. The Seabees differ from the LASH vessels most noticeably in that their barges are to be self-propelled, and will be handled by means of a stern elevator instead of being lifted in and out of the water by shipboard crane. Maybe by the time these are completed, the problems confronting the LASH will have been long resolved.

Which concept will prove more desirable is indeterminate at this point. What is important, is getting the ships finished and into operation. It's ironic, isn't it? that this nation of ours, which invented the container and the barge ship, is the one benefiting from these advances the least, because this country has so encumbered itself with a variety of difficulties stemming from the deplorable American tradition of entangling all things good in a web of red tape, both through labor agreements and legislation. And as we dawdle and vacillate and spend long hours attempting to defeat ourselves, the rest of the world reaps the benefits of our labors.

You might even say that the container and barge ship are backfiring on America, for though both are capable of producing untold benefits in all areas of shipping, it is the foreign countries that are reaping the biggest rewards, not the United States. We have invented for the world the means by which nations can move their goods quickly and easily, and most countries are taking advantage of the situation. Only here, in our U.S. ports, do we become our own worst enemy.

For what is the advantage of fast turnaround if you can't get anyone to put the cargo on your ship? And what is the sense of having a container to carry a lot of small items direct from origin to destination if it's going to be torn down and restuffed at each stop along the line? And what's the good of building efficient new vessels if you don't have crews who will sail them? The rush of technology in this industry, in this country, can only bear fruit when labor and management resolve to put their differences aside and work together for the common good.

As is so evident, the rapid development of containerships, the further dislocation of conventional vessels in some key ocean trades, the arrival of the barge carriers and minicontainerships on the rivers, and the consequent impact on established port operations, are elements vital to the future content of waterfront labor negotiations.

Baltimore has been fortunate in this area. Our port has a long history of good labor-management relations. And the longshore force in Baltimore is considered among the best in the country. Local dock workers have a reputation for honesty and efficiency, and are known to be more careful and dependable than their counterparts in most other port areas. We are indeed fortunate in this regard.

But looking good because others look bad is not enough. If Baltimore is to remain a leading world port, its longshoremen must continue to strive for excellence; they must maintain their high productivity level. They must not go the way of the New York dockers, for example, many of whom are content to receive pay under guaranteed annual wage agreements even though they might not work all the hours they're supposed to.

Another vital factor involving Baltimore's position as a leading seaport is the ability of its channels to handle the massive new vessels currently in operation, as well as those on the drawing boards. Container and LASH ships are measuring well over 800 feet in length, with displacements approaching 50,000 tons. And the Doctor Lykes, the first Seabarge vessel, now about halfway finished, will be the world's largest dry cargo ship, at 875 feet and a displacement tonnage of 50,900.

Tankers, of course, are even bigger, what with the Japanese turning them out in the 300,000-deadweight-ton range and planning to build some as heavy as 500,000 tons. The largest of these will never come to Baltimore but we do have bulk carriers in the 75-to-100,000-ton range serving the port.

And recently Bethlehem Steel Corporation revealed design specifications for construction of a new type ship called an OBO, which the firm plans to build at some future date here at Sparrows Point.

The OBO is a new variation of an old concept. Its name is an acronym drawn from the words ore, bulk and oil, the three types of cargo the vessel can handle on consecutive voyages in a triangular service. A number of OBO's are already operating in world trade, most of them constructed in Japan, but none has yet been built in American yards or registered under the U.S.-flag.

The Sparrows Point designs are for vessels in the 77-to-80,000-deadweight-ton class, ships which certainly should be able to call at Baltimore. But at least one yard has applied for subsidy to build what might be termed super OBO's of some 165,000 tons, and who is to say that even larger units might not be forthcoming in the future?

If the Port of Baltimore is to remain competitive in the container, barge-carrying, supertanker age, it must have the capability of handling these larger, modern vessels. Our marine terminals are meeting the challenge, but they cannot do the job alone. The ships can't be worked here unless they can get here. And the massive vessels that are the wave of the future won't be able to come to Baltimore unless and until we widen and deepen our access facilities.

One of Baltimore's great advantages is its dual routes to the sea, via the Virginia Capes and the Chesapeake & Delaware Canal. The canal, as you know, is being widened and deepened under a $104 million U.S. Army Corps of Engineers project. The improvements are better than 80 percent complete, but all will go for naught unless the project is carried out to conclusion. Various stumbling blocks have been thrown in the way of this important endeavor, designed to extend the canal's depth from 27 to 35 feet, and until the work is finished, the controlling depth will remain at 27 feet.

The future of the main shipping channel is even more in doubt. Currently 42 feet deep throughout, the channel is to be dredged to 50 feet and widened from its present 600 to 1,000 feet. The project will comprise some 35 miles of channel, including a 20-mile stretch from the Chesapeake Bay Bridge to Baltimore.

Authorization for funding of the five-to-seven-year undertaking is included in the $600 million Omnibus Rivers and Harbors Act of 1970, recently approved by Congress and signed by President Nixon. Under this bill Baltimore stands to receive $40 million to begin work on the channel, with more funds promised later on to finish what will eventually become a $100 million project.

Like the C. & D. Canal, the work on the channel will not bear fruit until fully completed, because the shallowest depth will always remain the controlling factor. Thus a 50-foot channel 99 percent complete won't be any better than the present 42-foot channel until the work is 100 percent finished.

And once the project gets under way, Baltimore will have to begin thinking about deepening the channels in the Northwest Branch of the Patapsco, into areas such as Dundalk and Canton and Locust Point, where controlling depths currently vary from about 34 to 40 feet.

Port interests had also better keep watch to be sure the funding for the channel project doesn't get bogged down in further congressional maneuverings. Authorization for a program is one thing, but actually getting the money for it is quite another. And Baltimore doesn't have George Fallon as Chairman of the House Committee on Public Works to count on anymore to help get the funds appropriated.

In the final analysis, however, Baltimore seems to be doing a pretty fair job of keeping in step with the changing maritime picture. Its terminals and facilities are being kept up-to-date, and it's spending the money necessary to expand and modernize for the future. The port appears well prepared for any contingency.

Back in Colonial days two communities that were situated near the head of Patapsco River withered and died on the vine before the third, and present Baltimore, was founded in 1729. These two predecessors to the east of the existing city failed because they were unable to change with the times. Modern Baltimore has succeeded and prospered because of its capacity for staying ahead of the times.

And in this fast-moving world of the seventies, where the competition is cutthroat—and the inability to keep pace could likely be fatal—that's no mean achievement.

AIRPORTS IMPORTANT TO SMALL TOWN DEVELOPMENT

Mr. HUMPHREY. Mr. President, the availability of airport facilities to communities today is essential to their growth and development. Such facilities are also essential to maintaining many community services. Industry will seldom locate in a community that cannot be reached by air. When you have an airport, replacement parts needed by industry or by a community to restore an important service can be provided in the time required.

Construction of small town airports hopefully will be accelerated as a result of last year's passage of the airport aid development program, our Nation's first major Federal effort to help airport construction. It provides up to $280 million a year in matching funds to local communities for construction or improving airports. Under this program, the Federal Aviation Administration can make a grant up to 50 percent of the cost of such 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 expensive.

As chairman of the newly established Subcommittee on Rural Development, 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 small town development was published in the New York Times of June 20, 1971.

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

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

TOWNS BUILDING AIRPORTS TO LURE JOBS

(By Robert Lindsey)

LA CROSSE, KAN., June 19.—Just outside of town here, there is a rectangular-shaped, 23-acre parcel of land cloaked by a thick mantle of wild prairie grass. It looks no different from the flat, green and monotonous Kansas plains that roll endlessly on all sides.

But to the 1,708 residents of LaCrosse, the land is something special: it represents future jobs, factories, a hope of keeping their children at home after they grow up and of keeping their town alive. 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 an industry looking for a place to put a new plant.

"What we're trying to do is hold on to our young people," said Glen O. Humburg, who owns Humburg's Hardware on Main Street here.

"We raise and educate 'em 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. About the first thing industry asks for is an airport. So we're going to provide one."

The story is similar elsewhere.

In a remote corner of northern New Mexico, the Jicarilla Apache Indians are building an airport that the tribal council hopes will bolster the tribe's poor economy.

Murdo, a hamlet of 800 in central South Dakota, is putting in a landing strip not only to lure industry but also to help ease its isolation. It is a town with a hospital, but no doctors. Now there is no way for doctors to fly into town.

In Franklin, N.C., a tiny hill town of Appalachia where the per capita income is less than $2,000, a $670,000 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 Manager, Ronald Winecoff. "This is a poor county and we need jobs."

Transportation experts expect the growing boom in construction of airports in smaller towns to be accelerated by the passage last year of the Airport Aid Development Program, the nation's first major Federal effort to help airport construction. It will provide up to $280 million a year in one-half matching grants to local communities for building or improving airports.

Some of the new airports, such as the one planned in LaCrosse, are only simple old strips bulldozed out of a valley or prairie. Others are more costly ribbons of concrete or asphalt.

For most, the common denominator is a conviction by town leaders, argued over at meetings of the town council, the Rotary Club, and Chamber of Commerce, that they need an airport to "stay modern."

PRIVATE PLANE ACCESS

Few have any hope of ever attracting airline service. Airlines are reducing service to small towns. But this trend has only increased the need of some isolated communities to have access by private planes.

With falling populations, few if any job opportunities, and civic futures that look bleak, many of the towns where airports are being built have an almost mystical reverence for the word "industry."

At most of these places, technological change over the years in agriculture or mining have wiped out jobs that once supported the communities. The towns look at the year-round payroll of a factory to keep them going.

Town leaders are told that most of today's larger corporations use small jets or other aircraft to shuttle their executives around the country and to move cargo and, therefore, prefer not to build plants where there are no airports. As a result, the towns are building airports at a fast clip.

From 1965 to 1970, the number of public airports in the United States increased almost 20 per cent—from 3,236 to 3,973. Ohio and Texas, for example, each added more than 50 airports during the five years.

Last year alone more than 70 new airports were built in the country, many in small towns. The Federal Aviation Administration forecasts that about 100 new airports will be built each year through 1981, stimulated by passage last year of the new Federal airport construction aid program.

DREAMS COME TRUE

New airports have helped some towns realize their dreams.

For example, at Booneville, Ark., a town of 3,239, the Wolverine Toy Company just opened a new plant employing 400 people. When the company chose Booneville, it said the town's new airport was one of the prime factors that sold it on the town.

In Mountain City, Tenn., Burlington Industries built a textile plant employing 400 persons after the city of 1,478 residents agreed to build an airport.

In Shenandoah, Iowa; Oceola, Ark.; Mountain City, Mo.; and many other towns, officials boast that airports helped them land an industry.

But there are other places where the story has been different.

Bloomfield, Iowa, for example, put in a $125,000 airport and is still waiting to lure a major plant. Indians of the Zuni Pueblo Tribe built an airport in hopes that it would speed development of an industrial park they had constructed on pueblo land near Black Rock, N.M. There has been no influx of new plants.

"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 at your town if they can't fly there to look it over."

A TYPICAL EFFORT

LaCrosse is in many ways typical of the towns that are building airports to help reverse an economic slide.

It has a small downtown section whose Main Street, paved in brick, looks like countless other Main Streets in America. Off Main, there are several blocks of attractive tree-lined streets with small frame houses, most of them many years old.

The local economy is based on wheat and cattle. LaCrosse is the economic center and governmental seat of Rush County, whose population, now 5,100, fell 17 per cent during the 1960's.

"In the past 40 years we've lost almost half of our population, and 90 percent of 'em have come off the farms," said Mr. Humburg, the hardware store owner, who is chairman of the Industrial Development Corporation set up by the town to attract industry two and one-half years ago.

The residents at that time voted to raise money through property taxes for a program to lure industry. So far, about $6,000 has been raised. Most of it went to a consultant who has given the town some advice on how to attract industry, but there are no results yet.

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 its expense, "as insurance to keep them here," according to a city official.

FARM PEOPLE PRAISED

"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 ask 'em, 'Why do you prefer the cities?'

"We tell them that we've got good, hard working people here, who are used to putting in a day's work for a day's pay. People who are raised on farms are used to getting a job done. They don't get up like some of the Easterners and say, 'I don't feel good today,' or, the weather's bad today so I won't work.' "

Robert Hamilton, an officer of the Farmers and Merchants Bank and chairman of the Chamber of Commerce Airport Committee, estimated that the airport would cost about $60,000. The Industrial Development Corporation will pay part of the cost. City and county workers will do some of the construction work.

LaCrosse could seek a Federal Aviation Administration grant of 50 per cent of the cost under the airport aid program enacted last year. The F.A.A. has approved grants for 12 new airports under this program since last summer.

But, like many other small towns, LaCrosse decided the procedures were too complex and resulted in higher costs.

"There's too much red tape involved," Mr. Hamilton said. "They want fancy lighting and require things we don't need and can't afford."

In Ohio, according to state officials, new county airports built under the Federal program have cost three times as much as ones built with local funds. The aeronautics director of Tennessee commented recently: "The red tape involved in the Federal aid program is the biggest deterrent to our airport construction program."

LaCrosse hopes to get the airport under construction by late summer.

"With an airport," Mr. Hamilton said, "we can still have the advantages of a small town and be within 12 hours of almost any service you can name. If we need a special doctor, or something goes wrong with the X-ray machine at the hospital or the city water plant and you need a part, you can get it in a hurry."

There is an airport with daily airline service 28 miles away at Hays, Kan., but the officials here are determined to have their own airport.

Thomas Yeradi, the City Manager, explained why:

"Small towns all over this part of the country are dying out. Not all of the ones that are left are going to survive, but I think the ones that do will have to have an airport, just like they needed a railroad in the old days."

A VOTE AGAINST CLOTURE

Mr. HART. Mr. President, tomorrow the Senate will vote on a motion to invoke cloture on the draft bill. As Senators know, I have in the past often expressed my firm view that after full debate the Senate should be permitted to vote on an issue and let the majority will prevail. Indeed, I have participated in efforts to change the Senate rules to permit a majority to invoke cloture.

In all but the most compelling circumstances I have followed this principle of letting the Senate vote, and I still believe in it today. But no principle is absolute, and there can be instances where competing issues of principle are more imperative. Many suggest that such an instance is presented by the efforts to prevent cloture on the draft bill because

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 debate cannot fairly 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 resort had been made to essentially extraneous matter.

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 can characterize the vigorous legislative process of the past few days, under the able direction of the distinguished Senator from Mississippi (Mr. STENNIS), as a filibuster, whatever labels are 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, year 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, to polarization 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 of the speaker, "of 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 accomplishments 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 its author injustice. It speaks more eloquently without introduction. The speaker is an alumnus of the Citadel who is today president of the Miami Herald Publishing Co. His name is Alvah 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 that invitation comes to me also an acute sense of responsibility that our few minutes here this morning be worthy of that occasion.

Graduation brings with it the greatest variety of emotions—

Foremost, of course, 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 in the beaming smiles of mother and dad, 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 experience—for the first time—an accolade that is above a "B.S.," above an "A.B," above cum laude, namely, the singular distinction of becoming "a Citadel man."

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 present in the audience—shall remain discreetly unnamed—graduation brought the emotion of *deliverance*. For upon receiving his Citadel diploma, 134 *unwalked* "punishment tours" were forever stricken from the record book.

Whatever *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 treasured privilege.

29 years ago I started the same journey that you start this morning. As I sought 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,
Came at the evening cold and gray,
To a chasm vast, deep and wide,
Through which has flowing 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 builded a bridge to span the tide,

"Old man," cried a fellow pilgrim near,
"You're wasting your time in building here,
Your journey will end with the closing day;
You never again will pass this way,
You have crossed the chasm deep and wide,
Why build you this bridge at eventide?"

The builder lifted his old gray head,
"Good friend, in the path I have come," he said,
"There followeth after me today
A youth whose feet must pass this way,
This stream, which has been as naught to me,
To that fair-haired youth may pitfall be,
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 dollar cost of education is much higher, but there is no institution awarding a degree in 1971 where the *value received* is any greater than that which is yours when you leave The Citadel.

The educational quality of The Citadel has served its alumni well. All over this nation men in the professions, men in business, men in the military service attest to the quality and thoroughness of The Citadel's training.

From those grim days as a freshman with your chin pulled in, your shoulders squared back and your chest out, to the much happier days as a senior, leadership opportunities have come your way that would be rarely possible in another institution.

From my own Citadel class (1942), men like General George Seignious—on the platform with me this morning—(and who has been nominated by the President for his third star); John C. West, the present Governor of South Carolina; Ernest F. Hollings, United States Senator from South Carolina; and many others—are using the discipline and leadership acquired at The Citadel to the benefit of their nation. The record of The Citadel's alumni is eloquent testimony to the priceless value of a Citadel diploma.

And certainly The Citadel's honor core and your ability to live under it for four years sets you apart from the young men of today.

And so, my young friends of The Citadel '71, walk proudly on the bridge of confidence. You are well trained, you are well disciplined, you have a sense of honor. Take with you a sense of mission and a sense of destiny, for the world and the nation need you badly. Walk tall in the confidence that as a Citadel man you have much to offer.

Come we now to the second bridge—the bridge of patriotic devotion. After 20% of your life in the environs of The Citadel, patriotism, loyalty to our nation, its heritage, its institutions, and its future will come naturally to you. I commend to you strongly a sense of patriotic devotion to our country. When the drums roll and the trumpets blare, these words quicken your pulse—

"O beautiful, for patriot's dream
That sees beyond the years
Thine alabaster cities gleam
Undimmed by human tears . . ."

But in 1971, those words don't "tell it like it is." Our cities do not gleam. The nation into which you step is today shedding many tears.

It is no surprise to you, of course, that all is not right with America, and it is apparent even to the casual observer that our nation is becoming polarized as never before in its 195 years of history.

On the one side are screaming, bearded anarchists who would dynamite our public buildings and destroy our institutions, but who are totally and completely vague when asked to describe their substitute. On the other side there are those who would condemn and jail almost any citizen with long hair and unusual dress or appearance.

At another extreme there are militant blacks on a rampage of murder and violence in our major cities, the likes of which our nation has never seen; and opposite them stand far too many righteous-appearing whites who would oppose any meaningful social and economic progress on the part of the black man.

At another pole stand those who want peace now, and will throw a brick through your windshield if you don't agree with them. Standing opposite them are those who say the answer to Viet Nam is to atomize Hanoi.

In another corner stand some—but not all—lords of the Labor movement, with unconscionable wage demands that feed the fires of inflation, an inflation which steals the bread and retirement pensions of the hardy, thrifty citizens whose labor built America.

Standing opposite them are some—but not all—businessmen who resist paying a fair and reasonable wage—while at the same time

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.

The first mission concerns that great middle ground that has held this nation together for 195 years and which has been seriously eroded. A challenge for you, the men of '71, and a challenge for all of us who love this Nation, is to strengthen that great middle ground that binds 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 above self. These are principles and attributes which are deeply embedded in men of The Citadel and which are desperately needed by a polarized nation that needs to reunite on that great middle ground that binds black and white, young and old, labor and management, conservative and liberal, into common cause.

That second mission of national importance is to re-learn a history lesson.

The record of the United States of America in service to others is a proud one. What we did in helping to rebuild a world shattered from World War II, helping our late enemies as well as our allies, is unparalleled in the annals of human and national generosity. But patriotism and love of country does not demand that we be blind to some errors of judgment by some men who have directed our national policy.

In a year or so that tragic chapter in American history—Viet Nam—will be over.

And a blessed day that will be for all Americans young or old.

The tragedy of Viet Nam, a quest on which we entered with the noblest and most altruistic motives, fast became a quagmire from which our President is manfully trying to extricate us. To say we should not have been there serves no purpose on this day.

The policy error that led to Viet Nam occurred not in 1960, but in 1951.

For in Korea—in 1951—the United States entered a war without a declaration by Congress, which under our Constitution (Article 1, Section 8) has the sole power to declare war.

In Korea for the first time in American history we sent our sons to die while we did "business as usual" at home.

Viet Nam was a further consequence of what I believe historians will label as our greatest national mistake of the Twentieth Century.

This is not to say that Korea or Viet Nam were wrong per se, but in my opinion we were wrong to conduct a war in either case without a clear statement of national interest and a declaration of war by the Congress, which may—or may not—have been forthcoming under the circumstances that existed at that time.

The founders of our Nation knew that a divided nation cannot successfully conduct a war—our Constitution was wisely conceived in this regard.

If our national interest is at stake and Congress declares war, then it should be a war for every American—with service on the home front, price and wage controls, higher taxes, rationing and a total commitment of the Nation.

Both the Roman and British empires learned the folly of fighting in the hinterlands while leading the gay life at home. But they learned this lesson too late.

May I ask your aid in helping America to re-learn this lesson this time. It is a mission on which young and old can unite in common purpose.

America cannot operate as a divided nation with some of its sons at war and the rest of this nation at peace.

Nothing, of course, should take away from the President the right to defend this land from a sneak attack. Our armed forces retaliated as best they could, but quickly, in Pearl Harbor; but within a week the Congress had acted and a united nation successfully put down the tyranny of Hitler and Japan in much less time than we have been embroiled in Viet Nam.

And so, men of 1971, march firmly over the bridge of patriotic devotion. Serve your country when it calls and love it at all times, but more importantly when peace does come, let your voices be heard in peacetime so that the near fatal errors in judgment of the '50's will not again take us to the brink of national disaster.

And one final bridge to tread on our journey this morning. That is the bridge of faith. Across the parade field, over the entrance of the cadet chapel—as you know—are the words, "Remember Now Thy Creator in the Days of Thy Youth."

As you march across this platform in a few moments, your youth will be left behind. You will be a Citadel man; and I suggest that you change those words carved in stone to: "Remember Thy Creator in the Days of Thy Life" and embed them in the inner recesses of your mind and heart.

Without faith, I wouldn't have the courage to stand here and make this commencement speech considering the problems that beset our Nation: problems such as racial strife, drugs, pornography, lack of morals, greed and selfishness. Those problems cannot be solved by man alone. As the Bible says, "Unless the Lord buildeth the house, they labor in vain."

Writer Lynn Harold Hough, in his 1941 book, "The Christian Criticism of Life," tells us of the funeral of Louis XIV, which was held in Notre Dame in Paris:

". . . the cathedral was decorated with utmost lavishness. In attendance was as distinguished a gathering of nobility and royalty as perchance ever assembled there. The body of the king was arrayed in rich adornment as if death itself could not rob that royal form of its majestic grandeur. The preacher ascended the pulpit, and the sophisticated men of nobility and power who had come from far and wide awaited a great eulogy which such an occasion demanded, but instead they heard something else, something that must have chilled even as it startled them, for the preacher spoke four words that shocked his hearers. The truth does shock, and these were words of truth. Said he: 'Only God is great.' "

Christ said it long ago: "Thine is the kingdom and the power and the glory."

Guide your life in the basic fundamental that only God is great, and you will cross the raging torrent on the strong, sure bridge of faith.

Our nation was founded under God and only in recent years, when we turned away from God and turned to the easy morality and the worship of materialistic success, have we gotten ourselves into serious trouble.

But be not dismayed, America is learning. America is recoiling from the easy morality. Only three weeks ago I met for breakfast with 120 Miamians, the top business and civic leaders of our community. They were there in response to an invitation to form a weekly prayer group modeled on the Congressional prayer breakfasts attended regularly by a substantial number of our Senators and Representatives. They were there in the full recognition of the fact that man does not live by bread alone.

"There followeth after me today
A youth whose feet must pass this way,
This stream, which has been as naught to me,
To that fair-haired youth may pitfall be.
He, too, must cross in the twilight dim,
Good friend, I am building this bridge for him."

Looking back from 29 years down the road, my young friends, I say to you that you should walk tall and straight and honorable over the bridge of confidence because from The Citadel you have gained much. You are a Citadel man, and as in the parable of the talents, "to whom much is given is much expected."

The bridge of patriotic devotion will take you across a chasm vast and deep and wide. You will, I trust, help to widen the great middle ground of American life and to relearn a history lesson that a divided nation should never go to war.

And whether it be in the morning sun or the twilight dim, the bridge of faith will be steady and sure underfoot.

Good friends, Citadel men of '71, these bridges are built for you.

Thank you!

EFFECTS OF EXCESSIVE NOISE ON AMERICAN HOUSEHOLD

Mr. HATFIELD. Mr. President, yesterday's Washington Evening Star contained an alarming article describing the detrimental effects of excessive noise upon the American household. Dr. Jack C. Westman, professor of psychiatry at the University of Wisconsin, contends that the noise level in our homes has now risen to the point where it is interfering with our family life and psychological well-being. The article adds to the already conclusive evidence pointing to the need for legislation in this area. In light of the hearings scheduled to begin Monday, June 28, on the Noise Control Act of 1971 (S. 1016) I invite the attention of Senators to "The Din of Noise Hits Home" and ask unanimous consent that the article be printed in the RECORD.

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

[From the Washington Evening Star, June 21, 1971]

THE DIN HITS HOME

(By Bruce Ingersoll)

MADISON, WIS.—Noise may be breaking up families, driving spouses out of the house and widening the generation gap.

In this era, when there's a power tool and appliance for every domestic task, Dr. Jack C. Westman, professor of psychiatry at the University of Wisconsin, says he believes that any idea that the home is a place of peace and quiet has vanished.

Another long-cherished belief—that husbands and wives communicate, that parents and children sit down and talk together—is being shattered by stereophonic sound and television sets, he says.

In tape-recording sounds in 17 Madison homes, Westman discovered that members of these families spent, on the average, only 20 minutes a week talking to one another.

"This included very simple command-and-response communications between parents and children," he said.

Westman is not about to pronounce the art of conversation dead, but it certainly isn't practiced in the U.S. home as often as one may think. Noise—usually defined as unwanted sound—undoubtedly interferes with communications and frustrates conversation, he said.

"Togetherness at the supper table is hampered by household noises and by the general tenseness fanned by the daylong din," Westman continued. Hearing is involuntary, he said; although our bodies can adapt amazingly to noise surroundings, adjustment exacts a toll.

"We don't understand that noise makes us less efficient, less effective and more tense," he said. "Instead, we scapegoat. We take our tensions out on each other. Mothers yell at the youngsters. Parents bicker."

Work-weary husbands, he said, are coming home to bedlam and to spouses who are showing the "tired-mother syndrome."

"Tired" mothers have all the symptoms of combat fatigue, he said. Having undergone a noise bombardment all day—running the vacuum cleaner, quelling quarrelsome kids, using the electric mixer—they are short-fused, depressed, done-in. Their heads throb, their stomachs churn.

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 distracted, flounders in school and can be touched off by the slightest noise. One child in 10 is like this, he said.

"Noise spurs the child into obnoxious 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. It's the racket—a factor 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. kitchen can be as noisy as a boiler room, he maintained.

The garbage disposal, electric mixer, high-speed blender, vent fan on the range, knife sharpener and wall exhaust fan all can create more than 70 decibels—enough to constrict arteries and raises blood pressure, creating stress.

The whir of the blender and the wall fan's roar is loud enough (90 decibels) to make a housewife visibly blanch and her pupils dilate. At this noise level, the adrenalin gland works overtime. Muscles are tensed and nervous energy is 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 as to create a consumer demand for quiet appliances, he maintains.

ANTI-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 everything about it.

Those who villify the United States, those who carry Vietcong flags, those who mock our own flag have a sadly warped sense of values and an abysmal ignorance of history. If there is any constructive motive behind their actions, they would do well to rethink their attitudes. Most of us would agree, I am sure, that such an exercise might redirect their energies to more useful channels.

In our haste to solve our problems, we must not forget that we have come further and accomplished more in a shorter time than any other nation in the history of the world. This phenomenal growth and success can be attributed directly to our system built upon individual freedom, a system which is unique throughout the world.

It is the height of folly to decry such a successful system, and to disparage the Nation it has produced, simply because we feel we should be solving our problems more rapidly.

Certainly we have the poor. Can anyone name a nation which does not? Would anyone seriously attempt to equate the state of poverty in this country with poverty in Asia?

Certainly our system of justice has flaws. But they pale into insignificance alongside the totalitarian systems of Russia and its sister nations.

It should also be noted that we still do not have to restrict our citizens bodily from trying to defect to Communist countries. On the other hand, the flow of defectors and refugees to the United States continues unabated.

Is there any question that we would have millions of refugees in America if they were given an opportunity to leave their Communist countries and enter the United States?

It seems incomprehensible that any rational person could really believe living is better in Russia than in America. Our national patience is growing increasingly short with those who in their naivete imply that this is the situation.

An indication of the temper of the country is seen in a recent editorial in the Indianapolis Star and the Arizona Republic.

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 safer, 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, America's youth will be consumed by the stench of this hypocritical rhetoric.

This comment should be studied thoughtfully by all Americans, Mr. President. I ask unanimous consent that the editorial, published on May 23, 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 and everybody and every motive and every action except your own. Stop constantly sniping at your government. What in the world is the matter with 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, applauding the very people who degrade and mock America, who tell you how selfish and corrupt Americans are.

Your own eyes and your own common sense should tell you that in no other land, under no other system, is the individual more respected or better treated. Nowhere is a person as free to do what he wants with his life. Nowhere in the world, despite our occasional overemphasis on getting and spending, are charity and service to mankind more practiced or revered than right here in America.

For the past couple of years you have allowed a small handful of hypocritical critics to flagellate us and our government.

Be realistic, America. Where is your sense of proportion? We aren't a debased or rotten nation. We have our share of criminal misfits, but most of us are pretty decent people—hard-working, law-abiding, God-fearing. All of us want a better life for ourselves and our children, and most of us want a better life for our neighbors, too.

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 it easier for the haters, the doomsayers and the malcontents, those with the biggest mouths and the smallest consciences, to mislead and confuse us. It is twisting our values, making it difficult for our children to know right from wrong.

Thousands of American boys have been killed in Vietnam by being trapped in Viet Cong villages where men, women and children were paraded as villagers, when actually they were armed with Viet Cong cocktails, bombs and what have you. Our boys were trying to be decent to the villagers and suddenly they found themselves completely surrounded by the whole village, armed to the teeth. But the poor bleeding hearts in America, these anti-American so-called patriots, instead of having any sympathy for our boys, who of course had to fight back, felt sorry for the old men and children who got hurt 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 had no sympathy for our boys, but they had all kinds of sympathy for the poor villagers who were simply used, innocently or otherwise, by the Viet Cong. This is war, make no mistake about it, but these anti-American loudmouths seem to believe we have no right to wage it in our own defense.

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 face and blamed the whole thing on President Johnson. And now they are blaming the war on President Nixon, who didn't have a single thing to do with starting this war. But the very men who are loudest 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.

It is unbelievable that so small a minority of Americans could create such a terrible atmosphere in this country. If it were not for the loudmouths the world would not know anything about what is going on here, because it is so much more peaceful here, and safer, than anyplace 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, America's youth will be consumed by the stench of this hypocritical rhetoric.

Stop it, America, before it is too late!

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 most strongly why the amendment should be adopted. I ask unanimous consent that the text of the speech be printed in the RECORD.

There being 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 Standard 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 chapter and verse description of my amendment. Rather, I would like to indicate the principal motivating factors behind PSRO and the considerations involved in its key provisions.

It is important to understand that the genesis of my PSRO proposal was the American Medical Association's Professional Review Organization—PRO—recommendation of last year. The AMA's proposal was a very 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 so that the PSRO proposal could withstand the most careful public and *legislative* scrutiny with regard to its ability to effectively serve and protect legitimate public interests. All of this was done with great care so as to avoid strangulation with red tape.

To my mind, PRO constituted an expression of recognition and concern on the part of organized medicine, of a pressing need for expanded medical review activity, and you are to be commended for that concern. To try to respond to it, my Professional Standards Review Organization legislation seeks to reach AMA's PRO objectives, but adds substantially expanded responsibilities, and additional necessary and appropriate public interest safeguards.

We would be kidding each other if we were to deny that many Americans are suspicious of all private, professional and industrial organizations, including organized medicine. Any approach to review which delegated responsibility to privately organized medicine without real—as opposed to apparent—safeguards, would, in my opinion, be unacceptable to both Congress and the public at this point in time.

The Professional Standards Review Organization approach, to my mind, provides an opportunity for medicine to earn organizationally the kind of trust which most doctors have earned individually.

Before outlining for you the process which led to my introduction of the PSRO amendment, it might be helpful to explain where the PSRO legislation is at this point in time as well as the prospects for passage.

You will recall that my amendment was approved by the Committee on Finance last year, after I worked with HEW, many doctors, and the committee staffs, and had modified it to meet all but one of the significant formal concerns of the American Medical Association. We successfully withstood a challenge to the amendment on the Senate floor, when it was kept in the Social Security bill by an overwhelming vote of 48 to 18. The amendment was then formally approved by the full Senate as part of the Social Security Amendments of 1970. Due to a legislative logjam at the end of the last session, time ran out before the necessary conference could be arranged with the House of Representatives to work out differences in the 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 Ways and Means, authorizes PSRO on a demonstration basis. I did not believe that PSRO can function effectively on a demonstration basis because the leverage contained in a mandatory program—"either you do it and 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 submission of additional constructive comments and criticism by interested organizations and individuals. In view of its approval by the Committee on Finance and the full Senate last year, as well as formal support now given to the PSRO proposal by the President and the Department of Health, Education, 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-nosed administration to fulfill the promise of PSRO.

It is interesting to note that HEW is having second thoughts about PSRO. They have not abandoned the basic idea, but rather they are now talking about giving the Secretary of Health, Education, and Welfare the option of selecting an alternative PSRO organization in a given area—even if a fully-qualified physician-sponsored mechanism was available in that same area.

This approach could thwart the effort to give the medical profession the opportunity to monitor itself wherever it was willing and capable of doing so. I think the Secretary's discretion should be applied to determining whether a proposed PSRO sponsored by physicians is available and has the potential capacity and willingness to do a good job. Assuming those conditions are present, I don't think he should have discretion to select another type of organization—say an insurance company—over that of the physicians.

I will certainly do everything in my power to encourage the Department to return to the position we worked out together last year; namely, that priority must be given in every case and in every area to designation, as the PSRO, of an organization representing a substantial proportion of practitioners, always giving such an organization the chance to show that it is willing 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 conditions, we in turn will give your 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 involved with health care issues in general and peer review in particular through my service as ranking minority member on the Committee on Finance, which has legislative responsibility 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.

Last year, the Subcommittee held a series of hearings in order to evaluate the operations of the Medicare and Medicaid programs. Those hearings were in addition to extensive work on Medicare and Medicaid by the Committee and its staff during 1968 and 1969.

As a result of those hearings we became fully aware of the magnitude of the problems confronting Medicare and Medicaid. After taking testimony from many witnesses and after reviewing many confidential audit reports, we came to know how severe and 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 characteristically ineffective. Present review activities are fragmented, retrospective, and incomplete. Numerous witnesses testified that a significant proportion of the health services provided under Medicare and Medicaid were in excess of those which would be found medically necessary.

In view of the high costs of hospital and nursing home care, and the costs of medical services and procedures, the economic impact of this overutilization becomes extremely significant. I think we Senators 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 taxes which we had to provide in 1968. All of us, I feel, believe that enough is enough and that it is time to take the bull by the horns.

Of course, in addition to economic impact, the Subcommittee was concerned about the effects of unnecessary or avoidable care and treatment upon the health of the elderly and the poor. Unnecessary hospitalization and unnecessary surgery and medical service put the economic benefit of the provider above the well being of the patient. All of this also places additional serious strain upon scarce personnel and facilities.

This, then, was the background from which the Professional Standards Review Organization amendment emerged.

Work on the PSRO amendment began immediately following the extensive series of hearings in the Spring of 1970 which had 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 work provided the nucleus for the development of the PSRO amendment.

Responding to the same shortcomings of the Medicare program which had kindled my interest in a physician-oriented solution —PSRO—the Department of Health, Education, and Welfare submitted and the House of Representatives 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 Secretary 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 patterned in good part after private insurance plans, and we placed many buffers between government and medicine. This seemed appropriate to me, because I do not believe that government should become involved with the details of day-to-day medical practice if appropriate non-governmental alternatives are available. The provision in the House bill seems to me to abandon this principle and

involve direct governmental intervention in medical practice.

I was then—and I remain—convinced that the Government and its agents do not have the capacity to effectively and appropriately audit medical care provided under the federal programs. Aside from the question of whether Government *could* effectively audit the need for and the quality of medical services, I had doubts as to whether Government *should* perform those functions. It seemed to me that the key to making a review system workable and acceptable was the practicing physician.

The idea of using provider, practitioner, and patient profiles was incorporated because of the present existence and growing capacity of those review tools and their successful use in medical society-sponsored foundations in California and elsewhere. Emphasis in the amendment upon basing institutional care review related to length-of-stay norms also grew out of the successful experience in the use of that type of yardstick by many agencies including the California foundations, individual hospitals, and other third-party payment programs. As you know, data on hospital utilization related to age and diagnosis, incorporating the actual experience of more than 55 million hospital admissions, have been developed and are maintained on a current basis by the Commission on Professional and Hospital Activities.

After months of effort the amendment was ready to be introduced. It was offered well in advance of the Senate's formal consideration of the Social Security bill. I introduced the amendment early so that all parties in the health care field could give it careful and constructive consideration.

Obviously the amendment, if enacted, would have major impact upon medical practice. It was expected that interested organizations would use the opportunity provided by this early introduction to evaluate the proposal and then offer their comments and suggestions, either privately to me, or publically in testimony before the Finance Committee last fall. Indeed, that is exactly what occurred.

During our deliberations, both before and during the executive session on the Bennett Amendment, we received and reviewed many ideas and pertinent testimony from a variety of concerned individuals and organizations. Conceding the validity of some of the recommendations we made some important modifications in the original text of the amendment to get it into the form in which it was finally approved by the Committee and ultimately, the full Senate.

Among the important changes was increased emphasis upon the continuing use of existing in-house institutional utilization review mechanisms, which could be accepted if their performance was judged to be satisfactory by the PSRO. Another change resulted in a modification of the prior approval requirement for elective hospital admissions so as to limit the requirement of prior approval to those diagnoses, practitioners, or institutions where, on the basis of past performance, the PSRO believed prior approval necessary to adequately control utilization and the protection of the patients.

The Committee expected that PSRO's should not indiscriminately accept hospitals' in-house review or avoid requiring prior approval with respect to elective admissions. Indiscriminate and blanket acceptance by a PSRO of in-house hospital review would probably be reflected in overall poor performance results by that PSRO.

Common sense and realistic evaluation should be the PSRO approach in determining the effectiveness of in-house review, hospital-by-hospital. Of course, by this means, hospitals with inadequate internal review should be encouraged to upgrade their activities to the point where such review could be accepted by the PSRO.

The only remaining formal objection of the American Medical Association to the Professional Standards Review amendment is that it does not mandate operation of the program through State Medical Societies. In all candor, there is very little possibility of the Congress handing over PSRO or any legal process to any privately constituted groups. State and county medical societies are not written into the Bennett Amendment—but they are by no means written out.

County medical societies or groupings of county societies and State societies—particularly in smaller States—would in many cases be the logical sparkplugs and sponsors of separate PSRO organizations.

The emphasis throughout the PSRO amendment is establishment of review organizations of proper size at local—not State levels.

Medical societies are involved in varying degrees with the whole gamut of physician concern—including the matter of payments. Sometimes, they are even indirectly involved in political questions! The PSRO on the other hand has a much narrower sphere of direct operating interest: namely, the appropriateness and quality of medical care. The matter of payments will remain the concern of the carriers and intermediaries.

The responsibilities of the PSRO organization are strictly those which, to my mind, involve non-negotiable professional medical judgement.

By non-negotiable, I mean, for example, that the medical necessity of surgery is not an item of bargaining between and third-party payer and doctors. The question of the necessity of surgery is strictly one of medical judgment. But, the amount to be paid for that surgery by a third-party can legitimately be discussed and negotiated by physicians and non-physicians. PSROs should not be involved with 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 degree, medical societies do not include all practicing physicians as members. A PSRO, in contrast, must be absolutely open to all practicing physicians without membership or dues requirements whatsoever. Conceivably, there is also the possibility that if PSRO responsibilities were vested in a medical society it could use that power as leverage to implicitly or explicitly coerce non-members.

The Chief of Anesthesiology of a very large medical group on the West Coast posed the problem rather succinctly in a recent letter to the Executive Director of the medical group. He said:

"As for myself, I know that I will never accept any review of my practice by the County Medical Society. They have been too overt in their prejudice against me personally by not permitting me to become a member for eight years. We must not simply accept these government rulings, which place considerable power in the hands of organizations which for years have fought us in so many ways. They are still full of prejudices toward us, and often try to damage us in the eyes of the public by derogatory remarks and letters about our physicians and our organization."

You and I know that the type of situation described by the good doctor has occurred. I seriously doubt that it occurs to any serious extent today—but it is possible—and it would be intolerable in any organization to which the Federal Government delegated review responsibility. A PSRO, independent of any privately run medical society, would help minimize unfortunate memories and possibilities.

Additionally, a separate legal structure for the PSROs also permits extension of malpractice exemption in clear fashion and affords generally clear-cut legal relationships which might be blurred and a problem if merged with medical societies overall operations.

Finally, as you know, there are a few State Medical Societies—fortunately very few—which have expressed virtually total opposition to any Federally-required review.

Recently, a question has been raised concerning the tax-exempt status of PSROs—particularly where the organization also undertakes review work for private insurers.

I had not thought there would be any issue concerning the tax-exempt status of PSROs and, therefore, did not make provision for it in my amendment. Since the matter has been raised, however, I am exploring the situation with the Treasury Department to determine whether their understanding is the same as mine—namely, that tax exemption is appropriate for PSROs under present tax law inasmuch as they are non-profit and established for a social welfare purpose.

We are not naive. While we hope PSROs will function effectively everywhere—and are providing the basis for them to do so—as a practical matter there might be sections of the country where the PSRO approach had already been prejudged and condemned out-of-hand by certain medical societies. Other societies—such as the Pennsylvania Medical Society—have strongly endorsed and expressed firm support for the Professional Standards Review Organization objectives and structure.

The key to making a PSRO work effectively will be the degree of motivation and sincerity of the physicians and medical organization in each area. The stakes are too high and public concern and scrutiny too great for anyone to delude himself that a pro forma PSRO operation will be acceptable. I certainly hope that some medical organizations will not make the mistake of regarding PSRO as a means of getting the Government and the public off their backs by virtue of a minimum of effort and a maximum of appearance. It is too late in the day for that. Substance not form will be the test of a PSRO. Performance and professionalism will be the criteria of judgment.

May I say that I have long supported the various efforts of organized medicine to shape public policy toward health care. The Professional Standards Review amendment is, to my mind, consistent with the best interests of both organized medicine and individual practitioners. I believe it represents the best hope for keeping fee-for-service medicine viable and responsible through professional medical monitoring. It is a truly conservative effort which builds upon the strengths of the present system at the same time it provides that system with a mechanism for correcting weaknesses.

I think that physicians and their organizations recognize and will find that the PSRO approach represents the most effective mechanism devised, thus far, to acknowledge and responsibly meet the legitimate interests of the medical profession and the public.

Obviously, in the years ahead, governmentally-financed health care will expand in terms of population coverage. Effective Professional Standards Review Organizations could be available to monitor that care rather than have government do it. With PSROs functioning properly, government's role in expanded programs, could essentially be limited to financing.

Without any desire to conjure up spectres or to raise devils with respect to what might be ahead in terms of review of medical care—in the absence of the PSRO program—I earnestly suggest that you consider the alternatives—just as I have. Eventually they all boil down to direct government control—using non-medical personnel. We both hope that kind of program need never come.

Thank you again for giving me this opportunity to visit with you.

A PROFILE STUDY OF DISSENTERS

Mr. GRAVEL. Mr. President, I ask unanimous consent to have printed in the RECORD a paper entitled "Vietnam Veterans Against the War: A Profile Study of the Dissenters," written by Hamid Mowlana and Paul H. Geffert.

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

VIETNAM VETERANS AGAINST THE WAR: A PROFILE STUDY OF THE DISSENTERS

(By Hamid Mowlana and Paul H. Geffert)

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(This survey was conducted by the authors independently of any organization or institution and had no sponsors or support financially or otherwise from any source.)

The arrival of the Vietnam Veterans Against the War in Washington prompted many comments from politicians, political observers, and the American people themselves. The men who experienced war focused the attention of the nation on themselves and their cause during their week of demonstrations, lobbying, and guerrilla theatre. Much was said, and will be said, about their impact on politics and society at large. Their actions and their speeches were carefully recorded. What was missing, however, from these observations was an examination of the nature of the anti-war Vietnam Veteran himself, his background, and his opinions and attitudes.

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 in general and specifically the Asian war.

This survey was undertaken on April 23, 1971 among the veterans encamped on the Mall in Washington. The encampment had about 1,000 veterans. The total number of veterans who came to Washington was estimated at about 2,300. The other veterans stayed elsewhere in homes, congressional offices, and in truck and trailer campers. Some 200 survey questionnaires were distributed randomly but only 172 forms were returned and tallied. All of the survey forms were filled in by veterans who had served in Vietnam.

If we could create a composite demonstrator, one characterized by those qualities which the majority of Vietnam Veterans at the demonstration possessed, our survey shows that he was a Northeastern United States urban dweller, between the ages of 21 and 25. He had finished high school and had some college education, and was at present either unemployed or a college student. The average anti-war Veteran, according to our survey, was a many sided individual who did not easily fit into preconceived categories which many find associated with the peace movement. His world outlook and political opinion changed drastically from a moderately conservative to a liberal one during his tenure in the service. He attributed his personal contact with the Vietnamese people and his fellow GI's as the two major sources of information which led to his change of opinion and attitude about the war.

While a majority of the demonstrators before their entrance into the service made their homes in the Northeast, a substantial minority were from the Midwest. These two groups, together, accounted for nearly 80 percent of the anti-war Veterans in Washington. Few came from the western states and fewer from the South.

The religious affiliation of the demonstrators provides an interesting dichotomy. The two largest groups responding were Catholics and agnostics. Here, on the one hand, we find a large percentage of demonstrators with rather strictly traditional church-oriented beliefs. On the other hand, a great many veterans were doubters and challengers of faith. Few, however, fully rejected religious beliefs through atheism. Especially noticable, but for a lack of representation, were the Jewish veterans. Only 2.9 percent of our sample were Jewish, a group often associated with liberal movements in the United States in recent years.

Approximately one half of the demonstrators came from families with occupations in industrial labor. Professional fields accounted for about one third of the demonstrators' family backgrounds. Only 2.2 percent of the men came from agricultural families.

When we examined what the veteran himself was doing prior to entering the service we discovered over 43 percent of them had just completed high school or college. Some 22 percent of the respondents were drafted while in college. The remainder were working—the overwhelming majority in industrial labor positions.

Almost one in five veterans (21.8 percent) said that he is actively employed at the present time in such professions as sales, teaching, labor, and agricultural. Over 41 percent identified themselves as students enrolled in colleges, while 36.8 percent said they were unemployed.

The survey showed that two out of three men had enlisted for the military service, rather than being drafted. The political views of the veterans prior to entrance into the service may in part account for this. We found that only slightly less than one fourth of the men had, at the time of their entry in the service, already determined that there was no justification for the United States' presence in Vietnam. It is also interesting to note that almost one half of our respondents stated that they had no strong feeling about the United States' intervention or non-intervention in Vietnam when they entered the Service. And over one fourth felt that the United States was justified in being in Vietnam. It is thus recognizable that enlistments would be high among this group.

We asked the veterans to identify the direction of their political persuasion prior to entering the service. More than 90 percent of them were evenly divided among "conservative", "moderate", and "liberal" with only less than ten percent identifying themselves as "radical". But when we asked them how they could identify themselves with the current social, economic, and political thinking in the United States at the present, we found a drastic shift in their political outlook. Forty-eight percent identified themselves as "radical", 18.5 percent as "extremely radical", with 26 percent classifying themselves as either "liberal" or "moderately liberal" and only five percent being either "moderate" or "conservative". Thus 64 percent of the men who at the time of their entry into the service saw themselves as moderates and liberals, now formed a little more than 25 percent of the survey with the remaining respondents leaning toward either "radical" or "extreme radical" categories.

Recognizing that these terms connote different things to different people, we make no attempt to examine these claims or the possible actions which might result from these self-categorized radicals. The important thing for this study is the shift of opinion and attitude. In the men, previously characterized as moderates, has developed an attitude by which nearly half of the veterans now accept their position vis-a-vis the political, economic, and social status of the United States as radical. In fact, nearly one fifth classified themselves as extremely radical.

There is no doubt that among the veterans there was a decided shift in opinion and attitude. Examining this change, we find that 80 percent of the veterans experienced a change in view of our involvement in Vietnam after they left the United States. A small number of men (16.5 percent) experienced their attitude change following their return to the United States. But a great majority, 41.1 percent of the veterans interviewed, said that they changed their view drastically during their *first three months* of service in Vietnam.

We asked our respondents to rank the sources of information which in their opinion determined their attitude about the war in Vietnam. We found personal contact with Vietnam and Vietnamese peoples as the primary source of information for their attitude change.

The second source of information was, again, personal contact, this time with other Americans and GI's serving in Vietnam. We found ranking immediately below personal involvement was the print media: newspapers, books, magazines. At the bottom of the list of information sources were: contact with non-Americans other than Vietnamese, and films and movies. Thus, physical contact with war, according to our survey, was the primary source of information in determining the veterans attitude about the war.

We also 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 in order of 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]

Age of the veterans:	
20 and under	4.4
21 to 25	74.7
25 to 29	19.7
30 and above	1.2
Total	100.0
Education:	
Did not finish high school	6.6
High school graduate	19.9
Some college	55.8
College student	17.7
Total	100.0
Spent most of his time before the service:	
Northeast	54.1
Midwest	23.2
Southwest	3.9
West	5.5
Deep South	5.0
Border States	2.8
Outside United States	5.5
Total	100.0
Marital status:	
Single	83.0
Married	9.5
Divorced	7.5
Total	100.0

Veteran's family occupation:

Professional	29.4
Managerial and sales	15.6
Agricultural	2.2
Education	3.9
Labor	48.9
Total	100.0

Type of work before entering service:

Just completed school or college	43.1
Drafted while in education	22.1
Professional work	4.4
Agricutural work	.6
Managerial and sales	5.5
Teaching	1.1
Labor	23.2
Total	100.0

Present occupation:

Student	41.1
Managerial and sales	2.3
Labor	5.7
Teaching	4.0
Professional	8.0
Not working	36.8
Agricultural	1.8
Total	100.0

Religion:

Catholic	24.7
Protestant	11.4
Jewish	2.9
Agnostic	23.0
Atheist	11.0
Other	27.0
Total	100.0

Opinion toward U.S. involvement in Vietnam when entering the service:

United States was justified in being there	28.5
No strong feeling about our intervention or nonintervention	47.5
United States was not justified in being there	24.0
Total	100.0

Entered the services:

Drafted	34.3
Enlisted	65.7
Total	100.0

Political identity before the service:

Conservative	29.5
Moderate	29.5
Liberal	34.0
Radical	7.0
Total	100.0

When did you begin to see a drastic change in your views about U.S. involvement in Vietnam?:

1st entered service, still in United States	21.7
During 1st 3 months in Vietnam	41.1
Toward end of service in Vietnam	20.6
Upon returning to the United States	16.6
Total	100.0

Ranking by importance the sources of information used in determining attitudes about the war in Vietnam:

1—Personal contact with Vietnam and the Vietnamese.
2—Personal contact with GI's and Americans in Vietnam.
3—Magazines.
4—Newspapers.
5—Books.
6—Television.
7—Radio.
8—Contact with their political and religious leaders.
9—Contact with non-American people (other than Vietnamese).
10—Films and movies.

Ranking by importance the sources of information used while in Vietnam:

1—Army newspaper.
2—Armed Forces Broadcasting.
3—U.S. Magazines.
4—Hometown newspapers.
5—Other than hometown and Army newspapers.
6—Foreign newspapers and magazines.
7—Films and Movies.
8—North Vietnam Broadcasts.
9—South Vietnam Broadcasts.
10—Other international Broadcasts.

Political identity in relation to the current social, economic, and political thinking in the U.S.:

Strongly conservative	0.6
Moderately conservative	1.8
Just moderate	3.0
Liberal	18.7
Moderately liberal	8.6
Radical	48.8
Extremely radical	18.5
Total	100.0

THE MILITARY SELECTIVE SERVICE ACT

The ACTING PRESIDENT pro tempore. The hour of 9:20 a.m. having arrived, the Chair lays before the Senate the unfinished business, which the clerk will state.

The legislative clerk read 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 tempore. 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 tempore. 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 the Regular components of the uniformed services, who accept appointments in the Federal or District of Columbia civilian service, to receive all of their military retired 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 the first $2,492.02 of his retired pay plus 50 percent 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 a like percentage. 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 Staff 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 Reserves or enlisted personnel to forfeit 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 various categories of workers.

On April 1 of this year the General Counsel of the Department of Defense, Mr. J. Fred Buzhardt, wrote to Mr. THADDEUS J. DULSKI, chairman of the House Committee on Post Office and Civil Service, conveying the Defense Department's position. He stated:

It is the view of the Department of Defense that when circumstances of military service and retirement are the same, treatment in matters such as limitations on retired pay should also be the same. In this connection, it is pointed out that the proposal of the Civil Service Commission which culminated 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 from the compensation restriction all enlisted members and Reserve officers. In light of the congressional action to exempt Reserve of-

ficers and all enlisted men from the restrictions on receipt of retired pay when employed by the Federal Government, logic and equity dictate similar treatment of Regular officers.

The following statistics reinforce such a conclusion:

As of June 30, 1970, approximately 775,666 former military members were on the retired rolls.

About 87.3 percent were enlisted members or Reserve officers and these individuals are not subject to the compensation limitations prescribed by title 5 United States Code 5532.

Only the remaining 12.7 percent are Regular officers and therefore subject to the compensation restriction unless exempted because of combat-incurred disability.

Approximately 3,800 Regular retired officers now work for the Federal Government. The fiscal year 1972 cost estimate for equalization covering the 3,800 is about $8 million, according to the Defense Department.

However, if restrictions were lifted undoubtedly many more retired Regular officers would like to work for the Federal Government, increasing the overall cost somewhat.

Considering what is lost to the Government in the way of experience, dedication, and proven executive and technical ability, this would seem a small price to pay.

And the cost would be no more than if all the jobs were filled by civilians, or retired Reserve officers.

All we do through this inequity is extract a heavy tax from those who have faithfully served in the uniform of the United States.

Basically, a retiring Regular officer is faced with seeking employment with the Government with a resultant loss of some of his retirement pay, or he may seek employment elsewhere in society and keep 100 percent of his retirement benefits.

Because of this, our Government loses some of its finest potential civil servants.

Certainly their experience in 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, and to which the Executive, are committed.

I therefore respectfully urge adoption of this amendment.

Mr. President, I ask unanimous consent to have printed in the RECORD a letter from the Assistant Secretary of Defense addressed to the chairman of the Committee on Armed Services dated June 11, 1971, indicating approval by the Department of Defense of the subject matter of my amendment.

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

ASSISTANT SECRETARY OF DEFENSE,
Washington, D.C., June 11, 1971.

Hon. JOHN C. STENNIS,
Chairman, Committee on Armed Services, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: This is in reply to your request for the views of the Department of Defense on Amendment No. 147 to H.R. 6531.

Amendment No. 147 to H.R. 6531 would repeal section 5532 of title 5 United States Code which imposes a compensation restriction on the retired pay of Regular officers who accept Federal civilian employment. Under present law a Regular officer who accepts Federal civilian employment must forfeit 50% of any retired pay to which he may be entitled which is in excess of $2,604.16 annually. Reserve officers and enlisted personnel retired under identical circumstances are not so restricted and can receive their full retired pay and the pay of any Federal civilian office which they may hold.

The Department of Defense favors repeal of section 5532 and therefore supports Amendment No. 147 to H.R. 6531. However, it is our view that concurrent with repeal of 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 both military and civil service retirement purposes is expressly barred except under two conditions. First, dual credit for active military service is specifically authorized for those whose military retirement is under the Reserve retirement laws. Second, in case of any person whose military retirement was based on a disability incurred in combat with an enemy of the United States or was caused by an instrument of war in line of duty during wartime, the member's active military service may be credited for both military retired pay and civil service retirement purposes. While there is no legislative history it is assumed that when Congress enacted this latter provision it was anticipated that the beneficiaries would be junior officers whose careers were prematurely terminated because of their combat-incurred disability. While this is probably the usual case, it is possible 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 retirement while concurrently receiving military retired pay computed on the basis of that military service. It is the view of the Department of Defense that this result is not desirable, or within the original intent of Congress when enacting the legislation in question. Similarly, in the 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 who become disabled from combat or as the result of instruments of war such credit should be limited to some reasonable length of service. Accordingly, the attached proposed substitute for Amendment No. 147 would limit dual credit for active military service to a maximum of 5 years and restrict that credit to persons retired for combat-incurred disabilities. The proposed limitation would not apply to any person who was retired from civil service before the enactment of the proposed legislation.

Further, a savings clause is proposed to permit Reservists retired under Chapter 67 of title 10 to receive dual credit for active service performed prior to the effective date of the proposed legislation.

It is estimated that the amount of retired pay forfeited by Regular officers employed by the Federal government in FY 1970 as the result of the Dual Compensation Act was approximately $8 million. Although the retired pay appropriation estimates are based among other things on the average retired pay of persons on the retired rolls, it is expected that the costs associated with the enactment of the proposed substitute for Amendment No. 147 could be absorbed within available appropriations.

Sincerely,

ROGER T. KELLEY.

Enclosure, Draft bill.

DEPARTMENT OF DEFENSE RECOMMENDED SUBSTITUTE FOR AMENDMENT NO. 147 TO H.R. 6531

On page 40, between lines 5 and 6, insert the following new section:

"Sec. 206. (1) Section 5532 of title 5, United States Code, is repealed. Section 5531 of title 5, United States Code, is amended by striking out 'sections 5532 and' and inserting in lieu thereof 'section'."

(2) Section 8332(c) of title 5, United States Code, is amended to read as follows:

"(c) Except as provided by subsection (d) of this section, an employee or Member shall be allowed credit for periods of military service before the date of the separation on which title to an annuity is based. However, if an employee or Member is awarded retired pay on account of military service, his military service may not be credited unless the retired pay is awarded on account of a service-connected disability—

"(1) incurred in combat with an enemy of the United States; or

"(2) caused by an instrumentality of war and incurred in line of duty during a period of war as defined by section 301 of title 38.

An employee may not be credited with more than five years of military service under the preceding sentence."

(3) Clause (2) of this section applies to a person who becomes entitled to an annuity under chapter 83 of title 5, United States Code, on or after the date of enactment of this title. However, such a person who is awarded retired pay under chapter 67 of title 10, United States Code, shall be allowed credit under chapter 83 of title 5 for his "military service," as defined in section 8331 (13) of title 5, before the date of enactment of this title, so that "military service," as so defined, that was performed before that date remains creditable for the purposes of chapter 83 of title 5 even though the person is also entitled to retired pay under chapter 67 of title 10 based wholly or partly on the same "military service."

On page 40, line 6, strike out "206" and insert in lieu thereof "207."

Mr. GRAVEL. Mr. President, I merely add to my prepared remarks that the cost involved here would be approximately $8 million, as stated earlier, but there is sufficient slack within the present Defense budget, according to Defense sources, to absorb 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. The Senator from West Virginia is recognized.

PROCEDURE ON CONSIDERATION OF CERTAIN AMENDMENTS

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum, and I ask that the time be charged

against the time of the Senator from Mississippi.

The PRESIDING OFFICER. Without objection, it is so ordered, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. 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.

Mr. BYRD of West Virginia. Mr. President, will the Senator from Mississippi yield me 30 seconds?

Mr. STENNIS. Yes. I yield 1 minute to the Senator from West Virginia.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, with the exception of those amendments which are scheduled for today, any time agreements on other amendments previously entered into be rescinded if the motion to invoke cloture tomorrow is adopted, and only in that event.

Mr. STENNIS. Mr. President, reserving the right to object—and I do not expect to object—what amendments does the Senator refer to?

Mr. BYRD of West Virginia. There are certain amendments on which the Senate has entered into time agreements that have not been scheduled up to this point, and if the cloture motion were invoked, it would create a problem if we still had time agreements on those amendments. If the cloture motion is not invoked, the time agreements still stand.

Mr. STENNIS. Mr. President, I do not object.

Mr. GRAVEL. Mr. President, reserving the right to object, may I inquire what would be the impact on the rules or procedures if this request were not granted and cloture were invoked? What would be the impact on amendments with time limitations? What is involved? I do not understand.

Mr. BYRD of West Virginia. I think it would just create a problem for which I suppose there is no precedent, because, under the rule, if cloture is invoked, each Senator has, in all, only one hour during which he can speak on amendments, motions, appeals, et cetera, and no Senator can yield his hour to another Senator without unanimous consent being granted.

Therefore, in the event the cloture were invoked and all the time, say, of the Senator from Mississippi and the Senator from Alaska were utilized, no other Senator could yield time to either of those Senators without unanimous consent.

If an amendment were called up on which there was 1 hour or 2 hours of time by previous agreement, no Senator could speak thereon unless time were yielded. Objection could be made to the yielding of time. Consequently, the Senate would have to just spin its wheels, I suppose, on a quorum call for an hour or for 2 hours—whatever the case may be.

Mr. GRAVEL. Mr. President, I withdraw any objection. The majority whip is performing a service. Quite a dilemma could be created, but I think it does underscore the fact that if cloture were invoked, Members of this body who have amendments and who have agreed to time limitations would have their rights abrogated. So I thank the Senator for making his request.

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.

Who yields time?

Mr. STENNIS. Mr. President, I yield myself 7 minutes, or so much thereof as I may use.

The ACTING PRESIDENT pro tempore. The Senator from Mississippi.

Mr. STENNIS. Mr. President, if we may have the attention of the membership present, this is a very important matter. With all deference to the author of the amendment, it is a matter which rests within the primary jurisdiction of the Committee on Post Office and Civil Service, and does not belong to the Committee on Armed Services. It does not belong on this bill, of course, but under the rules of the Senate, it is eligible to be offered.

I do urge the Senate, though, to reject the amendment, especially under the conditions which I have related. It would repeal those sections of title 5 which, as codified, represent the Dual Compensation Act of 1964. That act relates to the rules under which regular retired officers may be employed in a civilian status in the Federal Government.

If I may have the Chair's attention, I believe the Chair would be interested in this. Basically, the civil service retired employees cannot get jobs with the Federal Government. They are not usually eligible. They surrender their tenure when they come into the retirement plan.

There was an old law going back to 1894 relating to the prohibition of employing regular retired officers, in a Federal civilian status to which a few exceptions were made. Let me say that military personnel have a retirement system which in some ways is more generous than the civil service retirement plan. They do not contribute to it. But, as a concession to them, certain exceptions have been made, and the final one was that they were permitted to be employed as civilians by the Federal Government, but they would have to waive a part of their retirement benefits under the present law passed in 1964.

They retain the first $2,600 of their annual retired pay plus one-half of the remainder.

That is in the nature of a concession within itself. But this amendment would repeal that requirement to yield anything. That is what the amendment would do, just wipe it out, and they would be wholly free to be employed by the Federal Government, draw their full salary, and draw their full retirement.

The retired civil servant, on the other hand, even if reemployed is not permitted to retain any of his retired pay. He must waive it all.

Here is another angle to it, that makes it more difficult, in a way: Military men who are not Regular officers, but Reserve officers, who serve enough time to retire and draw their retirement pay, are not subject to this limitation at all. They can be employed by the Federal Government now, and draw their full retirement pay and full salary. That is a distinction and a difference too, and that was worked out, I guess, in some kind of compromise arrangement. I do not know exactly how it evolved.

But as I say, this matter of retirement pay is one over which the Civil Service Committee of the Senate has jurisdiction, with reference to anyone drawing pay even though in retirement. I would hope that whatever the Senate may want to do about the subject matter on the merits, we would at least let the matter come through channels, so that we may have the benefit of the counsel and advice of the Post Office and Civil Service Committee, and that of the Civil Service Commission.

Basically, the provisions permit regular officers to retain approximately the first $2,600 of their retired pay—plus one-half of the remainder, and they also receive whatever civilian salary accompanies their grade. In addition, the 1964 act requires a waiting period of some 180 days before these officers can be reemployed as civilians within the Department of Defense.

There are reasons for that. It has evolved through the years. The act, of course, also involves some waivers to these rules, but these are of rather limited application.

As a matter of background, it is my understanding that this 1964 legislation was, in fact, a liberalization of the rules as they existed at that time regarding regular officers. There was on the books what was known as the Dual Employment Act of 1894, which in fact prohibited employment of regular officers, with certain exceptions. In addition, there was what was known as the Dual Compensation Act of 1933, which limited the combined military and civilian compensation to $10,000 a year, even if the officers came under one of the exceptions of the 1894 act.

I point these matters out to show the long background and the complexity of the problems we are attempting to deal with on this floor.

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

Mr. STENNIS. I yield myself 2 additional minutes.

As I say, Mr. President, I hesitate to use in argument here what I believe the situation would be in conference, but his debate is in its seventh week. There have been scores of amendments offered and voted on. Subject matter like this the House conferees will not even begin to talk about, in my judgment. They will not even begin to talk about it. They have their strict rules over there with reference to the jurisdiction of their committees, and in my humble opinion, they are just not going to move into this problem field until the matter, on the House side, is passed on by their Committee on Civil Service.

So as a practical matter, I think that should be brought up and brought out.

Mr. President, I yield back whatever time I have not used of the time I yielded to myself, and I yield the floor, with the

expectation that the chairman of the Post Office and Civil Service Committee of the Senate will be here and speak against 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 so. We are talking about 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 retirement, and then, upon retirement, 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 this 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 upon the merits alone; and in this particular case I believe the merits are overpowering. To pass the buck to another committee, to another House, or to another individual, to my mind, demeans the prerogatives that we ourselves hold. I hope the Senate will act accordingly.

Mr. GRIFFIN. Mr. President, will the Senator from Mississippi yield me 3 minutes?

Mr. STENNIS. I yield 3 minutes to the Senator from Michigan.

Mr. GRIFFIN. Mr. President, I wish to associate myself with the position taken by the distinguished chairman of the Committee on Armed Services. I am not a member of that committee, and certainly I am not an expert on the issue raised by this amendment. But I do know that the amendment is not germane to the draft bill before us.

The matter of retirement pay and the circumstances when it can be paid is an extremely complex and complicated matter—one that certainly ought not to be presented to the Senate for a vote without careful hearings and consideration. It seems to me that the appropriate witnesses from the administration, for example, should have an opportunity to appear and testify, and also that witnesses from associations of retired officer organizations should have the opportunity to appear and present testimony on a question such as this.

I recognize that there has been a good deal of criticism in the past about the kinds of jobs and under what circumstances retired military officers should be employed after leaving the military service. Such questions ought not to be taken lightly and passed upon without careful deliberations.

As we move toward the vote on cloture tomorrow, I believe there ought to be a tendency in the Senate to confine serious consideration to those amendments that are actually germane to the draft bill.

This is not a germane issue.

Mr. GRAVEL. Mr. President, will the Senator yield on that point?

Mr. GRIFFIN. If I have any time remaining.

Mr. STENNIS. We have to save time.

Mr. GRAVEL. I will yield on my time, for a question.

If there is an issue of germaneness, I would hope that it could be made and that we could strike the amendment on that ground. If the issue is one of holding hearings, it has not been the will of the committee to entertain this subject, because there is a predisposition against solving this problem in the Armed Services Committee.

If the issue is a question about what the administration thinks, I give the Senator a letter from the Department of Defense endorsing this amendment, endorsing the concept. So hearings will not produce any more than has been produced right here. The Department of Defense thinks this amendment is just and equitable. Perhaps the Senator might know of something else that might be brought out in the hearings.

Mr. GRIFFIN. It would still be my position that this is not the orderly and proper way to take up a question such as this and deal with it on the floor of the Senate.

Mr. STENNIS. If the Senator will yield to me, I yield him 2 minutes.

I am not surprised that they endorse the amendment, not at all. But if a civil service retired man would go to the military and want a job in a uniform, and it could be a job for which he qualified, they would laugh in his face and tell him he was not qualified even for employment on active duty.

So there is a justice to this matter, after all. We do not have a perfect rule. Some of the finest men I know are penalized here, in their retirement, when they come to work for the Government. But they have a free choice.

What incentive would there be for a colonel to continue in the military if, after reaching 25 to 30 years of service, he could retire, draw his full military pay, and go into a GS–15 or something like that, and draw his full amount of civilian pay? What would become of the Army, the Navy, the Air Force, the Marine Corps, under such conditions? It would be an act of self-destruction, to a degree.

Mr. GRIFFIN. I would not want to try to answer the question, and I do not think the Senate should try to answer the question, under the circumstances with which we are confronted here this morning.

Mr. STENNIS. Mr. President, how much time do I have remaining?

The ACTING PRESIDENT pro tempore. 14 minutes.

Mr. GRAVEL. Mr. President, I shall address myself to the question on my time.

The ACTING PRESIDENT pro tempore. The Senator from Alaska is recognized.

Mr. GRAVEL. Obviously, there is no way in which we can legislate the changing of ages. The people who go into the military go in at a young age and pursue a career. I want to underscore the simple fact that it is inequitable that we can have a reserve officer who serves in the military, then goes into the Government and gets full pay; whereas a regular officer, a man who chooses, as a young man, to make a career of the military, does not get the same treatment. What kind of equity is that? It really befuddles me.

When we say that the same officer can get a job with Lockheed and keep his full retirement, and Lockheed gets the benefit of his wisdom, that is fine. But we cannot get him on civil service rolls and pay him civil service wages. But he can go to Lockheed and get $50,000 or $100,000 and still get his retirement. I do not understand that kind of logic. It just underscores the fact that the present law prevents any benefit accruing to the Government.

Mr. STENNIS. Mr. President, I urge the Senate to reject amendment No. 147 which would repeal those sections of title 10 which, as codified, represent the Dual Compensation Act of 1964. I would cite the following factors:

First. The Dual Compensation Act of 1964 relates to the rules under which regular retired officers may be employed in a civilian status in the Federal Government. Basically these provisions permit regular officers to retain approximately the first $2,600 of their retired pay plus one-half of the remainder and, of course, receive whatever civilian salary accompanies their grade. The act also authorizes some waivers to these rules.

As a matter of background, it is my understanding that this 1964 legislation was in fact a liberalization of the rules as they existed at that time regarding regular officers. There was on the books what was known as the Dual Employment Act of 1894 which in fact prohibited the employment of regular officers with certain exceptions. In addition, there was what was known as the Dual Compensation Act of 1933 which limited the combined military and civilian compensation to $10,000 per year even if the officers came under one of the exceptions of the 1894 act.

I point these matters out to show the long background and the complexity of

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 since it deals with limitations on civil service employment. I submit it is not in good practice or procedure to legislate on an armed services bill with regard to a subject matter wholly within the jurisdiction of another committee.

I point out in this regard that even if this amendment were to pass, the House committee having jurisdiction—that is the House Post Office and Civil Service Committee—would, of course, not even be a part of the conference. On this basis alone, in the interest 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. McGEE. Mr. President, as the chairman of the Committee on Post Office and Civil Service, I rise to oppose the amendment of the distinguished Senator from Alaska, which would repeal those provisions of title 5, United States Code, relating to the employment of retired officers of the armed services in civilian positions in the U.S. Government.

There is quite a bit of legislative history involved in dual compensation, and I believe that it would be inappropriate for the Senate to bypass the normal committee procedure by adopting a floor amendment, which is not germane to this legislation in any real sense of the word, to repeal policies previously established by the Congress after long and careful study and decisionmaking.

The policy imposing restriction upon the employment of retired regular officers in civilian positions was established first in the Dual Office Act of 1894. It was revised over a period of many years, including the Dual Compensation Act of 1916, the Economy Act of 1932, and, finally, the very comprehensive Dual Compensation Act of 1964, which, in addition to establishing a new policy, repealed more than 50 statutes then on the books, as well as more than 200 highly complex decisions by the General Accounting Office.

From the time that a modern revision of the dual compensation laws was proposed in the executive branch until Congress finally agreed upon a new law in 1964 was more than 9 years, and that law has remained unchanged since its enactment. We on the Committee of Post Office and Civil Service believe that no change should be made in the policy unless public hearings have been held and the committee which has jurisdiction over this subject has recommended a decision to the Senate.

We recognize that there are certain apparent inequities in the present system. Reserve officers do not suffer the salary limitations that regular officers are required to take. Veterans' retention preference is denied for most of those who retire on a military pension based on 20 or more years of service. But all of these policies are policies which were carefully constructed by the House and Senate Committees on Post Office and Civil Service to balance what may be best described as fiercely competitive viewpoints held by those who, on the one hand, would impose no restrictions and, on the other hand, those who would forever bar a retired serviceman from holding any civilian office.

Today, the law prescribes that a retired regular officer who accepts a civilian appointment must take a reduction in his military retirement pay while so employed. Basically, he receives the first $2,604 of his retirement pay, plus 50 percent of any amount in excess of $2,604. Thus, a retired colonel with 30 years' service receives $10,700 retired military pay plus his civilian salary. Under the Senator's amendment, he would receive $18,900 plus his salary, which if he were a G–15, would give him a total Government paycheck of more than $43,000 a year.

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 preference, a veteran is not considered a preference eligible if his retirement is based on 20 or more years' service, or his disability retirement from the 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 civil service, about half of whom are veterans entitled to preference for wartime service, they are a reasonable protection against unwarranted hirings of retired military persons seeking a second career in the Federal civil service.

If these restrictions 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 to the general 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 worthy 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 a very long one, 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 its 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 House and the Senate 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 it. In the light of the record of the 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, so that we might hold hearings again on it, if necessary, in the interest of updating it or correcting any inequities that may still exist.

The best 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 nub 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, would recommend that we not bypass that legislative procedure. I would say, with all due respect to my friend, the Senator from Alaska, that this committee would be most interested in having his proposal or proposals on this matter, and we could examine it once more, in the interest of catching up with the times, if in our judgment this is required. I ask whether he would be interested in doing that.

Mr. GRAVEL. Mr. President, I would be happy to do it if I thought it would solve anything. But I see no reason why we cannot, as the Senator phrases it, have the collective wisdom of the Senate today, at 10 a.m. or 10:20, 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 issue 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 and that, in the light of the step forward that we made in the 1964 legislation, it

may indeed require some additional testimony. But there are other pros on this question besides the Senator from Alaska and 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 process assesses the available evidence that a committee procedure is necessary. As chairman of that committee, I would have to indicate again to my good friend from Alaska that I think this is bypassing proper committee procedure on this question, and I object to it on that ground.

Mr. GRAVEL. Certainly my colleague is entitled to object to it. 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 Committee on Foreign Relations and on the Committee on Appropriations, but I could not make it on the Armed Services Committee.

Mr. GRAVEL. Of course, there is a committee procedure, but there is also a procedure which supersedes the committee procedure, and that is the collective deliberation of this body and the collective decision of this body.

Mr. McGEE. Without hearings.

Mr. GRAVEL. We have had hearings on this subject. I submit that the subject is so simple that any Member of this body can read it in 2 minutes and know the issue, and in the third minute know how inequitable the present situation is.

Talk to me about hearings or committee action but let us address ourselves to the simple fact. Why is it that a reserve officer serves 20 years and gets out and works for the Government at full pay but a regular Army officer serves 20 years and gets out but has to work for half pay? That is wrong. That wrong can be corrected today. It is that simple.

Mr. STENNIS. Mr. President, will the Senator from Alaska yield to me?

Mr. GRAVEL. I am happy to yield to the Senator from Mississippi for a question.

Mr. STENNIS. I can tell the Senator why that distinction is in the law, because the reserve officer has no absolute tenure whatsoever. He is subject to being let out at any time, without cause. It was not contemplated originally that reserve officers would be retained for a career and be a part of the retirement system, but he does get the benefit of it for the years if he 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 committee as a whole could come up with.

Mr. GRAVEL. 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 private industry when the Government could get them at a much cheaper price. In fact, we pay dearly. I am sure that the regular officer goes to the Rand Co. or to Lockheed or many other companies of that kind who will pay him a higher salary. But the corporation performs services for the Government, so the taxpayer pays the inflated wage.

When we speak of dual compensation, a person enlists in the service and receives a lower pay than he could get in civilian life all those years because of retirement. He has a contractual obligation there for 20 years. If this is a devious plan of the Government to get him not 20 years, but 30 years, it is 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 retirement and not have some hanky-panky performed on them by the Government in order to get them at a cheaper price. That is not the way to do business. That is not equitable.

Mr. McGEE. The Senator from Alaska believes that not to be equitable. The Senator from Mississippi believes it to be equitable. This makes the point that concerns the Post Office and Civil Service Committee, that there is genuine disagreement in terms of where equity lies and the kind of disagreement at high level with men of expertise that requires we deliberate on this with hearings with all those involved, including members of the Civil Service Commission themselves.

We believe that this insures the approach to real equity rather than to the equity as I see it, or as the Senator from Alaska sees it, or as the Senator from Mississippi sees it. It interweaves in the role of public servant, not in the committee, because it has precedent-setting attributes that should be weighed down the road ahead. I think that, again, it would not be wise legislation to amend from the floor a matter that has received, and is continuing to receive, the consideration of the appropriate committee of this body in trying to determine where best solutions lie.

Mr. GRAVEL. I would add that I see no gain in deferring this subject to internecine warfare between the Civil Service Commission and the committee. I think that is where the subject would be relegated. The inequity is visible here for all to see. It can be corrected by all very rapidly.

I yield the floor.

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

The PRESIDING OFFICER (Mr. ALLEN). On whose time?

Mr. STENNIS. Mr. President, I have a few minutes left, do I not?

Mr. GRAVEL. I am prepared to yield back the remainder of my time

The PRESIDING OFFICER. Does the Senator from Alaska withhold his request for the call of a quorum?

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

The PRESIDING OFFICER. The Senator from Alaska has yielded back his time. The Senator from Mississippi has 3 minutes remaining.

Mr. STENNIS. Mr. President, let me say with emphasis that the distinction between a Reserve and a Regular officer is that the Reserve officer has no tenure, no certainty, he can be ousted on very short notice.

I thank the Chair and I yield back the remainder of my time.

QUORUM CALL

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

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

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

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the time previously allotted to the manager of the bill and which he yielded back be restored to him so that he can in turn yield to the distinguished Senator from Rhode Island.

Mr. STENNIS. Mr. President, how much time do I have remaining?

Mr. PASTORE. Mr. President, I only need 2 minutes.

Mr. STENNIS. Mr. President, I am glad to yield to the Senator from Rhode Island.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

AMENDMENT NO. 217

Mr. PASTORE. Mr. President, I send to the desk an amendment and ask that it be printed.

The essence of the amendment is that it be declared to be the sense of the Congress that all U.S. military forces should be withdrawn from Indochina not later than July 4, 1972. The Senator from Montana (Mr. MANSFIELD) and the Senator from North Dakota (Mr. YOUNG), have joined me in the amendment.

I want to make it clear at this time that should the Mansfield amendment or the Cook amendment be agreed to this afternoon, I shall not press this amendment. However, in the event they are defeated, I shall.

The PRESIDING OFFICER. The amendment will be received and printed, and will lie on the table.

AMENDMENT NO. 147

The PRESIDING OFFICER. Who yields time?

Mr. STENNIS. Mr. President, I yield whatever time I have remaining for a quorum call.

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

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

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

The question is on agreeing to amendment No. 147, offered by the Senator from

Alaska (Mr. GRAVEL). 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.

Mr. 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. MUNDT) is absent because of illness.

The Senator from New Jersey (Mr. CASE) is absent on official business.

The Senator from Pennsylvania (Mr. SCOTT) is absent by leave of the Senate on official business.

The Senator from Ohio (Mr. SAXBE) is necessarily absent.

The Senator from Tennessee (Mr. BAKER), the Senator from Delaware (Mr. BOGGS) and the Senator from Vermont (Mr. PROUTY) are detained on official business.

If present and voting, the Senator from South Dakota (Mr. MUNDT) would vote "nay."

On this vote, the Senator from New Jersey (Mr. CASE) is paired with the Senator from Pennsylvania (Mr. SCOTT). 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. 109 Leg.]

YEAS—28

Bentsen	Hartke	Proxmire
Bible	Hughes	Ribicoff
Cannon	Jordan, N.C.	Spong
Chiles	Kennedy	Stevens
Cook	Mansfield	Stevenson
Cranston	Mathias	Thurmond
Goldwater	McGovern	Tunney
Gravel	Moss	Weicker
Harris	Nelson	
Hart	Pell	

NAYS—60

Aiken	Eastland	McIntyre
Allen	Ellender	Metcalf
Allott	Ervin	Miller
Anderson	Fannin	Montoya
Beall	Fong	Muskie
Bellmon	Fulbright	Packwood
Bennett	Gambrell	Pastore
Brock	Griffin	Pearson
Brooke	Gurney	Percy
Buckley	Hansen	Randolph
Burdick	Hatfield	Roth
Byrd, Va.	Hollings	Schweiker
Byrd, W. Va.	Hruska	Smith
Church	Inouye	Sparkman
Cooper	Javits	Stennis
Cotton	Jordan, Idaho	Symington
Curtis	Long	Taft
Dole	Magnuson	Talmadge
Dominick	McClellan	Tower
Eagleton	McGee	Young

NOT VOTING—12

Baker	Humphrey	Prouty
Bayh	Jackson	Saxbe
Boggs	Mondale	Scott
Case	Mundt	Williams

So Mr. GRAVEL's amendment (No. 147) was rejected.

Mr. STENNIS. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. BYRD of West Virginia. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 172

The PRESIDING OFFICER. In accordance with the previous order, the Chair now lays before the Senate the amendment (No. 172) offered by the Senator from New York (Mr. JAVITS), which the clerk will state.

Mr. JAVITS. Mr. President, I send to the desk a modified version of the amendment.

Mr. STENNIS. Mr. President, may we have quiet? I do not expect much order, but I ask that we may have quiet, so that the Senator may be heard.

The PRESIDING OFFICER. The Senate will be in order.

The clerk will state the proposed modification.

The assistant legislative clerk read as follows:

At the end of the bill add the following new section:

SEC. 302. Nothing in this or any other Act shall be deemed to constitute an authorization for conduct of military hostilities in Southeast Asia pursuant to the war powers of Congress as specified in article I, section 8 of the Constitution unless specifically authorized.

The PRESIDING OFFICER. Is there objection to the modification? The Chair hearing none, the amendment is so modified.

Under the previous order, debate on the amendment is limited to 1 hour, to be equally divided between the Senator from New York and the Senator from Mississippi.

Who yields time?

Mr. JAVITS. Mr. President, I yield myself 5 minutes.

I ask unanimous consent that Mr. Lakeland and Mr. Cummings of my staff, whom I require to assist me in this matter, be permitted to be present in the Chamber for that purpose.

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

Mr. BYRD of West Virginia. Mr. President, will the Senator yield for a question?

Mr. JAVITS. I yield.

Mr. BYRD of West Virginia. Can the Senator state at this point whether or not it is his intention to have a rollcall vote?

Mr. JAVITS. That depends on my colloquy with the Senator from Mississippi (Mr. STENNIS). We may wish a rollcall vote, and we may not. This is a very broad question. As I explained to Senator STENNIS, I felt perhaps our discussion could give us enlightenment as to whether to proceed with the matter now, or whether not to proceed with it at all.

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

Mr. JAVITS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. JAVITS. Do I correctly understand that the so-called Pastore rule has been waived for the day?

The PRESIDING OFFICER. The rule 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 negative the court opinion 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, we must also bear in mind 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.

Mr. JAVITS. I yield myself 5 additional minutes.

Now that the Tonkin Gulf resolution is off the books, the question is, What is the constitutional power of the President in respect to conducting the Vietnam war?

This question has been tested in two cases, 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 FULBRIGHT. Senator STENNIS said then quite properly—I thoroughly 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

they made that this was implied authorization.

The difficulty is that the decisions stand. Whether or not they are followed in other circuits, whether or not the U.S. Supreme Court takes the same view, there are the decisions. For many of us, it is a question of real conscience. Probably, considering his own attitude on the war powers and his own very distinguished bill, Senator STENNIS, himself, may be disquieted by it.

I thought that we could in some way insure ourselves against the misuse of what we in all good faith will legislate. I am going to vote for the draft bill, as the 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 to passage of this bill in the minds 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 deeply interested in it. Senator STENNIS has had a very distinguished colloquy with Senator 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 rejection 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 is 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 8 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 tone of the remarks he has made with respect to this amendment. Frankly, it is a matter that has troubled me from the beginning.

In the colloquy 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 strengthened that position and feeling; I have fully made up my mind 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 complete.

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 without leaving confusion of a different kind, because this would move in on the Constitution. With great deference to the court, I do not think any court, unless it is the Supreme Court of the United States, 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 or passing a resolution 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 would be just one among 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 now to refute a court—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. But it was essentially 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. So 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 by those acts. I made 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 dome of the Capitol and aroused this Nation to the utmost. So we are not passing an authorization for war, past, present, or immediate. We are not appropriating primarily for war. We are appropriating for our national defense, for the security of 205 million Americans here at home. The amendment is unnecessary. I would oppose the amendment on that ground and would respectfully urge that it compounds the situation and brings in honest confusion.

I feel certain in my mind that we cannot change the Constitution in that way. We do not want to flirt with the war-making powers and responsibilities of Congress, but we have to act 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 anyone else's, as I see it, about the court's decision.

Mr. President, I yield now to the distinguished Senator from New York.

Mr. JAVITS. I do not want to use any of the Senator's time.

Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER (Mr. BENTSEN). The Senator from New York is recognized for 5 minutes.

Mr. JAVITS. Mr. President, I have listened to the Senator from Mississippi with the greatest care. I realize, 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 to see whether the legislative 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 with anything except 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 Arkansas (Mr. FULBRIGHT)—

> Is that the equivalent of the Senator's saying the Court was wrong in the way it interpreted the matter?
>
> Mr. STENNIS. With all deference, 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 that so far as the bill 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 the money bill that 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 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 which are 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 of the courts which draw such implications from the passage of a Selective Service Act.

If the answer of the Senator from Mississippi to that categoric 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 to phrase 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 rejected that concept. I agree 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 categoric 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 it 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 on article I, section 8, I 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 the intent of this measure by implication 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 my intent, as far as the bill 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 Senator 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 Senator is doing the best he can 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. 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, because 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 withhold 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 unenviable position of having to help effect cloture. I would not want this amendment to be tied in 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 implication and 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 that I will support cloture 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 with 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 even 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 call 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.

Some people may interpret the Court's ruling regarding Orlando against Laird and Berk against Laird as suggesting that whenever the Congress appropriates money or authorizes the draft, those appropriations and those young men can be used in any way the President sees fit. I assume from the thrust of the Stennis war powers proposal, Senate Joint Resolution 95, that the Senator rejects this concept.

Mr. STENNIS. Yes; that is correct. Of course, the Senator is referring now to Senate Joint Resolution 95, introduced by me on May 11 of this year. A provision in that resolution expressly excepts all activities connected with the present war in Indochina. The resolution to which I have referred also provides in section 3, beginning on page 2, the following:

SEC. 3. The President is authorized to use the Armed Forces of the United States in armed conflict pursuant to a declaration of war or other specific statutory authority, but authority to use the Armed Forces of the United States in armed conflict shall not be inferred from any provision of law, including any provision contained in any appropriation Act, unless such provision specifically authorizes the use of such forces in armed conflict.

That section speaks for itself. I want to keep the record clear that that is a prospective proposal which excepts the war in Indochina for several reasons. That provision, of course, has no bearing on the court decision we have been referring to.

Mr. EAGLETON. I thank the Senator.

Mr. STENNIS. But if enacted into law it would be firm law on the subject.

Mr. EAGLETON. I would like 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 authority for the President to use them in any other way than the Constitution states. For instance, if young men are sent into Indochina war, does not Congress have to authorize such hostilities in accordance with the Constitution?

Mr. STENNIS. My answer to that question is yes. Yes, that is correct.

As outlined in the resolution I have offered, Senate Joint Resolution 95, there are certain provisions therein with reference to sudden attack or the imminence of a nuclear attack, or for the protection of our own citizens, including the military, whose lives may be in jeopardy in places beyond our own borders.

So subject to those exceptions, which I think we have to expect as being part of the times in which we live, the answer to the question is yes. The Senator's question excepts the hostilities in Indochina.

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—the previous exchange between the Senator from New York (Mr. JAVITS) and the Senator from Mississippi (Mr. STENNIS), and now my question to the Senator from Mississippi—in that all three Senators mentioned, Senators JAVITS, STENNIS, and EAGLETON, have put in resolutions relating to warmaking and war powers. I think this colloquy today on this amendment has an important bearing on that question. It points up, and I think all Senators would agree, it prepares us for a better delineation and a better marking of the warmaking authority between the Executive and Congress.

The PRESIDING OFFICER. Who yields time?

Mr. STENNIS. I thank the Senator for his remarks.

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 because we are dealing with such a delicate subject. The courts, much less others, look to colloquies to try to summarize total policy matters.

Another thing I wish to point out is a sentence near the end of the decision in the case of Orlando against Laird, where the Court said:

The form which congressional authorization should take is one of policy, committed to the discretion of the Congress and outside the power and competency of the Judiciary, because there are no intelligible and objectively manageable standards by which to judge such actions.

Mr. President, I wanted to read that sentence from the decision because there can be wrong conclusions. This is what, in law, is ordinarily called a political question—not meaning stump politics but a political question as distinguished from a judicial question.

I think that is about as complete as we could make the record here.

Mr. JAVITS. Mr. President, I yield myself 2 minutes.

The PRESIDING OFFICER. The Senator from New York.

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.

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, is unanimous consent required to withdraw the amendment?

The PRESIDING OFFICER. When the Senate has taken some action on the amendment, unanimous consent is required to withdraw the amendment.

Without objection, the amendment is withdrawn.

Mr. STENNIS. Mr. President, before I yield the time back, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. BYRD of West Virginia. Mr. President, has the amendment by the distinguished Senator from New York been withdrawn?

The PRESIDING OFFICER. Yes, the amendment has been withdrawn.

Mr. STENNIS. Mr. President, the Pastore rule of germaneness having been

waived throughout the day, I yield 1 minute to the Senator from Georgia (Mr. TALMADGE) and ask unanimous consent that his remarks come at the end of this colloquy.

The PRESIDING OFFICER. Without objection, it 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. 5257).

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. 5257) entitled "An Act to amend the National School Lunch Act, as amended, to provide funds and authorities to the Department of Agriculture for the purpose of providing free or reduced-price meals to needy children."

Mr. TALMADGE. Mr. President, I move that 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 conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer (Mr. ALLEN) appointed Mr. TALMADGE, Mr. ELLENDER, Mr. ALLEN, Mr. HUMPHREY, Mr. MILLER, Mr. AIKEN, and Mr. CURTIS conferees 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 Senate took a recess subject to the call of the Chair.

The Senate reassembled at 12 noon, when called to order by the Presiding Officer (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) (1) 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 and equipment from South Vietnam, Laos, and Cambodia.

(2) Subject to the provisions of subsection (b) 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 to support 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.

(b) 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 the North Vietnamese Government for the release of all United States personnel held captive by that Government and by forces allied with that Government, he shall promptly report such fact to the Congress in writing, and on and after the fifteenth 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 provides 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-third of the Members of the House of Congress in which it originates, be considered reported to the floor of such House no later than one day following its introduction, unless the Members of such House otherwise determine by yeas and nays; and any such bill or resolution referred to a committee after having passed one House of Congress shall be considered reported from such committee within three days after it is referred to such committee, unless the Members of the House referring it to committee shall otherwise determine by yeas and nays; and

(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 to:

(1) provide for the safety of the Armed Forces of the United States during their withdrawal from South Vietnam, Laos, and Cambodia,

(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, or

(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.

The PRESIDING OFFICER (Mr. BYRD of West Virginia). Under the previous agreement, time on this amendment is limited to 4 hours, to be equally divided, with the vote to occur on 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 junior Senator from Pennsylvania (Mr. SCHWEIKER) be added as a cosponsor of the pending amendment.

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

Mr. MANSFIELD. Mr. President, will the Senator from Kentucky yield?

Mr. COOK. I yield.

Mr. MANSFIELD. Will the distinguished Senator do me the honor of placing my name as a cosponsor on his amendment?

Mr. COOK. I will be very happy to do so. 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. I yield.

Mr. EAGLETON. I thank the Senator from Kentucky very much.

Mr. President, I ask unanimous consent that the name of the distinguished junior Senator from Iowa (Mr. HUGHES) 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, during further consideration of amendment No. 165, and including the time during the rollcall vote or votes thereon, the Senator from Missouri (Mr. EAGLETON), a cosponsor, be permitted to have his staff member, Stephen Vossmeyer, 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, reserving the right to object, and I will not object, just that we may have a clear understanding, does the Senator—who is a chief sponsor—wish his staff member to be on the floor also during the rollcall 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 this period, he shall promptly report this fact to the Congress in writing, and 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.

It also supplies a mechanism whereby the Congress may expeditiously consider the President's report and provide for an extension of the withdrawal date. Upon the petition of one-third of the Members of the House or the Senate, the bill or resolution extending the date shall be reported to the floor from the appropriate committee within 1 day of introduction unless otherwise determined by a yea-or-nay vote. Within another 3 days, unless otherwise determined by a vote, the bill or resolution must be considered and voted on.

Lastly, the President's authority to provide for a safe withdrawal of our forces, the protection of those who might be endangered by our withdrawal, and other assistance to the nations of Indochina as specified by the Congress is not affected by any provision in this amendment. The President will retain his flexibility in these vital areas.

Now, Mr. President, it has been stated that this amendment does not in any way aid or assist the President. I might say to you, Mr. President, that this is where those of us who support the amendment totally and completely disagree. I refer to remarks made, first of all, by the Secretary of Defense, the Honorable Melvin Laird who, on a CBS interview on March 16, 1971, was quoted as saying as follows:

> 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. We will maintain a presence in South Vietnam until this POW question is resolved.

On that same day, the Secretary of State, the Honorable William Rogers, was asked the following questions and he made the following answers:

"Are the prisoners the only reason we would be leaving troops there?"

The answer of the Secretary of State on that occasion was "Yes."

The next question was:

"So, if the prisoners are released or the North Vietnamese agree to release them, will we get out?"

And the answer of the Secretary of State on March 16 was "Yes."

Now, Mr. President, to further show the significance of the amendment in its aid and assistance to the President, to the Secretary of Defense, and to the Secretary of State, in solving the one question left in their minds—the question of the safe return of POW's I refer back to the President's message to the United Nations and to a radio and television speech on November 3, 1969. I quote from the President on that occasion:

> In this speech on May 14, he set forth our peace proposals in great detail.

He went on to say:

> We have offered the complete withdrawal of all outside 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 as an organized political force. The Saigon Government has pledged to accept the result of the election.

Now, Mr. President, we see that in May 1969, the United States had 514,500 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, need not even be considered.

I refer again to the November 3 speech of the President when he said:

> My fellow Americans, I am sure you recognize from what I have said that what we really only have are two choices open to us, if we want to end this war. First, I can order an immediate and precipitate withdrawal of all Americans from Vietnam without the real effects of that action or we could persist in our search for a just peace through a negotiated settlement, if possible, or through continued implementation of our plan of Vietnamization, if 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.

Said the President on that occasion:

> I have chosen the second course. So the choices we can count on are two, negotiations or Vietnamization.

Mr. President, on April 12, 1971, the President reported to the Nation on Southeast Asia. On that occasion he said, "Consequently tonight I can report 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 negotiations 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, another 50,000 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 will leave on December 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 totally untenable in Indochina.

By 1951, the United States was paying about 40 percent of the cost of the Indochina 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 Indochina.

From 1955 to 1961 the U.S. military aid averaged $200 million a year.

By 1963, South Vietnam ranked first in military assistance, and it was third in economic assistance, following India and Pakistan. Overall the United States has invested $120 billion in South Vietnam. We have invested enough, therefore, when we get an 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 the 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 President in his negotiations. 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 to the release of 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."

Said the Secretary of State, "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.

This is a put-up amendment to the North Vietnamese. We say to the North

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 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 Mississippi?

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 not 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 for 6 minutes.

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.

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 his original timetable.

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. His plan as Commander in Chief is a reasonable one. It is calculated to preserve the freedom of South Vietnam, a freedom for which thousands of American soldiers have given their limbs and lives to preserve.

This amendment and others like it strike at the Government's right to govern. They amount to making the Senate a command post and a peace conference all at the same time.

The Cook amendment would set a fixed withdrawal date 9 months from enactment of this bill. It allows only 3 months more than the McGovern-Hatfield amendment in the way of withdrawal time. Total withdrawal by the United States in that period would be chaotic. It is logistically impossible.

Other points which the Senate must bear in mind would include:

First. The administration must have sufficient flexibility to continue support for the South Vietnamese forces. We should not abrogate our responsibility to continue to provide materiel and maintenance support through a military advisory mission of some sort.

Second. Continuing U.S. air support is critical while the Vietnamese increasingly assume responsibility for their own defense. This amendment would preclude this vital aspect of our efforts to obtain a just and lasting peace in Indochina.

Third. Providing the number and quality of leaders and skilled personnel for the South Vietnamese requires time. Sophisticated skills must be taught so that the Vietnamese can operate and maintain the equipment we have provided them.

Further, the amendment allows 60 days for an agreement for the release of American prisoners of war. Failing this, the President is required to come back to his command post and peace conference here in the Congress for further instructions.

Mr. President, the Senate is destroying in the eyes of the world the respect and admiration in which our Government was once held. The Senate is trying to take over the constitutional powers of the President as Commander in Chief.

Fortunately, the Congress is too wise to use its real power in connection with this war; the power of the purse string. It would rather second guess the President on withdrawal timetables.

This circus in the Senate has greatly weakened, if not completely destroyed the efforts of the President to win the release of our POW's and to effect a smooth disengagement from South Vietnam.

How can the President deal effectively in these delicate matters when since May 6 withdrawal amendment after withdrawal amendment has been piled on the draft extension bill? The Congress has spoken many times on the question of U.S. policies in South Vietnam. The President fully understands the desirability for a rapid end to U.S. involvement in this war.

On the other hand, the President realizes that such a disengagement can proceed safely at only a certain speed. If some of the advice being offered in this Chamber were accepted by the President, the bloodbath in Indochina would be a tragedy far beyond imagination at this time.

Mr. President, I urge the Senate to express its confidence in the President to continue his policy of a gradual and safe disengagement in Vietnam by rejecting the pending amendment.

(The following proceedings occurred during the course of Mr. THURMOND'S address and are printed at this point in the RECORD by unanimous consent.)

Mr. GRIFFIN. Mr. President, will the Senator yield for one-half minute?

Mr. THURMOND. I am pleased to yield to the Senator from Michigan.

Mr. GRIFFIN. I thank the Senator.

Mr. President, have the yeas and nays been ordered on the pending amendment?

The PRESIDING OFFICER (Mr. MCINTYRE). 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?

The PRESIDING OFFICER. 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 the commitment we have made.

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 very difficult.

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 Senators at the Republican conference.

The PRESIDING OFFICER. The Senator from Alaska should be informed it will take unanimous consent to modify the amendment because a time certain has been agreed to on the vote.

The Senator from South Carolina is recognized.

Mr. THURMOND. Mr. President, how much time is remaining? I want it understood that the time used just now was not charged to me.

The PRESIDING OFFICER. The Senator has 4 minutes remaining. The time was charged against the Senator from Mississippi.

(This marks the end of the colloquy which took place during Mr. THURMOND's address.)

Mr. BAYH. Mr. President, I rise to support the amendment introduced by the distinguished Senator from Kentucky (Mr. COOK) and the distinguished Senator from Alaska (Mr. STEVENS).

America's continued involvement in Vietnam has diverted our energies and resources from critical needs here at home. It has seared our moral conscience. It has torn our country apart. For the first time since the War Between the States we stand in danger of becoming a house divided, a Nation polarized into different societies—each with its separate ideology and world view. Americans of all ages—but particularly the young—grow embittered, cynical about every tradition, every value and about the prospects for rational change.

Our prolonged involvement in Vietnam has even seriously affected the reliability and morale of our fighting forces. With more than 10 percent of our soldiers in Vietnam using hard narcotics and with frequent "fragging" incidents, the U.S. Army itself needs an end to this most corrosive experience.

The only way for us to restore faith in ourselves and in our institutions is to end that involvement. And the only way left to end that involvement, to get our prisoners home safely, and hopefully, to negotiate and end to the fighting is for Congress to set a date for American withdrawal.

In recent days there have been a number of reports suggesting that the North Vietnamese and the Vietcong might make an agreement to release our prisoners in return for withdrawal of all our troops. North Vietnamese officials have stated explicitly that the pisoner release would be tied solely to withdrawal and "to no other questions." They have stated publicly that once an agreement is reached and our troops are withdrawing, hostilities between their forces and ours will cease.

It is high time we put these indications, these pronouncements, to the test. It is time to name a date and call on the other side to agree to a prisoner release.

It seems logical that, with more than 200,000 Americans still in Vietnam, Hanoi would regard it to be in their interest to make and carry out an agreement on POW release and U.S. withdrawal now. But as the legislation currently before the Senate provides, if such an agreement were not reached we would not be bound to our part of the arrangements.

The announcement of an end to American involvement in Vietnam would be a clear signal to both Hanoi and Saigon—

To Hanoi it would signal the abandonment of the search for military victory whether by Americanization or Vietnamization and create an incentive for the return of prisoners. It would prove that what Hanoi has said it does not believe is true—we are going to get out of Vietnam and we are serious about negotiations.

To Saigon it would signal that we no longer were committed to propping up the Thieu regime. To that Government and the people of South Vietnam, many of whom do not now believe the United States actually will withdraw, such an announcement would be a clear advance notice. It might force Thieu to seriously consider negotiating a compromise. It would encourage Vietnamese to begin the task of finding the accommodations among themselves so that they might have the chance to live together in the same country.

Furthermore, the South Vietnamese presidential election is scheduled for this October. Most important to the chance that that election might be a truly free expression of the popular will would be Vietnamese awareness that our dominating presence—heretofore the decisive element in their internal politics—was now definitely coming to an end.

Finally, to both Hanoi and Saigon the fixing of a date certain would signal our intention to end the war, thus setting in motion an adjustment to the reality of a Southeast Asia without American combat power. It is that reality alone that can lead to a political settlement and only a political settlement can lead to peace.

What troubles me deeply now is that the longer we wait to set a date, the more difficult an agreement for withdrawal and prisoners exchange may become. The kind of agreement the evidence shows we can have today, we may not be able to negotiate 6 months or a year from now. Taken together our delays and our gradual withdrawals have already lost us too much time and leverage. It is in part at least because of this concern that I am voting for and urging the passage of the Cook-Stevens amendment.

I believe that more rapid withdrawal—by the end of this year—would be both possible and preferable. It is for that reason that I supported the Hatfield-McGovern amendment. I do not think any useful purpose will be served by postponing our departure from December 1971 to March or April of 1972. But, while I personally would favor an earlier end date, I am firmly convinced that the overriding consideration before us is the setting a date for our final withdrawal—and setting it now.

If there is one thing already evident from the "Pentagon papers" affair it is that in the past some of our elected leaders, however highly motivated, misled the American people as to the direction they expected our policy in Vietnam to take and left unclear the course they intended to pursue partly, perhaps, because they themselves were uncertain. If those articles prove anything at all it is that on an issue of transcendant importance the direction in which our Government is moving must be clear in its own mind and clearly understood by the American people. Only if the purpose and prognosis of that policy is clear can it command the kind of broad and sustained support which is essential.

I believe the purpose and prognosis of our current Vietnam policy must now be clearly spelled out. No one has the right to play a shell game with the American people about whether or when the loss of young American lives will be brought to an end.

It would have been far more preferable if the President had set a date long ago, making it dependent upon return of our own prisoners and, perhaps, at that earlier time, on other conditions as well. But he did not. It would be much better if he would set such a date today, contingent on the return of our men. But he has made it clear that he will not. Because he has not negotiated a settlement, because he has made it plain that he will not set a final date—despite the manifest desire of the American people to end the war—the responsibility has devolved upon us to set that date—and to set it now.

It is for these reasons, Mr. President, that I will vote for Cook-Stevens amendment to end the war.

SENATOR RANDOLPH OPPOSES COOK AMENDMENT BUT ANNOUNCES SUPPORT FOR MANSFIELD PROPOSAL

Mr. RANDOLPH. Mr. President, at the time the McGovern-Hatfield amendment was the pending business, I stated:

> We should not be absolutely rigid in fixing all withdrawal conditions by law, thereby removing from the President vital flexibility and the exercise of options in closing out our involvement in Vietnam, and in obtaining the liberation and return of American prisoners of war.

I voted against the McGovern-Hatfield amendment and against the Chiles amendment because I believed them to impose the conditions of rigidity by law which I oppose.

Mr. President, the provisions of the pending amendment by Senators COOK, EAGLETON, HARTKE, and STEVENS are preferred by me over those of the prior McGovern-Hatfield and Chiles amendments.

But I continue to be against rigidly fixing all withdrawal conditions by law, which the pending amendment does in a manner generally similar to the predecessor amendments against which I voted.

So, I will vote "No" on the pending amendment.

But, Mr. President, I announce that I will vote for the Mansfield 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 not later than 9 months after 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 sense of Congress admonition that the President be urged and requested to implement the expressed policy by initiating immediately the following actions, to which I wholeheartedly subscribe as 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 not later than 9 months after the date of enactment of the Mansfield amendment, contingent on the release of American prisoners.

Enter into negotiations with the Government of North Vietnam and its allies for an immediate cease-fire by all parties to the hostilities in Indochina.

And negotiate 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 of the United States by not later than the date publicly proclaimed by the President, or by such earlier date as may be agreed on by the negotiating parties.

Mr. President, I believe that Congress and the President of the United States should work together for the total end of the Indochina war and for the repatriation of American prisoners within the framework of such an amendment as that being chiefly sponsored by the senior Senator from Montana, the majority leader. I will support it in the belief that it will enable Congress to declare a policy as a basis for withdrawing from Indochina, and for the President to react to it without being totally straitjacketed in the implementation of the policy declared.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Hackney, one of its reading clerks, announced that the House had disagreed to the amendments of the Senate 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," had agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. ANDREWS of Alabama, Mr. CASEY, Mr. EVANS of Colorado, Mr. HATHAWAY, Mr. ROUSH, Mr. MAHON, Mr. BOW, Mr. CEDERBERG, Mr. RHODES, and Mr. WYATT were appointed managers of the conference on the part of the House.

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 year 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 at the desk.

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 just happens that this morning 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, 54,871 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 proposition; and I am delighted to cosponsor the 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 finding that the North Vietnamese are unwilling 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 withdrawals 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 its wisdom, the Senate may also reject Cook-Stevens-Hartke-Eagleton. In that event, the amendment which I offered yesterday may possibly be a closer reflection of the present 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 ceasefire; and, second, negotiation of a withdrawal of U.S. forces from Vietnam in planned 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 majority leader.

Mr. MANSFIELD. My own procedural position in this situation should be clear. It is, in short, that I am for Cook-Stevens-Hartke-Eagleton now. 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 Senator 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 parenthood. 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 pathos that inevitably divide a father from his children.

And on that day of celebration, I could not help 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 sons returned to them minus 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 geopolitical abstractions than with the national ideals they had sworn to uphold—leaders more concerned with their own place in history than with America's.

Is it not now obvious to everyone that the President's so-called plan to end the

war is purely a plan to continue the war by subterfuge and deception? Does anyone not know that he intends, in fact, to prolong the war indefinitely, substituting Asian conscripts for Americans in the deeply cynical expectation that lower casualty figures are all that the American people care about in our Indochina policy?

But a war financed entirely by America and made tactically feasible only by American air power is an American war. And if some people in Government do not understand that reality, I can assure them that the people who elected them do.

And the people know, too, the price we have paid—and must continue to pay for a war without hope—without purpose—without end.

The President's policy may have succeeded in stopping this war from being a hemorrhage for America. But it is still a running wound. And there is no hope—no hope whatsoever—that the wound will ever, under this policy, be healed. Instead, the infection which it carries will continue to grow—to spread—to become more virulent every day, until we are consumed by it.

I do not know how to say it more strongly: Vietnam is a disease from which we may not recover. We are dying of Vietnam—and the physician tells us that must not take the only available antidote to its poison because the cure for us may be noxious to military adventurers and war profiteers in Saigon.

The poison of Vietnam is deep inside us. We are dying of it. The cruelest evidence of its power to kill is not the 50,000 military caskets but the living dead among our veterans and our children—the dope addicts roaming the streets of our cities. Vietnam has done this to them—and to us—and the tentacles of its poison have now spread into every community and into every school.

I tell you we are dying of Vietnam. Just as surely as we have given the death stroke to Laos, Cambodia and Vietnam, we have written our own death sentence as a free and democratic society. We must commute that sentence while there is still time.

Mr. President, on August 7, 1964, the Congress passed the Gulf of Tonkin resolution formally committing this country to military involvement in Indochina. Now, nearly 7 years later the time has come for the Congress to once again assert its voice in the determination of American military policy in Southeast Asia.

For a decade now the Indochina war has been a defilement of our ideals and a perversion of our historic role as a beacon of hope to the peoples of the world. It has caused us to turn away our attention from vital domestic needs and to become increasingly immune to the sight of death and destruction. We have been torn apart by this tragic war and our wounds will not heal for decades.

Today, we have the opportunity to right a grievous wrong by withdrawing funds for American military operations in Indochina 9 months from the date the President signs this bill. Millions throughout the world are awaiting our decision.

Will we perpetuate a deadly folly which has only brought us grief and shame. Or will we rely on our greatness and resilience by announcing to the world that we have honored our commitments to the South Vietnamese—we have given them the very best of our youth—and now it is time to bring them home.

Public opinion demands an early end to the war, but I do not suggest that we rely on the polls in casting our votes today. The call of reason and conscience tells us that the time for total withdrawal has come.

There are those who say that the war can be ended by negotiations rather than by congressional action such as we contemplate today. I do not agree. For the fact is there is absolutely no hope for any serious negotiations to begin unless and until the United States fixes a date for total withdrawal of its forces.

In early April I had long discussions in Paris with all four parties to the peace talks and with other highly knowledgeable Europeans and Americans. If there is one conclusion that I drew with absolute certainty from those conversations, it is that there will be no serious negotiations in the absence of a formal American Declaration of Intent to withdraw all our forces from Indochina by a date certain. Such a declaration would lead to serious negotiations on major points of contention and may yield other very desirable results as well.

These include, first, an immediate cease-fire between Communist forces and ours, thereby bringing an end at 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 speedy return of our prisoners of war.

The attitude of the administration on this question has been most dismaying. I have complete certainty that the President shares with all Americans deep concern for the fate of American prisoners and those who are missing in action. But I am afraid that his present policies condemn those men to continued obscurity.

Recently, the White House lent its support to a $25 million worldwide advertising campaign sponsored by the national advertising council to urge international inspection of prisoner-of-war camps. This is a tragic diversion of public attention and an effort to inject politics into the prisoner-of-war issue. It is time that public officials stopped making use of the prisoners for their own narrow ends. The American people deserve to know that the fastest way we can get our prisoners released is by declaring a date certain for our withdrawal from Indochina.

The amendment before us today provides the best possible opportunity to end the long suffering of loved ones. From my own conversations in Paris as well as numerous reports in the news media, I am convinced that we will not get action from the other side on our prisoners until we make an unequivocal commitment to withdraw our forces from Indochina.

In this connection let me emphasize that both North Vietnam and the Vietcong made it as clear as they possibly could—short of offering me a signed contract—that they have no interest whatever in keeping our prisoners a day longer than is necessary. Any implication by the President to the contrary is grossly and cruelly deceptive.

A variety of arguments have been advanced against the idea of total withdrawal by a date certain. Some contend that a withdrawal of U.S. forces by the end of this year would bring about the fall of the present regime in South Vietnam. After years of shedding American blood and billions of dollars from American taxpayers, it is time that the South Vietnamese made their own political decisions.

Years of involvement by the United States in their affairs have made the South Vietnamese dependent on us politically as well as militarily. With the presidential elections taking place on October 3, our adoption of the amendment before us today will serve notice on the people of South Vietnam that the time has come for them to assume full responsibility for their country's future.

The present policy of the administration comes close to being the worst of all likely alternatives. It offers nothing but a continuation of the killing into the indefinite future. How long can we Americans continue to countenance a policy of mass slaughter of predominantly uninvolved noncombatant people in the nations of Indochina? For we must never forget that so long as the war goes on, it will do so at our instigation. With or without American troops, our air power will continue to devastate that land creating additional civilian casualties by the tens of thousands and refugees by the hundreds of thousands.

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 colonialism. Do we really imagine that the judgment of God and of history will go lighter with us because we have merely taken our own troops out of the line of fire?

I deeply believe that the struggle to end this war is a struggle for America's soul. And I cannot help remembering the words of the old testament:

The sins of the fathers shall be visited

upon the children even unto the fourth and fifth generations.

If we today remain passive as evils of such magnitude continue to be carried out in the name of America, we shall condemn ourselves and our posterity to a frightful judgment.

We cannot pretend that we were unaware of the suffering we have permitted our arms to inflict on the innocent, nor can we rationalize the death and destruction we have wrought in the name of freedom and democracy. We know better. For if there is one thing which this war has done it is to reveal the truth as we have never known it before: No longer are we willing to accept myth as reality; no longer are we willing to accept pretense as a guide for policy.

Mr. President, today we can restore the integrity of America's will. Today we can commute the sentence of death and mutilation and exile that has been passed on thousands of our own sons and tens of thousands of Asian men and women and children. Let there be no misunderstanding—today we can end this unwanted war and bring all of our boys home.

For the sake of all who have died and all who are yet condemned to die, I urge my colleagues to join me in support of 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, let no one say 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 partly—almost totally in some ways—ties his hands. Of course it makes him the underdog in his efforts to negotiate with our enemies, and it certainly lowers his stature—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.

Of course 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 the President is going to be left when this debate is over. Our enemies look upon where these resolutions are coming from, and I am telling you right now, it trims 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 from Kentucky to 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 placing the question 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 understand it—and as the Senator has said, I have been one of the President's most firm supporters in this body——

Mr. STENNIS. 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 if the North 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. STENNIS. 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 the eyes of those with whom he has to deal. 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 power and 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 the North Vietnamese Government for the release of all United States personnel held captive. . . .

What is a firm commitment? What is a firm commitment by the Comunist nations we have been fighting? What does "firm commitment" mean in any kind of language, regardless of whom we are dealing with? Who is the judge of it? What is a firm commitment? Does that mean a commitment to leave, a commitment to give the prisoners to us after we are completely gone and after we have promised not to give South Vietnam any economic aid, not even give them any advice, no kind of support whatever, but just leave them there to wither and die on the vine as 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 discretion is the President going to have in 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. How are we going 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 said that we could come back and 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 He can veto, but he cannot originate the authority nor the money.

I will say right now that in the eyes of our enemy, if there could be a capitulation just short of abject 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 man, under our system, who is selected. That is well known. When we tamper with his power, we show signs of weak-

ness, and that is well known by our adversary. So keep the responsibility on the President of the United States. This President even asked that that be done. That was part of his platform. He ran on that ticket, so to speak, and said to the American people, in frankness and candor, "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. STENNIS. I yield myself 3 additional minutes.

Let us not give the President a ready-made excuse.

Before I said that, I should have reiterated 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 the power he has everywhere, through ordinary channels and through extraordinary channels, I would not be standing in this position on this amendment. But I am satisfied that he is doing this. I do not believe that the fact that he cannot do it as soon as he had hoped is his fault. For almost a year now, he has been fired at consistently from this floor—Hurry up. Hurry up. Do this; 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 of any date that is in his mind. I do not know that he has any. But I think he would be a very poor President if he would announce a date in advance, without any 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 practical and a better substitute for what is being done than the President's plan and his activities and his operations. I think it is time not to withhold the money but to withhold our amendments for a while.

I am hopeful in this calendar year, 1971, to bring something definite, something better, and an end point of some kind that is favorable. But that is my hope and that is my idea. I am not speaking for the President, of course, and I do not know everything he has in mind. But as this debate has gone on, I believe the idea has developed fuller and fuller that an amendment of some kind on the floor is not the best way to try to get out. It is the worst way.

I hope we will have a resounding vote against this amendment, and that we then will proceed to the passage of this bill.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. COOK. How much time does the Senator from Missouri want?

Mr. EAGLETON. Seven minutes.

Mr. COOK. I yield 7 minutes to the Senator.

Mr. EAGLETON. Mr. President, the pending amendment—the so-called Cook Stevens-Eagleton-Hartke amendment—is based on two very important beliefs. In the words of the original Cook-Stevens amendment those beliefs are:

That the government of the United States has honorably fulfilled its commitment to the people of South Vietnam; and

That the remaining objective of the government of the United States is the release of its prisoners of war.

In all honesty, these beliefs apparently do not comport with those of the President. He has stated that we have not yet given South Vietnam a reasonable chance to survive. And while recognizing that prisoners of war are important, he still believes that buying more time for the Thieu government in South Vietnam should be the paramount objective of American policy.

This amendment will not buy time for Thieu, but it will buy life for many young Americans in Vietnam or on their way there. It will cut the time that U.S. prisoners of war remain in prison.

This amendment will break the negotiating deadlock in Paris between the U.S. Government, which refuses to set a firm withdrawal date before the North Vietnamese agree to release our prisoners, and the North Vietnamese, who demand a firm date for our total withdrawal before they will arrange for such a release.

Several weeks ago the North Vietnamese appear to have taken two significant steps which make this amendment even more important.

First, they apparently unlinked the military and political aspects of a Vietnam settlement, as indicated in the following exchange between Chalmers Roberts of the Washington Post and Xuan Thuy, the chief North Vietnamese negotiator:

Q. (Roberts) You have repeatedly referred to "two crucial questions" involved in settling the Vietnam problem, the military and the political questions, and have said they are "inseparable." (Xuan Thuy made this statement again at the June 3rd Paris meeting.) The political question has been posed as removing the Thieu-Ky regime from office and the formation of a coalition government. Is this political issue also a condition for prisoner release?

A. (Thuy) *The question of the release of prisoners is related only to the military question. This shows our flexibility. It should have been linked to the political question.* (Emphasis supplied.)

Q. But what does "inseparable" mean then?

A. If we speak of the whole question of Vietnam, of the settlement of the war, of ending U.S. aggression, then the military and political questions should be linked. But if a reasonable date is set the question of prisoners may be settled.

Further, this amendment similarly unlinks the military from the political question on our side by making total U.S. withdrawal contingent only on the release of U.S. prisoners of war—not on the indefinite survival of the Thieu government.

Second, the North Vietnamese have changed their language when discussing the release of our prisoners of war. In the past Thuy has promised that discussions on the release of prisoners "may" begin or that the prisoner question "may be settled" when we agree to a withdrawal date. Roberts pursued this point during the interview.

Q. Why do you say "may" and not "will"?

A. *Yes, you can put it down "will be settled." From now on it is "will."* (Emphasis supplied.)

Q. You know, Mr. Nixon has said you have offered only to discuss prisoner release.

A. Nixon is unwilling to withdraw. Therefore he tries to use one pretext and another. Nixon's allegation about discussing and not settling is because he is unwilling to settle. He wants to split hairs.

Mr. President, amendment 165 tests the good faith of the North Vietnamese. It requires that, within 2 months from the date of enactment, the date the United States signs the bill, the North Vietnamese make a firm commitment to release American POW's. If they fail to do so, the President is required to report to Congress and the final withdrawal date will be automatically canceled in 15 days unless Congress, by a majority vote, decides otherwise.

Under the McGovern-Hatfield amendment, which I cosponsored and voted for, the final withdrawal deadline would have been extended—but not canceled—if the North Vietnamese refused to make adequate arrangements for the release of our prisoners. Only by a majority vote could Congress have revoked the final deadline in the McGovern-Hatfield amendment.

I recognize that some Senators may be reluctant to leave the determination of whether the North Vietnamese have given a firm commitment to the President. I repeat that I still favor the McGovern-Hatfield approach.

But I believe amendment 165 provides adequate safeguards.

I have little doubt that if the North Vietnamese sincerely attempt to make arrangements for the release of our POW's they can do so in a way that will make any negative Presidential determination hard to sustain. For instance, North Vietnam could offer a plan for proportional repatriation—the release of prisoners commensurate with the decrease of U.S. men and activity in Vietnam. Or they could release approximately one-third of our prisoners when an initial agreement is reached; one-third when half of our remaining troops are withdrawn; and the last one-third when the American withdrawal is complete. Or perhaps an arrangement could be made for our prisoners to be interned in another Communist country more cordial toward the United States—such as Rumania—until the American withdrawal from Indochina is complete.

After all, the American people and the international press will be following such efforts intently and Congress will be the final judge.

In summary, amendment 165:

Recognizes that the Government of the United States has honorably fulfilled its commitment to the people of South Vietnam;

Makes clear that the remaining objective of the Government of the United States is the release of its prisoners of war;

Breaks the negotiating deadlock by meeting the North Vietnamese demand that the United States set a firm, final, and fixed date for withdrawal;

Puts the North Vietnamese willingness to release our POW's to the test;

Gives the President a fail-safe—an automatic "out"—if the North Vietnamese are unwilling to release our POW's; and

Provides the mechanism by which Congress is the final judge.

Mr. DOLE. 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 determination up to 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 Kansas, gives complete discretion—complete, unfettered 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 returned 'No addressee found'. 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." If the President, under any set of facts like that, returns to Congress within 60 days and 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 what he deems to be a firm commitment is concerned. He could recommend a whole range of possibilities. There could be agreement for a graduated release of the prisoners, a third in 2 months, another third 2 months thereafter, and the other third in the next 2 months after that. There could be internment of the prisoners in another nation, hypothetically perhaps Rumania, during the process of withdrawal. This could encompass a whole range of possibilities including, perhaps, the placement of Red Cross officials or other officials of the United Nations, and so forth, in terms of custody or guardianship of the prisoners during the withdrawal process.

The main thrust of amendment No. 165 is to give the President of the United States the maximum flexibility, the maximum latitude in negotiating the release of our prisoners of war. We do not want to tie his hands. This amendment says, "Mr. President, on this negotiation of the prisoner-of-war issue, we believe that you will be a good negotiator. We know you will be sincerely motivated. We know that you are greatly interested in the prisoners of war. We know that you are interested in the activities of Senator DOLE of Kansas who often speaks for the release of the prisoners of war. We know that you have listened to the wives of the prisoners of war who want these men back. We know that you have heard from the wives who have said, "Get us out of Vietnam and our husbands will be returned home."

We believe in you, Mr. President. We know that by giving you maximum negotiating flexibility, you will come up with a firm commitment. Only if you believe in it will you recommend an agreement to Congress. We the sponsors of this amendment, Senators COOK, STEVENS, EAGLETON, HARTKE, MANSFIELD, SCHWEIKER, and HUGHES, believe that you would not come to Congress with a phony argument. We believe that you have the capability as a good negotiator to come in with an agreement which you fully believe in.

The PRESIDING OFFICER (Mr. STEVENSON). The time of the Senator from Missouri has expired.

Mr. COOK. 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 of the amendment sponsored 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) comes 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 insofar as the prisoners of war are concerned.

I am speaking now as a Senator from Kansas and in no other capacity, and as I said in the debate last December with 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 state that a final date for withdrawal should be made publicly. I agreed that it should be the President's prerogative, and I thought I had worded it in such a way that while questions could be raised, the intent was clear.

That was in December 1970, less than 6 months ago. I realize the right each of us has to change his mind. I also realize that is the intent of some Senators somehow to vote to have a 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 Senate wants to do, 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 criticizing 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 no date. If it is solved, we set a date. That does 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 liable to need us again. Some of us are liable to be needed again. And if you put the brand of traitor upon us because we reach the conclusion that the South Vietnamese have 1,100,000 people under arms, 4 million in PSDF; another 550,000 in the home guard and they can defend themselves and we can bring our men home, I say to the Senator from Kansas that he should be careful. Some of us have long memories.

I urge the Senator to think again as he makes these statements about who is and who is not supporting the President.

Mr. DOLE. Mr. President, I appreciate the statement of the Senator from Alaska. I am not referring to anyone as being a traitor, as the Senator from Alaska volunteered. Let me say to the Senator that I have been rather active in the prisoner-of-war matter for a long time, and not on any partisan basis, for it is not a partisan matter. I think I have been as much concerned about American prisoners of war and Americans missing in action as any other Senator. I think we have a right to discuss this without any personal inference, and that right remains, even though some may not like it. But I ask the Senator from Alaska if he can point out any difference between this amendment and the Hatfield-McGovern amendment. They both would set a deadline.

I heard on the CBS Morning News information to the effect that the Senate would vote tonight on the deadline amendment, the amendment offered by the Senator from Kentucky, the Senator from Alaska, the Senator from Indiana, and the Senator from Missouri.

It may not be only this Senator who makes this interpretation, but I can tell the Senator what this amounts to is a vote of no confidence to the President.

I am referring to what has already

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 prisoners 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 South Vietnam, 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. I am proud 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. Maybe 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 will be out, even if the President should find in the allowed 60 days that he cannot obtain any commitment.

I hope that someone who sponsors this amendment will sometime today define what a firm commitment is, who determines what it is, what the Senate thinks it is.

If the President should say in 60 days that the North Vietnamese have not made a firm commitment, are we going to quarrel with him? We ought to know 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.

This amendment says that there shall be a firm commitment on the release of prisoners.

I happen to have faith in the President. And I happen to believe 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 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 should be reached, would the North Vietnamese be expected to release 339, 400, or 1,631 American prisoners?

As the Senator knows, the North Vietnamese acknowledge, as I recall, having only 339 prisoners of war in North Vietnam, 19 in South Vietnam, and one in Laos. We do not know for certain how many missing in action there are.

We do know that there are some 90 prisoners of war that have not been acknowledged by the North Vietnamese.

If we are concerned about the Americans missing in action and the American 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; I do not 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 prisoners do they have?

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 negotiate an agreed timetable for complete withdrawals as part of an overall settlement. What that agreed timetable should be is a matter for negotiation. 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 colleages that we are all concerned about the prisoners. The Communists are fully aware of their 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 POW's held in camps operated by South Vietnam in exchange for the release of the POW's held by the Communists, which, although the number is unknown due to their 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's 12 minutes have expired.

Mr. DOLE. Mr. President, I yield myself 3 additional minutes.

The PRESIDING OFFICER. The Senator from Kansas is recognized for 3 additional minutes.

Mr. DOLE. When the exchange proposal was rejected, the President then suggested that all prisoners be detained in a neutral country until such time as 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. The headline states "Secret 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 they were signed by the North Vietnamese—was 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 Hanoi 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 talking about the 339 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 the public should be 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 changed 11 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 agreed date; however, we would 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 second alternative 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 negotiated peace without accounting for 389 men who had been known to be prisoners, and for 18 years, our country has been trying to obtain an accounting of these men. Should we now trust a government which has displayed so little respect for truth or human feelings that they would display a propaganda picture of Capt. Wilmer N. Grubb to illustrate how well prisoners were being treated and now 5 years later release a list which states that he died before the picture was released? On this same list which Hanoi has recently released, Lt. Commander Cameron, who was lost in 1967, is carried as having died in November 1970. Several months before November 1970 Hanoi released a list on which there was no mention of Lt. Commander Cameron; they apparently failed to remember that he was being held a prisoner.

Mr. President, I say it is not to 339 prisoners but to all 1,500 or 1,600 of them that we have an obligation in Congress. The President has an obligation. I have said many times if the North Vietnamese would do what the President suggested last October and join in an immediate cease-fire we could resolve questions that now haunt Congress and the President.

I appreciate the efforts of those who want to help the President and those who sincerely want to help the President, but what has President Nixon done? Look at the record.

I say the greatest single achievement of his administration is the winding down of the war in Southeast Asia. I say it everywhere I go, not because he is a Republican and I am a Republican, but because I supported Democratic Presidents and now a Republican President in this effort.

I say to my friends who in good faith offer this measure to help the President that we must rely on the Commander in Chief.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. STENNIS. Mr. President, I yield the Senator 2 additional minutes.

Mr. DOLE. I hope we approach this amendment in that spirit. I reserve my right as a Senator from Kansas, and a junior Senator from Kansas, to analyze the amendment, to find fault with the amendment, without being castigated by my colleagues who feel a personal affront. I say it is the same as the McGovern-Hatfield amendment, except for subsection (a)(1)(b). The amendment even goes farther because it states:

> It is hereby declared to be the policy of the United States . . .

I am not certain we can do that, but it is said we can.

The amendment goes on to state that we will withdraw within a period not to exceed 9 months, our military forces and equipment from South Vietnam, Laos, and Cambodia.

What we would do is foreclose achieving away the objective that we have already paid for in blood and money, and the deaths of 50,000 men.

The objective under President Kennedy, President Johnson, and President Nixon has been to give the South Vietnamees a reasonable opportunity for self-determination, but under this amendment that would be gone. We would take out 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 hamper 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. STEVENS. I will ask the question on my own time.

Mr. COOK. Mr. President, I yield 10 minutes to the Senator from Alaska.

Mr. STEVENS. I ask in all sincerity one question of my friend from Kansas 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 Secretary Rogers was 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 one 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." The North 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 Senate 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—and I think 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. It is a conflict overseas involving our troops. Time and again I have supported the President on the Vietnam policy.

I visited Vietnam twice. I went there once with the Senator from Oklahoma (Mr. BELLMON). 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 550,000 people in the home guard. They have 4 million people in the people's self defense force, 1,300,000 have automatic rifles in their homes, incidentally. We do not give that privilege to our own citizens.

One wonders about the assertions about whether the government can survive. They have 1,300,000 people with automatic rifles in their homes. If they can survive with that situation, I do not know that our leaving will make any difference if they have the ability to defend themselves. The President has said Vietnamization has worked. That was my conclusion and is my premise in cosponsoring this amendment.

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

Mr. STEVENS. When I finish. [Laughter in the public galleries.]

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 RECORD at the end of my remarks the foreign policy statement I made in July 1970.

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

(See exhibit 1.)

Mr. STEVENS. Mr. President, in every single statement I pointed out what President Nixon 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. It is like telling one's children how to fight. One buys them all the things to make them strong and then he says, "I do not want you to go out on the street because the kid up the hill is going to beat the devil out of you." Some time we have to trust the people of Vietnam. We trusted them when they 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.

The President could set up enclaves—which were suggested by some—to protect those people, if he so decided.

(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 final question: Do we leave a residual force because we still have prisoners of war? At that time the Senator is going to wish he had supported this amendment, because it would put Congress on record as saying there will be a 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.

EXHIBIT 1

U.S. FOREIGN POLICY

(By TED STEVENS, U.S. Senator)

When I went back to Washington, this is what I found.

We were involved in a war that apparently we couldn't get out of.

We were involved in so-called peace negotiations at Paris where we bickered for months on the size and shape of the conference table.

In nine short years, we had become so deeply mired down in Southeast Asia that it seemed utterly impossible to find our way back to the road to peace. Our commitment had risen from a few hundred airplane mechanics and gunnery instructors in 1960 to over a half-million Americans.

Battle casualties were running high—the killed, the maimed, the injured and the missing.

What had been described in 1964 as "that dirty little war" in Vietnam had grown to be that huge, impossibly dirty war.

Promises that had been made that American boys would not be sent to fight Asian boys' battles had long been forgotten. The President in 1965 determined to increase our support for South Vietnamese, and I, as a member of the Alaska Legislature, in 1965, had urged a united front to support the President. At that time, there were less than 30,000 troops in South Viet Nam. By 1969, there were over 530,000 troops in Viet Nam and almost everyone believed we were overcommitted and should find an honorable way to disengage.

But Southeast Asia's jungles were not the only deeply troubled spot in the world of January, 1969.

The Six Days' War of 1967 in the Middle East had dragged out for over a year and a half. There was constant fighting, constant blood-letting. And there was an ever-increasing danger that the Middle East would, in fact, turn into the Armageddon of prophecy.

There was a real danger of head-on confrontation between the world's two mighty nuclear powers—the Soviet Union and the United States.

Chances of peace in the Middle East seemed hopeless. The chances of real, all-consuming war seemed very real.

In Europe the alliance so carefully founded and nurtured under President Eisenhower during the fifties was on the verge of collapse.

America was forced to maintain some 350,000 fully equipped and trained in the field at all times.

The Soviet Union had just flexed its muscles in Czechoslovakia.

In Africa a dreadful civil war raged in Nigeria—a war that threatened to spill over into other African countries. And it was a war that had brought into place the subversive influences of the Chinese Communists and the overt interference of the Soviet Union with arms and munitions.

Unrest in Africa threatened to become upheaval. And the United States was the target for much of the increased bitterness. Too many promises had been made—and broken—to far too many African nations and their leaders.

In Latin America, too, hopes were fading fast. The Alliance for Progress appeared to lead less toward progress than toward chaos. Its benefits had found their way into a few pockets; the misery it was supposed to ease was being compounded. Revolution, political takeovers, military uprisings, and guerrilla warfare all flourished. Cuba was providing the leadership and the funnel for weapons to a vast area of South America.

Nowhere in the world was there a stable peace, and in many places there was little hope of peace where conflict persisted. Men of goodwill were being inundated by the flood of violent invective.

At his inaugural, President Nixon urged Americans to lower their voices because, he said, nobody could understand what you were saying if you screamed.

Almost at once the President broke precedent and announced, he, personally, was going to Europe. He did not raise any issues. He made no promises. He placed no blame. He said he was merely going to Europe to see, to hear, and to understand.

The task was that of assuring our oldest and closest allies in London and Paris that American foreign policy was indeed on a new course. The task was that of reassuring the peoples of western Europe that our goals of freedom and peace throughout the world had not been abandoned.

He talked with Wilson in London and the erratic and irascible de Gaulle in Paris.

I believe the President's trip reaffirmed America's position as a more silent partner in Europe's affairs. He regained the confidence of both the leaders and the people.

He did it quietly.

When old friendships had been re-established and old alliances reconfirmed, we started on a new course. Both Congress and the Executive moved quietly to meet the most immediate and the most dangerous problem facing the Nation: Viet Nam.

On a bi-partisan basis, we sought a new approach. We reached a major premise. It was agreed that the basic problem was one the South Vietnamese themselves had to solve. If there are to be peace in South Viet Nam, they must arrange that peace. It could not be imposed on them. If the South Vietnamese people were to be protected against outside aggression, that protection must be provided by the Vietnamese themselves. In short, we agreed to support a policy of Vietnamization.

When the President announced this policy to the American people in the spring of 1969, there were no promises which could not be fulfilled. He simply said that if this policy worked he would start bringing American troops back home.

American troops started home, at first in small numbers, then in a growing current that has become a strong tide. Americans have been coming home from Viet Nam at a rate of 10,000 men a month. To date, 115,000 men have come back, and Congress provided that our Armed Forces must be reduced by the number of troops withdrawn from Viet Nam. The tide will continue to swell as the South Vietnamese resume more and more of the business of protecting themselves.

Objective foreign news correspondents report that the NLF has been beaten. The South Vietnamese government controls most of the countryside. The few Cong that are left are hated and despised. The only enemy left in Viet Nam today are the troops from the North.

The program of Vietnamization is working, and it will work well if we continue to support it. Our forces are being withdrawn. And they are being withdrawn with a minimum of danger to those who are left.

As you know, I went to Viet Nam with Senator Bellmon last year. While there, I saw how our combat troops are deployed. They form the nucleus, mainly, of defense positions—thousands of positions—in which the majority of the troops are South Vietnamese. To pull our troops out before they are replaced would mean losing the defensive positions for which our troops fought and died. These positions can be held by the South Vietnamese after we leave.

Regarding the Middle East, it is too early to be optimistic. It may be too early even to be heartened by what is developing. But, as of now, there is a truce in the Middle East. As of now there are hopes that Israel and the Arab nations will remain at the conference table, talking and not fighting. Only a few months ago this seemed a far-fetched hope, something beyond the realm of reality, but to be sought regardless.

Now there is hope. Not peace, it is true. But a truce that could, just possibly, lead to peace. And it has been accomplished without loud noise or frenetic activity. And I think it occurred because the Senate told the President we would support commitments to keep the peace if an accord was reached.

In Europe, the Germans and the Russians have signed a major treaty, the first step toward an easing of tensions that have existed since World War II and have been heightened by the Cold War.

Britain and France are talking with each other, not shouting at each other. There seems now a real chance that the British might be able to enter the Common Market, strengthening both the British economy and the Market itself.

Among the first major moves in 1969 was the assignment of Governor Nelson Rockefeller of New York to a mission south of the border. The Governor, long an expert on Latin American affairs, made thorough, detailed studies of problems that confront us and the people of that continent.

Again, without fanfare and without a flood of press releases, the Congress and the Executive have developed a policy which makes sense.

Money being spent in South America is being channeled into the kinds of projects that will bring long-range results—education, nutrition, development of basic industries and transportation.

Perhaps the most significant development in our world-wide search for peace has been the Strategic Arms Limitation Talks.

Two years ago the United States and the Soviet Union were engaged in a frantic arms race, spending billions of dollars on devastating weapons. Both the Russians and the Americans wanted to stop, but no one seemed able to apply the brakes.

As of now, the second phase of the SALT program has ended, with the third phase to begin this fall in Helsinki.

The groundwork has been laid for producing concrete arms limitation proposals. The discussions have been friendly and productive. They haven't produced headlines but promise to produce results. I pray that they do.

Bolstering our position in Vienna and Helsinki has been the antiballistic missile program. This program has been more than merely protection for the United States; it has provided, as well, a solid bargaining point at the conference table.

It has been 19 months since I took my oath of office. It has been my consistent position that, while we disengage from South Viet Nam, we must do all we can to support and assure the safety of our troops in that area.

After the Cooper-Church amendment was modified to assure that the President, as Commander-in-Chief of our Armed Forces, has the power to take action to protect the lives of our troops in South Viet Nam, I supported this amendment because I feel members of Congress must, consistent with our Constitutional role, share the responsibility for decisions regarding the utilization of American Armed Forces on foreign soil.

In short, while I believe Congress must reassert its Constitutional authority, I have supported the President's Vietnamization policy because I believe he has outlined an honorable and workable plan to disengage this nation from the conflict in Southeast Asia. While you may agree or disagree with portions or all of this Vietnamization policy, I know that all Alaskans, along with all Americans, share the desire for peace. I hope this mutual desire will be the bond that will reunite our nation.

In a further effort to reunite this nation and assert the sharing of responsibility between the Executive and Legislative branches. I supported Senate Resolution 85.

This "national commitment" resolution pertains to the use of the Armed Forces of the United States on foreign territory, or a promise to assist a foreign country, government, or people by the use of the Armed Forces or financial resources of the United States. It is the sense of the Senate that a national commitment by the United States results only from affirmative action taken by the executive and legislative branches of the United States Government by means of a treaty, statute, or concurrent resolution of both Houses of Congress specifically providing for such commitment.

In the last 19 months, the American people have moved closer to peace than they have been in a decade. During that period. our defense expenditures, as a portion of the budget, have reached a twenty-year low.

Our draft calls are at the lowest they've been since 1966.

Our battle casualties in Viet Nam have reached a four-year low.

Our Armed Forces have been cut by a half-million people.

Our Nation—and the world—are once again back on the road toward eventual peace.

And it has been done quietly, without shouting and without flourish. It has been done by a bi-partisan group of Senators, of which I am one, who do not want any further wars. We want this country to be strong enough to keep the peace. But, more importantly, we want this country to be humble enough to admit its mistakes.

We do not want any more U–2 incidents and we do not want to become involved in the commitment of combat troops to foreign soil without full compliance with the Constitution.

This is the record. I am proud of it. It is a record which gives reason to hope for peace.

Mr. DOLE. To get back to the amendment—and that is what we are debating——

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. 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. No; they are different.

Mr. DOLE. How are they different?

Mr. STEVENS. The changes were made in conferences with the Senator from Kentucky and the Senator from Missouri. 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. It did not say that if an agreement on the prisoners of war was not reached by a specified time the agreement was off.

Mr. DOLE. How many prisoners of war are contemplated 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 while missing, 101 were returned, and 1,027 they list as currently missing.

The Congressional Quarterly research says that the total captured are 463 and the total missing are 1,007.

Let me tell my friend that as far as I am concerned, it is about a brigade. We are missing about a brigade. If they were in the highlands instead of captured,

does the Senator have any concept that we would leave?

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 be out.

Mr. DOLE. But, speaking of the prisoners, how many do the Communists say they have? It is a very vital point. Since we are spending 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—as I 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, where the Senator from Kansas 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. 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."

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 a call a friend to bring him over a little refreshment, so that we could enjoy the time.

I asked him why we could not buy liquor at stores in Oklahoma.

He said, "It is because the prohibitionists and the bootleggers always get together."

I am not sure which one I am and which one the Senator from Missouri is, in the opinion of the Senator from Kansas, but we have formed a coalition, and I am doing it according to my point of view, the Senator from Missouri is doing it in support of his point of view, the Senator from Indiana is doing it in support of his point of view, and the Senator from Kentucky does not agree wholeheartedly with the rest of us on this matter, either.

But we are doing one thing together; saying that if the President can get the prisoners-of-war issue settled, Congress agrees that we ought to withdraw in 9 months. That is my point of view, and I say it is a very simple thing.

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 welfare 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 President has been saying, and I think the Senator from Kentucky has adequately quoted his comments concerning that issue.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. COOK. Does the Senator wish further time?

Mr. STEVENS. No; I shall take time later. I thank the Senator.

The PRESIDING OFFICER. Who yields time?

Mr. COOK. Mr. President, I yield myself 10 minutes.

We have listened on many occasions to speeches about avoiding conflicts with the President. I wish to say at this time, with all due deference to my distinguished colleague, the senior Senator from Indiana, that many of the remarks that he made in his statement on this floor I totally and completely disagreed with.

For instance, contrary to his position, I totally and completely agree with the view that 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 is also the only President who has wthdrawn U.S. troops from South Vietnam. I would remind my colleague that on December 28, 1968, there were 535,500 men in South Vietnam. On June 17, 1971, there were 244,900, 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 535,500 men in Vietnam, until, under the present schedule, on December 1, 1971, there will be 175,000, the President of the United States will have fulfilled his commitment to disengage 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 South Carolina that logistically 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 541,500 men 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. If over 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 logistically 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 amendment is different. It is not only logistically possible but it is predicated on previous statements of the President, the Secretary of State, and the Secretary of Defense. However, we must not wait too long before we implement these statements.

In the month of May 6 through June 3, we sent home 16,200 men. The month before that, we brought home 17,700 men. It does not take the enemy very long to figure out how soon we are going to be down such a residual force, which we are practically down to now, that we can make almost no demands on the North Vietnamese, either on the question of prisoners of war or any other issue.

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, Eagleton amendment.

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

Mr. COOK. I am delighted to yield.

Mr. DOLE. Just to keep the record clear, as 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 to a firm commitment.

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-flamsy 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 prisoners of war.

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 under 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:

> If, at the end of two months the President has not obtained "a firm commitment from the North Vietnamese Government for the release of all United States personnel held captive," the President would be required to submit a detailed report to Congress and the fixed date would automatically be cancelled.

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 merely expedites 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 the power and authority of Congress to act, in any event.

I might say to the distinguished Senator that this, in effect, helps the President. It also helps him to the extent that if negotiations cannot be concluded in 60 days, but if in fact there is a possibility for such a negotiation, he can come back and ask for additional time, and it will be given to him, without all the delays and all the buildup of parliamentary problems that ensue upon any piece of legislation that comes before Congress. So, in fact, we wrote this in to aid and assist the President, as well as the Congress.

Mr. PROUTY. I read from line 15, page 2, of the amendment:

> The provisions of subsection (a) of this section shall have no further force and effect—

That is at the expiration of the 60 days—

unless—

I underscore that—

> the Congress provides for an extension of such provisions as hereinafter provided.

What are the provisions?

> (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-third of the Members of the House of Congress in which it originates, be considered reported to the floor of such House no later than one day following its introduction, unless the Members of such House otherwise determine by yeas and nays; and any such bill or resolution referred to a committee after having passed one House of Congress shall be considered reported from such committee within three days after it is referred to such committee, unless the Members of the House referring it to committee shall otherwise determine by yeas and nays;

Will the Senator say that that is a complete departure from our customary procedure?

Mr. COOK. It is not anywhere nearly as bad as the Reorganization Act that Congress imposed upon itself.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. COOK. I yield 5 minutes to the Senator from Alaska.

Mr. STEVENS. I should like to point out to the Senator from Vermont that we took this provision from Senate Joint Resolution 95, the war powers resolution, introduced by the distinguished Senator who is the manager of the bill.

If the Senator will look at page 3 of that bill, this is a section that was set up to protect against the arbitrary use of the rules to prevent action by Congress on a matter of importance such as this. If it bothers anyone too much, I am sure I would be happy to take it out; because, as the Senator from Kentucky has said, it is in there to protect the situation, so that we are sure that if the President says in the report he submits after 15 days following the expiration of the 60-day period, "We were very close to getting an amendment, and we would like to have you reaffirm the policy of the United States in this regard," or whatever he asks us to do, we could do it very quickly, without any procedural problems.

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 each body 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, even after this amendment is 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 of the 5.

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 the war on such tenuous procedures as mere cosponsorship of a bill giving to 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. 165 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 examined its 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 time limit 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

sitting as a constant and permanent threat of veto on that negotiation. In my judgment, this would greatly hamper the orderly process 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 procedures established in it for making permanent the withdrawal date, even though prisoner release negotiations have not resulted in a commitment. This criticism specifically goes to what amounts to a change in the rules of procedure of the Senate, where the simple expedient of cosponsoring 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.

Mr. President, I have been informed that the procedures set out in this bill for having the Congress, in effect, continuing 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 similar. 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 cosponsoring legislation deserves the credence and attention which of late it has come to enjoy. As often as not, a bill or resolution can be amended to become quite a different thing from that which one recognized when he cosponsored it.

After all is said and done, cosponsorship 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 reunited with their families be arranged as quickly as possible. I happen to be firmly convinced that the future of the prisoners and their families can best be looked after through the negotiation process which this administration 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, as I said 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 done 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 has seemed 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 on this issue 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, it is 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. COOK. 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, unless language of this kind or some other kind becomes law, particularly with relation to the question of the POW's.

I yield the floor. I do not think I have any time remaining.

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. COOK. 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 action by Congress, by which the 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 a mere 60-day extension of the 9-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 saw 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 30 or 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 the 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 reached. That is the point I wanted to make with my colleagues.

Mr. COOK. 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, in 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. 4263. An act to add California-grown peaches as a commodity eligible for any form of promotion, including paid advertising, under a marketing order;

H.R. 5065. An act to amend the Natural Gas Pipeline Safety Act of 1968;

H.R. 5237. An act to carry into effect a provision of the Convention of Paris for the Protection of Industrial Property, as revised at Stockholm, Sweden, July 14, 1967;

H.R. 7586. 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 curtail 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 Secretaries of the military departments to settle certain admiralty claims administratively, and for other purposes;

H.R. 8712. An act to amend the act entitled "An act to authorize any executive department or independent establishment of the Government, or any bureau or office thereof, to make appropriate accounting adjustment or reimbursement between the respective appropriations available to such departments and establishments, or any bureau or office thereof," approved June 29, 1966, so as to include within its coverage the government of the District of Colulmbia; and

H.R. 9098. An act to extend and amend certain provisions of the Child Nutrition Act and of the National School Lunch Act.

HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred, as indicated:

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. 4263. An act to add California-grown peaches as a commodity eligible for any form of promotion, including paid advertising, under a marketing order; and

H.R. 9098. An act to extend and amend certain provisions of the Child Nutrition Act and of the National School Lunch Act; to the Committee on Agriculture and Forestry.

H.R. 5065. An act to amend the Natural Gas Pipeline Safety Act of 1968; to the Committee on Commerce.

H.R. 5237. An act to carry into effect a provision of the Convention of Paris for the Protection of Industrial Property, as revised at Stockholm, Sweden, July 14, 1967; and

H.R. 8549. An act to amend title 10, United States Code, to broaden the authority of the Secretaries of the military departments to settle certain admiralty claims administratively, and for other purposes; to the Committee on the Judiciary.

H.R. 7586. 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; to the Committee on Government Operations.

H.R. 8712. An act to amend the act entitled "An act to authorize any executive department or independent establishment of the Government, or any bureau of office thereof, to make appropriate accounting adjustment or reimbursement between the respective appropriations available to such departments and establishments, or any bureau of office thereof," approved June 29, 1966, so as to include within its coverage the government of the District of Columbia; to the Committee on the District of Columbia.

H.R. 8548. An act to curtail 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; to the Committee on Post Office and Civil Service.

THE MILITARY SELECTIVE SERVICE ACT

The Senate continued with the consideration of the bill (H.R. 6531) to amend the Military Selective Service Act of 1967, to increase military pay, to authorize military active duty strengths for fiscal year 1972; and for other purposes.

The PRESIDING OFFICER (Mr. TAFT). Who yields time?

Mr. STENNIS. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from Mississippi is recognized for 5 minutes.

Mr. STENNIS. Mr. President, reference has been made by the Senator from Alaska, in a very fine way, to the language providing for procedural matters. He pointed out that similar language was contained in a resolution I had introduced with reference to a declaration of war. There is a similarity in the language, 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 Harbor attack. I have heard arguments made here for many years that a declaration of war was not practical any more, because 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 declaration of war in case of the probable imminence of a nuclear attack, or a 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 Alaska had something in mind along that line, too. I did not get to hear all of his statement.

Mr. STEVENS. If the Senator would yield, I would be happy to——

Mr. STENNIS. I am glad to yield briefly to the distinguished Senator from Alaska.

Mr. STEVENS. The question of that provision was not of my origin but is one that I believe I understand, taking the rationale 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 conclusion, but the 9 months' provision would be good if we had a little more 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 problem and no procedure would be involved.

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 get a commitment that we can rely on," so 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 within 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 procedural 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 cannot 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 Senator understands that question. 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 President. On the other hand, if it ever comes 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 the situation in the resolution 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 restraint.

Mr. STEVENS. Only if he gets an agreement on the prisoners of war. If he does not get an agreement, it is not 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 expired, we have a provision in here that subsection (a) will no longer be in effect. 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 operation here was gone through to see whether Congress was going to sustain him or not. All of this time he was negotiating, trying to get an agreement, he would have this uncertain field of operations 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 I have 3 minutes of the time of the Senator from Kentucky (Mr. COOK) so as to respond to the Senator from Mississippi?

Mr. STENNIS. We will come back to that after a while. I have promised the Senator from Nebraska (Mr. CURTIS) that I would yield to him. He has been waiting here some time.

Mr. EAGLETON. If the Senator would yield, because this is a vital point that goes to the heart of the matter. I participated in the drafting of that very section to which the Senator has made reference.

Mr. STENNIS. Mr. President, I yield 5 minutes, in accordance with my promise, to the distinguished Senator from Nebraska (Mr. CURTIS).

The PRESIDING OFFICER. The Senator from Nebraska is recognized for 5 minutes.

Mr. CURTIS. Mr. President, the proposal before us is essentially no different from several of the other proposals which have been voted upon, including the principal McGovern-Hatfield amendment. Regardless of the language and the details, it is based on the same principles as the McGovern-Hatfield amendment.

I deeply respect the individuals who believe in that approach. I respect the opinions of the people of Nebraska who

believe that some approach like this one here, on the McGovern-Hatfield amendment, would hasten the end of our involvement in Indochina.

I might 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 delay? 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 that 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 a little while.

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. DOLE. 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 not put the head of this Government in a straitjacket and say, "This is the procedure. Follow this procedure." That procedure is totally untried. The procedure that is now being followed is not untried. It is working. It has been successful. It is bringing boys back this month. It brought them back last month. It will bring them back next month.

We are asked today 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 is lessening our involvement 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 charting 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 because the constitutional language 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 basic and substantial authority over military matters. These are of prime importance. They refer to 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 this matter. Read 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 for the duration of his term of 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 September or October, and the 9 months run from that time, we run into the end of the fiscal year. We run into the fact that appropriations must be made again for the military. So, 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 can 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 will then yield.

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 harebrained 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 General Ridgway he 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. STENNIS. Mr. President, I fully appreciate the spirit of the explanation. It is very fine.

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 strengths, along with my observations 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

	Total active duty military personnel	Total number selective service inductees on active duty	Percentage of selective service inductees
Fiscal year:			
1960	2,476,435	175,919	7.1
1961	2,483,771	126,549	5.1
1962	2,807,819	189,252	6.7
1963	2,699,677	198,269	7.3
1964	2,687,409	205,265	7.6
1965	2,655,389	233,973	8.8
1966	3,094,058	[1] 414,922	13.4
1967	3,376,880	[2] 564,477	16.7
1968	3,547,902	[3] 555,258	15.6
1969	3,460,162	[4] 495,332	14.3
1970	3,066,294	[5] 384,063	12.5

[1] 1966: Army, 395,292; Navy, 2,501; Marines, 17,129.
[2] 1967: Army, 546,264; Navy, 2,470; Marines, 15,743.
[3] 1968: Army, 549,603; Navy, 38; Marines, 5,617.
[4] 1969: Army, 480,478; Navy, 9; Marines, 14,845.
[5] 1970: Army, 368,965; Navy, 1; Marines, 15,097.

CRS-2

U.S. troop strengths, Vietnam		South Vietnamese troop strengths	
Calendar year	Number	Fiscal year	Number[1]
1960	900		
1961	3,200	1961	338,000
1962	11,300	1962	467,000
1963	16,300	1963	525,000
1964	23,300	1964	559,500
1965	184,300	1965	679,000
1966	385,300	1966	671,000
1967	485,600	1967	799,000
1968	536,100	1968	998,000
1969	475,200	1969	1,148,000
1970	[3] 334,600	1970	1,100,000

[1] Total strengths for the Army of the Republic of Vietnam (ARVN) include the Regional Forces and Popular Forces, although no breakdown for these two is available.

[2] 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 is estimated at one-third of a million, a figure that is not incorporated into the total army strengths.

[3] As of the end of calendar 1970, the percentage of Selective Service inductees serving in Vietnam was estimated at 25 percent.

Source: Directorate for Defense Information, Assistant Secretary of Defense, Public Affairs.

STATEMENT BY MR. STEVENS, JULY 14, 1969

OBSERVATIONS AND CONCLUSIONS

The rapid growth of the volunteer, nonregular, defense forces—PSDF, RF, and PF—in South Vietnam has enabled the regular Army and Air Force of Vietnam to become more mobile and to replace our American combat forces. This long, guerrilla war had sapped the confidence of South Vietnam. But, according to South Vietnamese leaders, the Cambodia and the Laos engagements have started to rebuild that confidence. There are now over 4 million men in the PSDF—it is really a home guard. It is armed with automatic rifles and over 1,300,000 PSDF men have been trained to use automatic weapons. And, another 1.7 million PSDF men have been trained to support combat troops. In addition, the regional forces and popular forces number in excess of 550,000 men. These are similar to our National Guard—on active duty. They also are trained and armed. And, significantly, volunteer, up-paid forces, now bear about four-fifths of the casualties inflicted upon South Vietnamese 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 there we have trained more pilots, 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 Thailand troops, and about 400 New Zealanders left in South Vietnam. In addition, the South Vietnamese have now trained 110,000 national police. Using expert people from all those forces, the South Vietnamese now have almost 13,000 men in what they call Key Inner Teams who travel throughout the country training more PSDF, FR, and PF volunteers.

My conclusions from this trip are:

First. Prisoner-of-war question.—I remain convinced that the key to the complete withdrawal of our forces from South Vietnam lies in the prisoner-of-war issue. It is my firm hope that we can convince 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 we will withdraw completely 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 all our men who survived this war were home.

Second. Vietnamization program.—It is my conclusion that the Vietnamization has worked. South Vietnam should be able to survive the continued attacks from the north without our help. Ground military operations have been assumed, almost completely, by South Vietnamese forces. These operations are now supported by U.S. airpower. The training period for pilots seems to be the greatest reason for delay in Vietnamization of air power.

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 consideration. Significantly, I was told that not one American has been injured in combat as a result of withdrawal. This, to me, is important. The difference between redeployment based upon Vietnamization and retreat based upon immediate withdrawal without regard to whether 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 — Cambodia — has a reasonable chance to survive. 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 aline 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. Easing of tensions.—The lessening of tensions between China and the United States gives me hope that there is a chance that the Chinese will lessen their support of North Vietnam as we withdraw from 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 Kansas.

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 not 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 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 Indochina.

I will now read a corresponding section from the Cook-Stevens-Eagleton-Hartke amendment:

Subject to the provisions of subsection (b) 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 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 I can muster that they are almost 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 legislation—but if there is no firm commitment that section, in effect, is extended unless 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.

I say everything in the McGovern-Hatfield amendment is in the Cook-Stevens amendment with the exception that in the Cook-Stevens amendment the POW matter comes before 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.

This 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 there 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.

I do 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?

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 approved 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. This would complicate it. This is even more complicated than the McGovern-Hatfield amendment which the Senator voted against last year.

Mr. President, I say to Senators 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 last year. I thought the Senator might recognize that.

Mr. DOLE. I tried very hard to recognize the similarity between this language and the language in the Cooper-Church amendment, but there 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 of items 1, 2, and 3 in this bill. The Senator did not vote against McGovern-Hatfield because——

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. STENNIS. Mr. President, I yield 3 additional minutes.

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 grounds. 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 very consistent.

The PRESIDING OFFICER. Who yields time?

Mr. COOK. Mr. President, I suggest the absence of a quorum, the time to be charged to me.

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, it is so ordered.

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 debate here, that if after 60 days following the enactment of this amendment, the President has been unable to obtain a firm commitment for the release of 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 the Senator will pardon me for saying is a very complicated procedural arrangement, with certain conditions precedent, and so forth.

I just wonder why the Senator feels these procedures are essential for Congress to then act to continue the effectiveness of this particular procdure. I think it might be well if the Senator once again explained 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 yea-and-nay vote to the contrary. Then, if it passes one House, it goes to a committee and has to come out in 3 days, once again, unless there is a record vote against it.

Why is it essential for the Congress to act in this particular case under that kind of procedure?

Mr. COOK. Mr. President, may I say this comes from the war powers bill of the Senator from Mississippi (Mr. STENNIS), which has been introduced. We felt, frankly, that this would be an aid to the President if, in fact, negotiations were going on and, as a result of those negotiations, it might be more than 60 days.

I will say to the Senator from Kansas that I am not wedded to that language, nor do I think that that language is necessary to this amendment.

Mr. PEARSON. Would the Senator resist an amendment to strike out what I have described as very complicated procedures, which are objectionable to some Members?

Mr. COOK. The Senator, speaking only for himself, would say he has no objection.

I yield to the Senator from Alaska (Mr. STEVENS).

Mr. STEVENS. Mr. President, the Senator from Iowa (Mr. MILLER) has substitute language that he is going to suggest. We objected to the yeas and nays previously to see if we might be able to take that language without getting unanimous consent. I understand from the Parliamentarian that is not correct.

As soon as the Senator from Iowa offers the amendment to make the change, we are prepared to support that amendment.

Mr. PEARSON. Mr. President, I make a parliamentary inquiry. Is it proper now, under the unanimous-consent agreement, for a Member of the Senate to offer an amendment striking language from 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 had something to do with the drafting of this particular section of the Cook-Stevens-Eagleton-Hartke amendment. It can be explained very quickly. It came out of the Eagleton and Stennis and Javits war powers resolutions. All incorporate it. Moreover, it would not offend me nor weaken the thrust of the amendment if a period were put after the words "no further force and effect" on page 16 and everything from that period through line 25 on page 2 and everything on line 1 through line 17 on page 3 were stricken. It would not weaken our amendment. The purpose of our 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, STEVENS, EAGLETON, and HARTKE. I congratulate by colleague from Kentucky, 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 some belief that the imposition of a date does touch upon the constitutional powers of the President as Commander in Chief.

I must say in honesty that I have doubt that any legislative enactment, or for that matter, the administration's policy of Vietnamization, will secure the release of American prisoners of war.

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 conditional upon the President receiving a "firm commitment" for the release of U.S. prisoners of war. The President would determine the validity of the commitment, and I assume that he would require their immediate release, or as Senator MANSFIELD has suggested, phased releases concurrent with the withdrawal of U.S. forces.

North Vietnam may 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 Hatfield-McGovern amendment, bring about the release of our American prisoners of war before the withdrawal 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 withdrawing U.S. forces, who has kept faithfully his promises on his policy, and he deserves the credit for his action.

As I have said many times, I hope above all else for a peaceful, political settlement for all of Indochina, which would end not only U.S. fighting, but all fighting among the tortured people of that area. Again, it was for this reason that I voted against the Hatfield-McGovern amendment, as it seemed to me that it provided for a summary, quick withdrawal of our forces without opportunity for a political settlement and the ending of all fighting.

I do not contend that the Cook-Stevens amendment would assure full negotiations and a political settlement. But it is possible that even negotiations on prisoners of war could lead into broader negotiations. Further, if the North Vietnamese actually want an end to the war, and are not embarked on a total victory policy—which I believe now they are—the proposal of this amendment that the United States would withdraw its forces, is certainly an inducement to the North Vietnamese for honest negotiations. The passage of this amendment would provide an opportunity to determine the good faith or lack of good faith of North Vietnam.

It is a faithful and humane effort to secure the release of our prisoners of war.

As one who has been, since August 12, 1969, sponsor, with other Members of the Senate, of several legislative proposals to limit the expansion of the war—some unsuccessful, some partly successful—I have come to know that there is no legislative proposal which can receive the approval of all Members of the Senate, nor barely a majority. I have sought to adhere to a position of constitutionality so 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—some solution which would induce negotiations for a political settlement and, of course, for the release of our prisoners of war.

My examination 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 President. It seeks chiefly to secure the release of our prisoners of war and the withdrawal of our forces. These ends are, I believe, the objective and concern of the American people, and I believe the President as well.

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 will state it.

Mr. COOK. 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:

On page 2, line 16, put a period after "effect," and strike the remainder of page 2 and lines 1 through 17 inclusive on page 3.

The PRESIDING OFFICER. On the amendment to the amendment, the Senator from Kansas has 15 minutes and the Senator from Kentucky has 15 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. STENNIS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. STENNIS. What is the division of time with reference to this amendment?

The PRESIDING OFFICER. Fifteen minutes to each side, as the Chair was saying.

Mr. STENNIS. 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. STENNIS. 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 myself 1 minute.

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 will state it.

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. STENNIS. 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, then with the Pastore 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 out of the North Vietnamese and/or the Vietcong I am not aware. I do not think that it is possible. And once you have put a date in any amendment proscribing the activities of 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. ALLOTT. 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 National Liberation Front was in itself a separate entity from the Vietcong or the North Vietnamese. Actually, the NLF was set up by North Vietnam in 1961 as a political front for the Vietcong, and that is the situation.

But how do we deal with the Vietcong, who we do not recognize? How is the President going to do it? No one can do it. And how can you be sure you have a firm commitment? By what means do the North Vietnamese or the Vietcong make a firm commitment? By what means do we find out who are the prisoners of war in North Vietnam, and who are the ones in South Vietnam with the Vietcong? By what means do we find out those names? If they give us a list, by what means do we ascertain that those men are actually the men who are in prison?

So a situation is set up here which is not possible of determination by the President or any other man at the present time.

In addition, immediately after that, if the President reports that he is unable to get such a commitment, then, on and after the 15th day following the date on which such report is received by Congress, the provisions of subsection (a) "shall have no further force and effect unless the Congress provides for an extension of such provisions as hereinafter provided."

I must say that I believe that the Senator from Kansas (Mr. PEARSON) is entirely correct in his attitude about the procedures that are set up in this measure.

Mr. President, one other point should be made in this argument. I think anyone who assumes that the sole efforts that have been made to release the prisoners of war have been made over the table in Paris is making a very false and invalid assumption. I think it can be assumed that every diplomatic table has been turned, every diplomatic door has been entered, by which we could possibly effect a release of the prisoners in North Vietnam, and that the Government has pursued every one of these courses. Let us assume that they have—and I think they have. Once this amendment is adopted, with a timetable in it of 9 months and 60 days, it would mean the foregoing of any opportunity of going through any of these doors in the future for the purpose of effecting the release of the prisoners. Once a date is disclosed and set for the Persident, we have closed ourselves out of any bargaining power with the North Vietnamese. This is the crux of the matter. This is the important thing in this matter.

We have talked about POW's for so long that we tend to become impersonalized about it. But when one talks with the mothers, the sisters, the wives, and the children, and when one talks with some of the men who have been POW's there, it becomes very personalized; and we are dealing with individuals.

So we are not just mouthing a phrase, "Get the POW's released." We are talking about getting individuals released and restored to this country.

The Senate has expressed itself on this issue. We have expressed ourselves 11 times. We are now down toward the 1st of July, when the draft ought to be extended.

The PRESIDING OFFICER. The time of the Senator has expired.

Who yields time?

Mr. STENNIS. I yield 2 additional minutes to the Senator.

Mr. ALLOTT. 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 backtreading upon the numerous—in fact, the 11—decisions we have made in the Senate to stay with the President and his positive program of withdrawal. He is convinced that in this he has the greatest opportunity for the release of the prisoners. I believe that this is the surest and the best way to assure that we will bring those prisoners home.

Mr. STENNIS. I thank the Senator for his remarks.

Mr. President, on my time, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

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

Mr. BYRD of West Virginia. Mr. President, I ask that the Senate be in order, that Senate aides take their chairs and remain seated, and that there be order in the Senate.

The PRESIDING OFFICER. The Senate will be in order.

Who yields time?

Mr. PEARSON. Mr. President, I am pleased to yield 1 minute to the Senator from Missouri.

The PRESIDING OFFICER. The Senator from Missouri is recognized for 1 minute.

Mr. EAGLETON. Mr. President, on behalf of the Senator from Kentucky (Mr. COOK), the Senator from Alaska (Mr. STEVENS), the Senator from Indiana (Mr. HARTKE) and myself, I am authorized to announce that we will support the amendment of the Senator from Kansas.

I yield the floor.

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum and I ask unanimous consent that the time consumed thereby be equally charged against both sides on amendment No. 165.

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.

I, 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?

The PRESIDING OFFICER. Sixteen minutes remain to the Senator from Kentucky; 24 minutes remain to the Senator from Mississippi.

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; namely, his 24 minutes.

Mr. BYRD of West Virginia. Mr. President, that request will not require unanimous consent. I suggest the absence of a quorum and on behalf of the manager of the bill, Mr. STENNIS, I ask that the time be charged to the time of the Senator from Mississippi on amendment No. 165.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

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 all the rest of the language 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. PEARSON. I will so ask.

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 comment 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 aforesaid been stricken?

The PRESIDING OFFICER. The Senator from Missouri is correct.

Mr. STENNIS. Mr. President, I call this matter to 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 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 that time until 5 o'clock and the vote on the Cook-Stevenson and other amendment is to come at that time.

Mr. STENNIS. That is correct.

Mr. EAGLETON. May I inquire of the Senator from Mississippi if amendments to the amendment are to be offered they are to be covered by a 30-minute time limitation, with 15 minutes to each side thereon?

The PRESIDING OFFICER. The Chair would advise the Senator that under the unanimous-consent agreement time on amendments to amendments is to be equally divided.

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, that 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 Kansas.

Mr. DOLE. Mr. President, I think we have made some improvement in the Cook-Stevens-Eagleton-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-Eagleton-Hartke amendment.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. EAGLETON. Mr. President, I suggest the absence of a quorum with time to be equally charged 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 minute.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

Mr. STENNIS. Mr. President, I wish to say to the Senate, as manager of the bill I do not have any definite, firm, 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 certainly be time to explain it both ways and have a vote on it.

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, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. STEVENS. 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. 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 senior Senator from Kentucky. I think his remarks are most pertinent, particularly in regard to his statement expressing the hope for further negotiations in Paris.

The PRESIDING OFFICER. The Senate will be in order.

Mr. STEVENS. 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 could 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 from 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 definition of "firm commitment." If we are concerned, as I know we are, about American prisoners of war and Americans missing in action, it would seem to the Senator from Kansas 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 sincere that these prisoners can be released, 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 an outright release of them to some U.S. authority.

I would suggest that the amendment by Senators COOK, STEVENS, EAGLETON, and HARTKE be modified to that extent.

If we are truly concerned about 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 go a long way toward making this entire amendment palatable, but I am concerned about American prisoners of war and I am concerned about Americans missing in action, 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 only 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 POW's that the Communists 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.

Rather than 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 effectve 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 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, and their families. If 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 that change.

I might ask 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 give myself 3 minutes.

Mr. DOLE. I still have 30 seconds.

Mr. COOK. Oh, excuse me.

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. EAGELETON. Mr. President, I object.

Mr. President, will the Senator yield me 30 seconds?

Mr. COOK. I am not sure I have the floor.

The PRESIDING OFFICER. The Senator 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 Missouri.

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 or 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 perpetrated on wives and children and mothers and fathers of prisoners of war would be to say in section (b) that the complete release of these prisoners is to be perfected within 60 days. It would be a travesty on the U.S. Senate. It would be a mockery of the people of the United States.

Therefore, I would have to seriously object to the unanimous consent that has been requested by the Senator from Kansas to impose such a burden on this amendment, and, in fact, to prove and to extend the fact that if that were to occur, this amendment would be meaningless.

I yield back the balance of my time.

The PRESIDING OFFICER. Who yields time?

Mr. EAGLETON. Mr. President, I suggest the absence of a quorum, the time to be charged equally——

Mr. MILLER. Mr. President, will the Senator withhold that request?

Mr. EAGLETON. I withhold it.

Mr. MILLER. Mr. President, I yield myself 1 minute.

The PRESIDING OFFICER. On whose time?

Mr. MILLER. On the time of the Senator from Mississippi, if there is no objection.

Mr. EAGLETON. Mr. President, without objection, on the time of the Senator from Mississippi.

Mr. MILLER. Mr. President, I share the concern of the Senator from Kansas about the "firm commitment" language in the pending amendment. I am sure the proponents have the utmost good faith, but at the same time I can see all kinds of mischief that could be raised over this language. A "firm commitment" means what? If we adopted the amendment, Hanoi could state tomorrow that they would be willing to release prisoners of war and they were making a firm commitment to release prisoners of war after all U.S. troops were withdrawn. That is a "firm commitment" that they would proclaim to the world, and it would satisfy the language of this amendment, but it would not satisfy Members of the Senate, I would hope. That is why I think there is a fatal defect in this amendment. There needs to be more than a commitment; there needs to be a release.

I suggest to the Senator from Kentucky that the amendment might be modified to provide something in the nature of a phased release. The Senator from Montana, the distinguished majority leader, has indicated some proposal in that direction.

But just to come out and say "a firm commitment" without more is not going to satisfy the requirement.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. MANSFIELD. Mr. President, will the Senator yield me 1 minute?

Mr. COOK. I yield the majority leader 1 minute.

Mr. MANSFIELD. Mr. President, since my proposal has been mentioned, first, I ask unanimous consent that the name of the distinguished Senator from Rhode Island (Mr. PASTORE) may be added as a cosponsor.

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

Mr. MANSFIELD. Second, I wish to say that I am in favor of the Cook proposal, which I think is good, which goes to the point, and which should be enacted.

Mr. HUMPHREY. Mr. President, will the Senator yield me 1 minute?

Mr. COOK. I yield 1 minute to the Senator from Minnesota.

Mr. HUMPHREY. Mr. President, I rise to ask unanimous consent for the privilege of being listed as a cosponsor. I commend the Senator from Kentucky and the Senator from Missouri for this very well worked out and thoughtful amendment. May I say that we have exhausted——

The PRESIDING OFFICER. Without objection, the Senator will be listed as a cosponsor.

Mr. HUMPHREY. We have exhausted every possibility of negotiation with the North Vietnamese. It ought to be quite clear by now that the option open to the Government of the United States is a program of accelerated time certain withdrawal, and on the basis of that, Mr. President, to try to negotiate, through the language of this amendment, to a firm commitment, the release of our prisoners of war.

If anyone here can suggest any evidence that we are going to be able to negotiate a better settlement, I would like to hear it. We have been at this business now since 1965, and it is perfectly obvious that the answer to American policy in Vietnam is disengagement, withdrawal, and making a firm commitment on a time certain. This language is reasonable, 9 months after the enactment of this particular legislation, giving the President his options or his

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, how much time do I have remaining?

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.

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 clerk will state the amendment, as modified.

The legislative clerk read as follows:

On page 2, line 9, strike 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 parliamentary situation 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 for 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 words like 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 Paris 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 briefly?

Mr. COOK. I yield for 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?

The PRESIDING OFFICER. The Senator has 10 seconds remaining.

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 to unanimous consent to the amendment of the Senator from Mississippi.

The PRESIDING OFFICER. Who yields time? The Senator from Mississippi has 2 minutes remaining; the Senator from Kentucky has 10 minutes.

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 is recognized for 2 minutes.

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 7, 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, or the North Vietnamese agree to release them, will we get out?"

The Secretary of State's answer to that question was "Yes."

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 do not 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, so that 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 if he has 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 "no" on the soon to come Stennis amendment. It is an attempt to kill the Cook-Stevens-Eagleton-Hartke amendment.

It would strike from the bill the whole thrust of what we are trying to do; to put the onus on the North Vietnamese to release our prisoners by setting a final date for U.S. withdrawal. We will be saying to the North Vietnamese—

> 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 decides whether that is a good, solid commitment. I believe as the Senator from Kansas does in the negotiating capabilities of the President. He will be a shrewd negotiator. He will either 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 to this particular amendment. Hopefully today, but certainly in the coming weeks or coming months, a new consensus—which has so slowly taken shape during our Vietnam decade—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 hot war overrode at every stage every conventional consideration of domestic and international law, of the rights of Congress, the requirements of the Constitution, the sensibilities of allies, the fate of individual personalities, the rights of American citizens, 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 appellations have come 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 heal the divisions left in its wake.

This amendment is one example of this new spirit.

Senators from different parties, with different philosophies, perhaps for different reasons, have joined together to say "enough."

"Time," we have been told in the past, "just a little more time and the nightmare 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 consists of hate between our citizens and distrust for the institutions of our governance.

Time has run out for the Indochina war. What little was left ran out last week when 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 leaders are determined to prevail against "wars of national liberation?"

Did the United States rain destruction on large areas of Vietnam and the people that 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 Indochina?"

But there are no answers.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. STENNIS. I yield myself 2 minutes.

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. President, will the Senator yield?

Mr. STENNIS. I yield.

Mr. BYRD of West Virginia. Mr. President, I believe that the Senator from Kentucky thought he was asking for the yeas and nays on amendment No. 165 a moment ago; whereas, in fact, the yeas and nays have instead 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 amendment No. 165.

The yeas and nays were ordered.

Mr. STENNIS. Mr. President, I ask the Chair to take that time out of the Chair's time and not out of my time.

I invite the attention of Senators to page 2, line 8, where they will find the words "the President has been unable to obtain a firm commitment."

What is a firm commitment, and when is the commitment to be delivered? What are the terms? Who is going to supply the guarantee? No one, except the North Vietnamese. When will the delivery be?

My amendment puts it right on the line. It reads:

> The President has been unable to obtain the release of our POW's.

Everyone knows what that means, clear as a bell.

This presents a direct issue, and I hope the amendment will be adopted. It does not affect any other part of this bill.

Mr. COOK. I yield 1 minute to the Senator from Alaska.

Mr. STEVENS. Mr. President, the Senator has placed his finger upon the essence of our amendment. We seek a change in that we no longer want a position saying that they must release our prisoners before we will agree to the time limit for withdrawal. We seek to put them together. We set a time limit and say that the time limit is invalid if they do not make a firm commitment.

The objective we seek is as good as the Nuclear Test Ban Treaty, as good as the objectives we seek at the SALT talks, as good as the objectives we seek throughout the world in dealing with the Communists.

Mr. DOLE. Mr. President, will the Senator yield me 1 minute?

Mr. COOK. No; I will not yield.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator 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 it should be recalled that we started supporting the French in 1945, and here we are in 1971, and all of a sudden 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 Kansas, whether that means 1,600 of them, 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 publicize 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 Senator yield for a question?

Mr. COOK. I have only a certain amount of time remaining. I am sorry.

I would remind the 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 wives, we should not fool the children, we should not fool the parents. This amendment to my amendment would be the biggest foolish thing the Senate could do. Nothing worse could come out of this body than to tell the American people that we have passed something to move the negotiations 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?

The PRESIDING OFFICER. The Senate will be in order.

Mr. MANSFIELD. Mr. President, I should like to propound a parliamentary inquiry.

The PRESIDING OFFICER (Mr. TAFT). The Senator will state it.

Mr. MANSFIELD. Does the Senator from Montana correctly understand that the first vote will be on the Stennis amendment, to eliminate the words "a firm commitment" on page 2, line 9, and the word "for" on line 10 of the same page?

The PRESIDING OFFICER. The Senator is correct.

Mr. MANSFIELD. And that following the disposal of the Stennis amendment, the vote then will be on the Cook-

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 understands that I am for the amendment I have submitted.

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. Mr. President, will the Senator yield?

Mr. COOK. I yield.

Mr. HARTKE. Is it true that if the Stennis amendment is adopted, the effect of the Cook-Stevens-Eagleton-Hartke amendment would be destroyed in its entirety?

Mr. COOK. There is no question about it.

In the remaining time I have, I would say that I do not think there is any question that it would kill the effect of the amendment. I do not think there is any question in the minds of those who devised it that it would do that. I think this was the attempt in asking for an extension of 1 hour.

By taking these words out and saying, in effect, that we would secure the release of all U.S. personnel held captive by that government and by forces allied with that government within 60 days, I do not think anyone on this floor, by the farthest stretch of the imagination believes that can be accomplished.

Mr. GRIFFIN. Mr. President, will the Senator yield for a parliamentary inquiry?

Mr. COOK. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 1 minute.

Mr. COOK. I will use my 1 minute, because I think it is important enough. I think its importance is vested in the words of the distinguished manager of the bill, who said he is for his amendment but is opposed to the Cook-Stevens-Eagleton amendment. As the distinguished Senator from Montana has said, that covers it better than anybody else could cover it. His amendment, in effect, guts the amendment. We have put the 60-day provision, and the automatic cancellation wording and the "firm commitment" language into this amendment in order to present to the Senate a logical, meaningful, and workable compromise that we all may agree on. If in the opinion of the President of the United States we can reach a "firm agreement" then we can proceed to an orderly withdrawal from Southeast Asia. The distinguished Senator from Mississippi would oppose that. However, the idea is coming, and he will sooner or later not be able to stop it.

Mr. President, I yield the floor.

Mr. MANSFIELD. Mr. President, for more than a year now, the Senate has endeavored to translate into action its judgment on the war in Southeast Asia. At times it succeeded. At times it failed. There were the variations that resulted in the Cooper-Church amendment of the summer of 1970; the McGovern-Hatfield proposal of the autumn of 1970; the prohibitions imposed against using funds in Indochina written into the appropriations bill later on in the fall of 1970, and the insistence on that strong language when the final version of the laws came back from conference in the winter of 1970. This spring we were again confronted with the issues. Summer is now here and already the Senate has faced a McGovern-Hatfield proposal, a Chiles proposal, and is about to face a Cook-Eagleton-Stevens-Hartke proposal, with a change sought now by the distinguished manager of the bill, the Senator from Mississippi (Mr. STENNIS).

In my judgment, the Senate has had time to sort out its thoughts; there is no doubt in my mind that the Senate as a whole wishes this Nation to disengage 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 it is doing to our resources is clear beyond question. And, perhaps most important, what it has done to the moral fiber of our Nation, each one of us senses with ourselves. Each of us, I am sure, 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 the people. 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 neglect is enough. 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 unfortunate—at times, the tragic. The 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 that it is not 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 the amendment offered by Senators 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.

Last session the Senate initiated the repeal of the Gulf of Tonkin resolution. That resolution had been cited by the previous administration as the functional equivalent of a congressional declaration of war and a justification and endorsement of a policy of escalation in Vietnam. Many of us were aghast at the broad interpretation put on that resolution. Whatever it was—functional or otherwise—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 U.S. 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 and signature by the President, will be a truly governmentalwide policy for Indochina. It fills the gap between the simple sense of the Senate or sense of Congress resolution which attempts only to state what one branch of the Government 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 does not state what 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. The House can 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 will be given an opportunity to vote as a substitute for the policy I propose. It provides as a matter of national policy for the termination of all military operations in Indochina at the earliest practicable date; for the withdrawal of all our forces within 9 months from date of enactment provided a release of all prisoners is accomplished within that time frame and it urges the President to proclaim a date within this time frame to accomplish those ends. With the public commitment for a date certain, a cease-fire should become a reality.

It is apparent now at least that the United States is committed to a total extrication from the Asian mainland. It is the overwhelming sentiment that the withdrawal shall occur as soon as possible. But in the words of the Senator from Florida (Mr. CHILES): "We play possum with the selection of a date—and the war goes on."

The negotiators in Paris play possum, as well. The selection of a date for our withdrawal, in my judgment, will end the stalemate, will effect the return of our

fighting men, the return of our prisoners, and hopefully will set the stage for the rebuilding process that is needed for the future 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. STENNIS) is agreed to, I shall offer my amendment No. 214 as a substitute for the amendment of the Senator from Kentucky (Mr. COOK), No. 165.

Mr. GRIFFIN. Mr. President, a parliamentary inquiry. Even though the time has expired in terms of debate, is it in order still to offer other amendments to the amendment?

The PRESIDING OFFICER (Mr. TAFT). It would be in order to offer other amendments to the amendment when the amendment of the Senator from Mississippi is disposed of.

Mr. GRIFFIN. Then I cannot get recognition to offer an amendment to the amendment even though there would not be time for debate; is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. COOK. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Kentucky will state it.

Mr. COOK. Is the Chair ruling that after the hour of 4 o'clock has passed on the vote that will be taken on the Stennis amendment, and the hour of 4 o'clock under the unanimous-consent agreement has already passed, that there will be time, after that, for amendments on the bill, after the time set has passed for the vote on amendment 165?

The PRESIDING OFFICER. There would be no time to debate. Under the precedents of the Senate, amendments would be in order.

The question is on agreeing to the amendment of the Senator from Mississippi (Mr. STENNIS) to amendment No. 165.

On this question the yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll and Mr. AIKEN voted in the affirmative.

Mr. STENNIS. Mr. President, would the Chair restate the immediate matter that is being voted on?

The PRESIDING OFFICER. The vote will be taken on the amendment to the amendment of——

Mr. BYRD of West Virginia. 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 South Dakota (Mr. MUNDT) is absent because of illness, and if present and voting, would vote "yea."

The result was announced—yeas 48, nays 51, as follows:

[No. 110 Leg.]

YEAS—48

Allott	Bentsen	Byrd, Va.
Baker	Bible	Byrd, W. Va.
Beall	Boggs	Cannon
Bellmon	Brock	Cotton
Bennett	Buckley	Curtis
Dole	Hansen	Saxbe
Dominick	Hollings	Scott
Eastland	Hruska	Smith
Ellender	Jackson	Sparkman
Ervin	Jordan, Idaho	Spong
Fannin	Long	Stennis
Fong	McClellan	Taft
Gambrell	McGee	Talmadge
Goldwater	Miller	Thurmond
Griffin	Prouty	Tower
Gurney	Roth	Weicker

NAYS—51

Aiken	Hartke	Muskie
Allen	Hatfield	Nelson
Anderson	Hughes	Packwood
Bayh	Humphrey	Pastore
Brooke	Inouye	Pearson
Burdick	Javits	Pell
Case	Jordan, N.C.	Percy
Chiles	Kennedy	Proxmire
Church	Magnuson	Randolph
Cook	Mansfield	Ribicoff
Cooper	Mathias	Schweiker
Cranston	McGovern	Stevens
Eagleton	McIntyre	Stevenson
Fulbright	Metcalf	Symington
Gravel	Mondale	Tunney
Harris	Montoya	Williams
Hart	Moss	Young

NOT VOTING—1

Mundt

So the amendment of Mr. STENNIS to amendment No. 165 was rejected.

Several Senators addressed the Chair.

Mr. ALLEN. Mr. President, having voted in the negative, I move to reconsider the vote by which the amendment was rejected.

Several Senators addressed the Chair.

Mr. HARTKE. Mr. President, I move to lay that motion on the table.

Mr. ALLEN. And I ask for the yeas and nays.

Several Senators addressed the Chair.

Mr. GRIFFIN. The yeas and nays are on the motion to reconsider.

The PRESIDING OFFICER. To table.

Mr. GRIFFIN. No; reconsider.

Mr. MANSFIELD. Mr. President, the motion to table was made by the Senator from Indiana

The PRESIDING OFFICER. The question is on agreeing to the motion to table.

Several Senators: Yeas and nays.

Mr. ALLEN. I call for the yeas and nays on that vote.

The yeas and nays were ordered.

Mr. MANSFIELD. Mr. President, I ask most respectfully that the well of the Chamber be cleared of Senators and attachés unless they have business there.

The PRESIDING OFFICER. The well of the Chamber will remain clear.

The question is on agreeing to the motion to table the motion to reconsider.

Mr. EAGLETON. Mr. President, may we have order? We cannot hear the clerk.

The PRESIDING OFFICER. The Senate will be in order.

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. MANSFIELD. Mr. President, I ask that the well be cleared and kept cleared.

The PRESIDING OFFICER. The well will be cleared. Senators will be seated.

Mr. BYRD of West Virginia. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order.

Mr. BYRD of West Virginia. Mr. President, I ask that the well be cleared.

The PRESIDING OFFICER (Mr. TAFT). The well will be cleared.

The legislative clerk continued the call of the roll.

Mr. BYRD of West Virginia. Mr. President, I respectfully ask the Chair to keep the well clear and to maintain order in the Senate.

The PRESIDING OFFICER. The well will be kept clear and the Senate will be in order.

The legislative clerk continued and concluded the call of the roll.

Mr. GRIFFIN. I announce that the Senator from South Dakota (Mr. MUNDT) is absent because of illness, and, if present and voting, would vote "nay."

The result was announced—yeas 49, nays 50, as follows:

[No. 111 Leg.]

YEAS—49

Aiken	Hatfield	Packwood
Anderson	Hughes	Pastore
Bayh	Humphrey	Pearson
Brooke	Inouye	Pell
Burdick	Javits	Percy
Case	Kennedy	Proxmire
Chiles	Magnuson	Randolph
Church	Mansfield	Ribicoff
Cook	Mathias	Schweiker
Cooper	McGovern	Stevens
Cranston	McIntyre	Stevenson
Eagleton	Metcalf	Symington
Fulbright	Mondale	Tunney
Gravel	Montoya	Williams
Harris	Moss	Young
Hart	Muskie	
Hartke	Nelson	

NAYS—50

Allen	Dominick	McClellan
Allott	Eastland	McGee
Baker	Ellender	Miller
Beall	Ervin	Prouty
Bellmon	Fannin	Roth
Bennett	Fong	Saxbe
Bentsen	Gambrell	Scott
Bible	Goldwater	Smith
Boggs	Griffin	Sparkman
Brock	Gurney	Spong
Buckley	Hansen	Stennis
Byrd, Va.	Hollings	Taft
Byrd, W. Va.	Hruska	Talmadge
Cannon	Jackson	Thurmond
Cotton	Jordan, N.C.	Tower
Curtis	Jordan, Idaho	Weicker
Dole	Long	

NOT VOTING—1

Mundt

So the motion to lay on the table the motion to reconsider was rejected.

Mr. MANSFIELD. Mr. President, I ask for the yeas and nays on the motion to reconsider.

The yeas and nays were ordered.

Mr. STENNIS. Mr. President, what is the pending matter before the Senate?

The PRESIDING OFFICER (Mr. TAFT). The question is on agreeing to the motion to reconsider the vote by which the amendment of the Senator from Mississippi was rejected.

The Senate will be in order.

On this question, the yeas and nays have been ordered, and the clerk will call the roll.

Mr. MANSFIELD. Mr. President, Senators are the worst offenders. Will the Chair make them take their seats and stay there, if it is at all possible?

The PRESIDING OFFICER. The Senate will be in order. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MILLER. Mr. President, a point of order. The Senate is not in order.

The PRESIDING OFFICER. The Senate will be in order. The clerk will suspend until order is restored.

The rollcall was concluded.

Mr. GRIFFIN. I announce that the Senator from South Dakota (Mr. MUNDT) is absent because of illness, and if present and voting, would vote "yea."

The result was announced—yeas 50, nays 49, as follows:

[No. 112 Leg.]

YEAS—50

Allen	Dominick	McClellan
Allott	Eastland	McGee
Baker	Ellender	Miller
Beall	Ervin	Prouty
Bellmon	Fannin	Roth
Bennett	Fong	Saxbe
Bentsen	Gambrell	Scott
Bible	Goldwater	Smith
Boggs	Griffin	Sparkman
Brock	Gurney	Spong
Buckley	Hansen	Stennis
Byrd, Va.	Hollings	Taft
Byrd, W. Va.	Hruska	Talmadge
Cannon	Jackson	Thurmond
Cotton	Jordan, N.C.	Tower
Curtis	Jordan, Idaho	Weicker
Dole	Long	

NAYS—49

Aiken	Hatfield	Packwood
Anderson	Hughes	Pastore
Bayh	Humphrey	Pearson
Brooke	Inouye	Pell
Burdick	Javits	Percy
Case	Kennedy	Proxmire
Chiles	Magnuson	Randolph
Church	Mansfield	Ribicoff
Cook	Mathias	Schweiker
Cooper	McGovern	Stevens
Cranston	McIntyre	Stevenson
Eagleton	Metcalf	Symington
Fulbright	Mondale	Tunney
Gravel	Montoya	Williams
Harris	Moss	Young
Hart	Muskie	
Hartke	Nelson	

NOT VOTING—1

Mundt

So Mr. ALLEN's motion to reconsider the vote by which Mr. STENNIS' amendment was rejected was agreed to.

The PRESIDING OFFICER (Mr. GAMBRELL). The question now recurs on the amendment of the Senator from Mississippi (Mr. STENNIS) to amendment No. 165.

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. GRIFFIN. I announce that the Senator from South Dakota (Mr. MUNDT) is absent because of illness, and if present and voting, would vote "yea."

The result was announced—yeas 50, nays 49, as follows:

[No. 113 Leg.]

YEAS—50

Allen	Dominick	McClellan
Allott	Eastland	McGee
Baker	Ellender	Miller
Beall	Ervin	Prouty
Bellmon	Fannin	Roth
Bennett	Fong	Saxbe
Bentsen	Gambrell	Scott
Bible	Goldwater	Smith
Boggs	Griffin	Sparkman
Brock	Gurney	Spong
Buckley	Hansen	Stennis
Byrd, Va.	Hollings	Taft
Byrd, W. Va.	Hruska	Talmadge
Cannon	Jackson	Thurmond
Cotton	Jordan, N.C.	Tower
Curtis	Jordan, Idaho	Weicker
Dole	Long	

NAYS—49

Aiken	Hatfield	Packwood
Anderson	Hughes	Pastore
Bayh	Humphrey	Pearson
Brooke	Inouye	Pell
Burdick	Javits	Percy
Case	Kennedy	Proxmire
Chiles	Magnuson	Randolph
Church	Mansfield	Ribicoff
Cook	Mathias	Schweiker
Cooper	McGovern	Stevens
Cranston	McIntyre	Stevenson
Eagleton	Metcalf	Symington
Fulbright	Mondale	Tunney
Gravel	Montoya	Williams
Harris	Moss	Young
Hart	Muskie	
Hartke	Nelson	

NOT VOTING—1

Mundt

So Mr. STENNIS' amendment to amendment No. 165 was agreed to.

AMENDMENT NO. 214

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. SPONG), 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 please 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 practicable date all 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 to implement the above expressed policy by initiating immediately the following actions:

(1) Establishing a final date for the withdrawal from Indochina of all military forces of the United States contingent upon the release of all American prisoners of war held by the Government of North Vietnam and forces allied with such Government, such date to be not later than nine months after the date of enactment of this Act.

(2) Negotiate with the Government of North Vietnam for an immediate cease-fire by all parties to the hostilities in Indochina.

(3) Negotiate with the Government of North Vietnam for an agreement which would provide for a series of phased and rapid withdrawals of United States military forces from Indochina in exchange for a corresponding series of phased releases of American prisoners of war, and for the release of any remaining American prisoners of war concurrently with the withdrawal of all remaining military forces of the United States by not later than the date established by the President pursuant to paragraph (1) hereof or by such earlier date as may be agreed upon by the negotiating parties.

Mr. MANSFIELD. Mr. President, I ask for the yeas 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 to, 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 each side 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, is it 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 from 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. AIKEN 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 Senate is not in order.

The PRESIDING OFFICER. The clerk will suspend until the Senate is in order. Senators will take their seats.

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 the absence of a quorum.

Mr. MANSFIELD. Mr. President, regular order. I would hope the Chair would observe it.

The PRESIDING OFFICER. The rollcall has been 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 Chamber and 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 57, nays 42, as follows:

[No. 114 Leg.]

YEAS—57

Aiken	Hartke	Moss
Anderson	Hatfield	Muskie
Bayh	Hollings	Nelson
Bentsen	Hughes	Pastore
Bible	Humphrey	Pearson
Brooke	Inouye	Pell
Burdick	Javits	Percy
Byrd, W. Va.	Jordan, N.C.	Proxmire
Cannon	Jordan, Idaho	Randolph
Case	Kennedy	Ribicoff
Chiles	Magnuson	Schweiker
Church	Mansfield	Spong
Cranston	Mathias	Stevens
Eagleton	McClellan	Stevenson
Fulbright	McGovern	Symington
Gambrell	McIntyre	Talmadge
Gravel	Metcalf	Tunney
Harris	Mondale	Williams
Hart	Montoya	Young

NAYS—42

Allen	Dole	McGee
Allott	Dominick	Miller
Baker	Eastland	Packwood
Beall	Ellender	Prouty
Bellmon	Ervin	Roth
Bennett	Fannin	Saxbe
Boggs	Fong	Scott
Brock	Goldwater	Smith
Buckley	Griffin	Sparkman
Byrd, Va.	Gurney	Stennis
Cook	Hansen	Taft
Cooper	Hruska	Thurmond
Cotton	Jackson	Tower
Curtis	Long	Weicker

NOT VOTING—1

Mundt

So Mr. MANSFIELD's amendment was agreed to.

Mr. MANSFIELD. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. PASTORE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question is on agreeing to the amendment, No. 165, offered by the Senator from Kentucky (Mr. COOK), as amended by the amendment of the Senator from Montana. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. GRIFFIN. I announce that the Senator from South Dakota (Mr. MUNDT) is absent because of illness, and, if present and voting, would vote "nay."

The result was announced—yeas 61, nays 38, as follows:

[No. 115 Leg.]

YEAS—61

Aiken	Hart	Muskie
Anderson	Hartke	Nelson
Baker	Hatfield	Packwood
Bayh	Hollings	Pastore
Bentsen	Hughes	Pearson
Bible	Humphrey	Pell
Brooke	Inouye	Percy
Burdick	Javits	Proxmire
Byrd, W. Va.	Jordan, N.C.	Randolph
Cannon	Jordan, Idaho	Ribicoff
Case	Kennedy	Schweiker
Chiles	Magnuson	Spong
Church	Mansfield	Stevens
Cook	Mathias	Stevenson
Cooper	McClellan	Symington
Cranston	McGovern	Talmadge
Eagleton	McIntyre	Tunney
Fulbright	Metcalf	Williams
Gambrell	Mondale	Young
Gravel	Montoya	
Harris	Moss	

NAYS—38

Allen	Eastland	Miller
Allott	Ellender	Prouty
Beall	Ervin	Roth
Bellmon	Fannin	Saxbe
Bennett	Fong	Scott
Boggs	Goldwater	Smith
Brock	Griffin	Sparkman
Buckley	Gurney	Stennis
Byrd, Va.	Hansen	Taft
Cotton	Hruska	Thurmond
Curtis	Jackson	Tower
Dole	Long	Weicker
Dominick	McGee	

NOT VOTING—1

Mundt

So Mr. COOK's amendment, as amended (No. 165), 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.

AMENDMENT NO. 173

The PRESIDING OFFICER (Mr. SPONG). Pursuant to the previous order, the Chair now lays before the Senate the amendment of the Senator from Illinois (Mr. STEVENSON), amendment No. 173, which will be stated.

The assistant legislative clerk read as follows:

TITLE IV—UNITED STATES INVOLVEMENT IN SOUTH VIETNAMESE ELECTIONS

SEC. 401. The Congress hereby finds and declares that—

(a) A declared purpose of United States military involvement in South Vietnam is to protect the freedom and rights of self-determination of the people of that nation;

(b) The support of the United States for a regime which acquires or retains power through coercive or corrupt means would run counter to the fundamental principles of popular sovereignty;

(c) The 1971 South Vietnamese elections will determine the composition of the South Vietnamese House of Representatives and the identity of the President and the Vice President of South Vietnam and thereby affect directly and substantially the conduct of the war, the rate of American withdrawal, and the prospects for a negotiated settlement;

(d) The goal of self-determination for the people of South Vietnam requires that the United States not only avoid actual support for any candidates or parties but also the appearance of any such support; and

(e) The necessarily close relationship between the United States and the Government of South Vietnam could create a false appearance of support for the reelection of President Thieu or Vice President Ky.

SEC. 402. It is the sense of the Congress—

(a) That the neutrality of the United States in the 1971 South Vietnamese elections be reaffirmed; and

(b) That the President of the United States take all feasible measures to assure that the United States maintains strict 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.

SEC. 403. It is the sense of the Congress that no United States troops or other military assistance shall be furnished to any South Vietnamese regime which hereafter acquires, or retains, power through a coup d'etat or any corrupt or coercive means.

SEC. 404. (a) There is established a body to be known as the South Vietnamese Election Commission (hereafter referred to as the "Commission"). The Commission shall have as its purpose the observation and study of United States involvement in the 1971 elections in South Vietnam.

(b) (1) The Commission shall consist of the following ten members:

(A) Five Members of the Senate appointed by the President pro tempore of the Senate, three of whom shall be members of the majority party and two of whom shall be members of the minority party; and

(B) Five Members of the House of Representatives appointed by the Speaker of that House, three of whom shall be members of the majority party and two of whom shall be members of the minority party.

(2) The Commission shall select a Chairman and Vice Chairman from among its members. Vacancies in the membership of the Commission shall not affect the power of the remaining members to execute the duties of the Commission, and shall be filled in the same manner as in the case of the original selection.

(c) Personnel, including persons speaking the language of South Vietnam, shall be employed by the Commission as soon as practicable after this title takes effect. Such per-

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 considers appropriate.

(d) (1) The Commission shall make its first interim report to the Congress not later than July 15, 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 include such findings, conclusions, and recommendations with respect to the duty imposed upon the Commission and with respect to such other matters as the Commission considers appropriate.

(2) The Commission shall cease to exist thirty days after submission of its final report.

(e) For purposes of this title, the Commission is authorized, in its discretion (1) to make expenditures from the contingent funds of the Senate and the House of Representatives, (2) to hold hearings, (3) to sit and act at any time or place, (4) to employ personnel, (5) to subpena witnesses and documents, (6) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel, information, and facilities of any such department or agency, (7) to procure the temporary services (not in excess of one year) or intermittent services of individual consultants, or organizations thereof, in the same manner and under the same conditions as a standing committee of the Senate may procure such services under section 202(i) of the Legislative Reorganization Act of 1946, (8) to interview employees of the Federal Government and other individuals, and (9) to take depositions and other testimony.

(f) Expenses of the Commission under this title, which shall not exceed $450,000, shall be charged equally to the contingent funds of the Senate and the House of Representatives upon vouchers approved by the Chairman of the Commission.

SEC. 405. Nothing in this title shall be construed as creating any commitment of military assistance to any South Vietnamese Government, howsoever that Government comes to power.

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 5, after the word "personnel", 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 will state it.

Mr. JAVITS. Mr. President, as I understand it, the unanimous-censent 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 amendment under 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 yeas and nays.

Mr. HUMPHREY. Mr. President, the yeas and nays on what?

The PRESIDING OFFICER. The yeas and nays on the amendment of the Senator from Illinois.

Is there a sufficient second?

The yeas 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. STEVENSON. I yield.

Mr. GRIFFIN. 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, may 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. GRAVEL), the time 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 and 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 two amendments remain 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 offer an amendment.

Mr. JAVITS. Mr. President, I am not yet 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 declares 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 lipservice to the ideal of self-determination.

Chalmers Roberts writes:

In 1954 the Eisenhower administration, fearful that elections throughout North and South Vietnam would bring victory to Ho Chi Minh, fought hard but in vain at the 1954 Geneva Conference to reduce the possibility that the conference would call for such elections.

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 and the murder of President Diem. Ambassador Lodge has been quoted as stating that he helped "create the climate" for the coup. Out of the 1963 coup emerged a succession of military governments, all our clients, which continues to this day.

In 1966, one such government, headed by Nguyen Cao Ky, faced a massive uprising of Buddhists in Hue and Da Nang. Despite the fact that the Buddhists were anti-Communist, as well as anti-Ky, we saw 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 fields (of cooperation) is transportation.

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 apparent violation of the U.S. 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 province chief campaigning for President Thieu in an American plane with an American adviser. In the last paragraph of the story a South Vietnamese soldier assigned 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 our 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 wants it said that 10 years of war 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.

To its credit, 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 act in an impartial and fair way 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 Bunker.
Subject: Viet-Nam Elections.

The Republic of Viet-Nam will be holding a presidential election on October 3 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 objective in Viet-Nam 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 or group of candidates or political party for elective office. No American-controlled equipment, supplies, transportation or other facilities may be used in behalf of such candidates or in connection with the campaigns and the elections.

Support for Government of Viet-Nam programs will continue through election campaign periods, but this support must be carefully administered so it will not be misconstrued as U.S. Government support for, or opposition to, any individual's bid for election to 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 amendment enables the Congress 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 of these occur not on election day, but months before.

If the Congress wants to assure that the United States is not involved in irregularities of this kind and wants 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 to peace, instead of to 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, stands 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 interfere by supporting—or opposing—any South Vietnamese presidential candidate. And yet the United States is perceived as supporting the reelection of Mr. Thieu.

To some extent the appearance of support has been unavoidable. The United States subsidizes the Armed Forces, the propaganda apparatus, the police and intelligence network of the South Vietnam Government. A close relationship between U.S. officials and the officials of the Thieu government is necessary. The appearance of support for the reelection of Thieu will continue—unless the Congress acts.

Unless the Congress acts, 10 years of war for self-determination may be climaxed by an election in which the United States is perceived as dictating the choice. There is little the executive branch can do about it. Already one presidential candidate, Vice President Ky, refers to Ambassador Bunker as "Governor General" Bunker. The other major presidential candidate, General Minh, calls him the "King."

This amendment creates a bipartisan, 10-member congressional commission to observe and report on U.S. activities which might interfere with free elections in South Vietnam. I emphasize that the commission's mandate is limited to U.S. activities. It does not contemplate U.S. supervision of the way the South Vietnamese conduct themselves during the campaign. Because the commission is not established to make judgments about the overall fairness of the elections, there is no danger that a fraudulent election would be whitewashed.

The commission would be supported by a Vietnamese speaking staff in place in Vietnam at the earliest possible date. Reports will be transmitted to the Congress on July 15 and at regular intervals thereafter.

The amendment also expresses the sense of the Congress that no U.S. troops or military assistance will be furnished to any South Vietnamese regime which acquires or retains power through corrupt or coercive means. It is true that we provide assistance to many totalitarian governments—perhaps too many. But only in South Vietnam have we expended $120 billion and 50,000 young American lives in the name of self-determination. It is also true that it will be difficult to determine, after the fact, whether fraud had a decisive impact on the outcome of the elections. That would be a judgment for the Congress to make when and if the time comes. This provision 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 intend to help 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 argued by some that it might legitimize 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, or oppose, any candidate and that whoever wins will win as the candidate of the Vietnamese people and not the candidates of the American Government.

It has been argued that adoption of the amendment would interfere in the internal politics of South Vietnam. But the amendment is an act of noninterference.

For too long we have been preoccupied with short-term political and mili-

tary expediencies in South Vietnam. It is past time to put forward a principle. I do not know who would win a fair South Vietnamese election. And I do not know who could best govern and make peace. All I know is that we should try, and that this is our last chance to let the people of South Vietnam choose their own government before we leave. Our own country will rest easier after all its labors for having tried—and perhaps succeeded.

As we withdraw militarily, we can also disengage politically. If we Vietnamize the election, instead of the war, we will at last create a climate for a negotiated settlement and peace.

Mr. JAVITS. Mr. President, I send to the desk an amendment to the amendment and ask that it be stated.

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The assistant legislative clerk read the amendment to the amendment as follows:

On page 4, line 5, strike out subsection (c) and insert:

"(c) Supporting staff shall be employed by the Commission as soon as practicable after this title takes effect."

Mr. JAVITS. Mr. President, I understand I have 15 minutes.

The PRESIDING OFFICER. There are 10 minutes to a side.

Mr. STENNIS. Mr. President, if the Senator will yield to me, will he restate the amendment?

Mr. JAVITS. Mr. President, first I would like to call the attention of the Parliamentarian to the fact that the unanimous-consent agreement on amendment No. 173 was that amendments to the amendment will be limited to 30 minutes, equally divided.

The PRESIDING OFFICER. The Senator is correct.

Mr. JAVITS. Mr. President, I yield myself 5 minutes.

Mr. President, I would like to state this to the Senator from Mississippi (Mr. STENNIS), because there may be some confusion as to why I am moving this amendment. Whatever may happen to the amendment of the Senator from Illinois (Mr. STEVENSON)—and I shall be for it—I did think it was desirable and advantageous that we have nothing in it which would indicate an active supervisory role of a congressional commission in Vietnam. However the Congress may decide to proceed, however best it might want to exercise that responsibility, I think it is desirable for us all to avoid—and I think the Senator from Illinois agrees—language which indicates that we are going to be observers on the ground.

That is the reason for my amendment, which the Senator from Illinois is perfectly willing to take, and which I think is desirable.

Mr. STENNIS. Mr. President, will the Senator repeat the amendment?

Mr. JAVITS. The amendment moves to strike out all of subparagraph (c) on page 4, lines 5 to 12 inclusive, and to substitute therefor the words:

Supporting staff shall be employed by the Commission as soon as practicable after this title takes effect.

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, officials, and citizens and shall remain in that country for such period of time as the Commission considers appropriate.

Mr. STENNIS. The Senator would strike all of pargraph (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 making this change in the amendment, because I think it is really absolutely essential to the purposes which the Senator from Illinois (Mr. STEVENSON) seeks to serve, and which I would think all of us would seek to serve.

There is little question about the suspicions and anxieties which are rife in Saigon. One hears all kinds of expositions about the fact that, somehow or other, the U.S. 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 anybody in Saigon, is a very tough job.

At the same time, we all realize that support by the United States of the Government of South 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. They were there for 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 at least to show our cognizance 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 unwitting by the Senator from Illinois, in the language which he had in 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 then put in a separate sentence.

Then the language in the provision of the Senator from Illinois continues:

That language I have stricken. The reason why I have stricken it is that it would represent another presence 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 certain responsibility 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 of 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 prior to or after the event, that 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 been so violently objected to—and I think quite properly—which sets conditions of approval by Members of the National Assembly or by local legislators on the municipal and local level before a man can stand for the presidency, and 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 fracas there which has come about with respect to members of the assembly. On one occasion a member of the assembly was arrested in the assembly chamber.

These are all factors which should be taken into consideration without the Commission's being required to actually take the role of sending people over there to look it over on the ground. They might do it, but they would not be obliged to do it, and it would not be formalized in the way in which it was in the resolution. That is the reason why I offered the amendment.

As to the substance of the matter, I think it is highly desirable. The American people deserve that degree of assurance. Congress, in judging its own policies deserves reliable information on the situation such as can be gathered by a group of this character, made up of Members of both Houses and both parties.

I think the Senator from Illinois has offered a very desirable amendment, which I hope the Senate will approve. In any case, whether it approves it or not, I think it would be in much better shape—and the Senator from Illinois agrees—if there were excised that part of the amendment which I seek to have excised.

I hope very much, now that Members of the Senate have heard what I seek to do for practical purposes, that there would not be any objection to this change

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. The unanimous-consent agreement previously entered into permits amendments to the amendment.

Mr. TOWER. Mr. President, I think this is an extremely unwise 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.

I think that the fact 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, gives it, to me, quite candidly, a pretty good appearance of being a fishing expedition, or perhaps a political forum. I would certainly be loath to see such a commission appointed that had an 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, made up of representatives of the public 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 European allies; we provide them 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 reelected, 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 authorize the commission to determine whether or not there had been any corrupt electoral practices in Cook County, Ill. over the past decade, and perhaps provide for a 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 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 can remember, one evening in 1966, 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 20 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, 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 to develop. There is the suggestion 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 not like to see anything of that kind happen again, and I think the amendment should be firmly rejected.

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 Texas, 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 tragedy 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 all that 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 of our Government, 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 same policy and help 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, in addition, that it is very reassuring to me to have his support. I know of 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 would 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.

Mr. STENNIS. I do not object to having a voice 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. SPONG). 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.

Mr. STENNIS. Mr. President, if it is convenient to the Senator from Illinois, I would like to ask him one or two questions, if I may.

How much time does the Senator from Illinois contemplate 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 some idea about it?

Mr. STEVENSON. It is very difficult

to be exact, but it proposes to create a commission with staff on the ground in South Vietnam as soon as practicable after adoption of the amendment, with a final report to Congress on November 30, 1971.

Mr. STENNIS. What would be the activity of the commission and what would be their duty while they are over there?

Mr. STEVENSON. The purpose of the commission, basically, is to reassure the people of South Vietnam that we are, in fact, neutral. Those reassurances from the executive branch mean nothing, not from an ambassador called "governor-general" by one presidential candidate, not from an ambassador called "the king" by another of the major presidential candidates in South Vietnam.

This would provide a means of assuring the people of South Vietnam and assurances from the elected representatives of the American people in their Congress that, notwithstanding appearances of involvement and appearances of support of the Government in South Vietnam, we are neutral. Its other main purpose would be to keep Congress informed. It is not to interfere; it is not to supervise. It is simply to keep Congress informed about the activities of our agencies in South Vietnam.

For example, I do not know to what extent the candidates for office in the South Vietnamese elections are going to have access to the media in South Vietnam, to the television and radio which are subsidized by the American taxpayers.

It would simply be to keep Congress informed, so that it can better exercise its responsibilities.

Mr. STENNIS. If I may, I should like to ask the Senator another question. I note that on page 5 it is stated that the commission would have authority to procure the temporary services, not in excess of 1 year—intermittent service—of individual consultants or organizations thereof, in the same manner and conditions as a standing committee. Would that contemplate these consultants or the personnel going to Vietnam as observers for the commission?

Mr. STEVENSON. That would have to be up to the commission itself. I have a good deal of confidence in Congress and in the capacity of the leadership to select responsible members of this commission. It would then be up to the members of the commission to perform their duties and responsibilities and to have consultants and staff as they require. It is difficult for me to say what individuals, consultants, or groups they might retain and for what precise purposes.

Mr. STENNIS. The reason why I asked the question is that we have just stricken out paragraph (c). Frankly, it seems to me that activity of this kind by the personnel mentioned would be more timely than by five Senators and five Representatives probing and poking into things over there. I think Members of Congress have a duty here, largely. If we are going to have the commission, I would not object to sending someone over there, but I do not think Members of Congress have much time to be given to an election in Vietnam.

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 time to spend in Vietnam. 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 staff.

Mr. STENNIS. I thank the Senator. If it is convenient to the Senator, I should like to yield myself a few minutes and state my position, when he is ready to yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi has the floor.

Mr. STEVENSON. I yield the floor.

Mr. STENNIS. 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 we have to stop and remind ourselves every once in a while what the subject matter of the bill before the Senate is. It involves Selective Service, the extension of the power 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—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, on the floor of the Senate, at 6:55 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, extensive undertakings 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 now 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, watching our governmental agencies. Who is going to be here, 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 now, after all these years, it would appear that we got them 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. STENNIS. 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, but in view of the fact that even 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, it is not our business to run their elections when we are pulling our troops out and leaving the South Vietnamese to try to defend themselves.

Mr. STENNIS. The Senator from Louisiana makes a fine 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. STENNIS. I yield.

Mr. ALLOTT. I am 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 anything 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 to observe this.

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 over there.

Mr. STENNIS. I am glad the Senator mentioned that. He makes a good point. I took it that the subpena power would apply only in the United States and not in 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 throughout the United States, would it not? We could not, of course, subpena

the documents of the South Vietnamese Government; but if we go over there and subpena documents and witnesses from U.S. personnel, we certainly would put ourselves in substantially that same position, would we not?

Mr. STENNIS. 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 are also performed by other agencies, including the Foreign Relations Committee which has the subpena power; but the subpena powers in this case could 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. ALLOTT. It occurs to me that if we would appoint such a commission and send it to South Vietnam, whether we tried 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. But if we set ourselves up as a commission in a foreign country to investigate the manner and the way in which they are conducting their elections as 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 an honest election."

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 recently on the Laos situation, without knowledge to most of us. The Armed Services Committee can. The Appropriations Committee can. The Government Operations Committee can. Conceivably other committees could, in order to take a true evaluation from their own viewpoint; but to hold some hearings in another country saying in effect to that country, "We think you are running a dishonest election and therefore we are over here to keep you honest," would be making one of the worst mistakes we could make. We certainly do not believe that the Government of South Vietnam would become a viable country on its own merits at that point.

Mr. STENNIS. I thank the Senator from Colorado.

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. STENNIS. I yield 5 minutes to the Senator from Colorado.

The PRESIDING OFFICER. The Senator from Colorado is recognized for 5 minutes.

Mr. DOMINICK. Mr. President, I thank the Senator from Mississippi for yielding and join him in really solid opposition to the pending amendment.

I think it is worthwhile to specify why, because whenever one is in opposition to an amendment of this kind, it looks as though he is in favor of bad elections and against fair elections and, obviously, this is going to be the interpretation that a number of people will put on it; but, it is important enough so that we have an opportunity at least to put something in the record which will indicate why.

As we look at page 2 of the amendment, section 401, subsection (c), Congress is saying that what happens in the election procedure in South Vietnam will determine the rate of withdrawal of American troops.

Now, Mr. President, who said so?

What possible indication has there been from the President of the United States, or from anyone else, that the rate of withdrawal of American troops would depend upon who is elected in South Vietnam?

Exactly the opposite has been stated, but here Congress is finding as a matter of fact that if we adopt this amendment, the President of the United States is a liar.

I do not believe that he is. He has not been, in any single situation throughout his efforts to withdraw our force from Vietnam. He has fulfilled every commitment he has made to the American people. I think it is an insult. So that is point No. 1.

Point No. 2 is subsection (e), still on page 2 and it states:

> The necessarily close relationship between the United States and the Government of South Vietnam could create a false appearance of support for the reelection of President Thieu or Vice President Ky.

Mr. President, who says they are going to be the only two candidates?

Who is trying to find out that these are the only two candidates that will run?

Who is trying to say that Congress will predetermine who will run in that election?

There are at least three other people already who have been mentioned prominently, and there may be four or five more before they get through. We will not know until after the assembly has been elected, because each individual that wants to run for President must have enough support from the members of the assembly in order to be able to get on the ballot.

Then on page 3 of the amendment, it states that they are going to establish a body to be known as the South Vietnamese Election Commission, whose purpose will be to supervise South Vietnamese elections. If I have ever heard of anything that indicates we are walking right into the middle of an internecine fight within that country which is trying to conduct elections while there is still a war going on, I have never seen anything that would create it more than that particular title, because the membership of the Commission would be created with five Members of the U.S. Senate and five Members of the House of Representatives.

I gather that we do not have any Members who, at the moment, can speak for the South Vietnamese. 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 Vietnamese. However, I do not. 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 consisting 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 what we are really over there to do is to see that one or two 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, we are on controlled time. I want to ask the Senator from Illinois to yield me some time.

Mr. STEVENSON. Mr. President, I would be glad to yield to the Senator from Iowa.

Mr. MILLER. Mr. President, would the Senator yield me 5 minutes?

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 send to the desk an amendment and ask that it be stated.

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 requirement set forth in subsection 401(d) above has been satisfied."
>
> On page 4, immediately before line 13 insert the following:

"(d) Such staff and Members of the Commission shall avoid involvement in said 1971 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" in line 19 and strike the balance of line 19 and all of line 20.

On page 5, line 8, strike "in excess of one year" and insert in lieu thereof the following: "beyond December 31, 1971".

The PRESIDING OFFICER. There will be 30 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 elections. I do not believe that is the intention of the amendment. I think that the intention is to have the commission observing and studying the 1971 elections with a view to determining the degree to which—and that degree would hopefully be zero—the requirement set forth in subsections 401(d) has been satisfied.

Section 401(d) states the requirement that the United States not only avoid actual support for any candidates or parties, but also the appearance of any such support.

That, I believe, is the proper function of this commission.

Now, over on page 4, I have proposed an additional subsection (d) in the middle of the page to make it clear that the staff of this commission, and indeed the members of the commission themselves, shall not become involved in 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 having a prohibition included concerning the staff and the commission members, we can foreclose that.

The next amendment is to change the date from July 15, 1971, for the first interim report to 30 days following enactment of this title. That is because of the time frame included in the bill.

I suggest that the July 15 dateline might be an empty gesture. Thirty days following the enactment of this title, I think, might be a reasonable time for the first interim report.

Then, the amendment on lines 19 and 20 of page 4 gives the commission not only the duty of observing, but also a broad sweeping power to report with respect to such other matters as the commission considers appropriate. I do not believe that we should order such a broad brush for this commission. I think that they will have plenty to do in observing the elections and rendering their reports thereon without giving them further powers.

Finally, on page 5, there is a matter of the employment of temporary services not in excess of 1 year. That does indeed, as the Senator from Colorado (Mr. DOMINICK) just pointed out appear to be a little long. Therefore, since the final report is due on November 30, 1971, I have proposed in my amendment to change the period of time for the employment of temporary services to not extend beyond December 31, 1971.

I can see where for an extra 30 days after the rendition of the final report there might be the requirement for some administrative duties. But I think it well to tie it down rather than to have the 1 year.

As I say, these amendments are offered for the purpose of being helpful to the amendment offered by the Senator from Illinois. I have discussed them with him. I hope he would see fit to accept them. I am happy to yield such time as remains to the Senator from Illinois.

Mr. STEVENSON. Mr. President, I thank the Senator from Iowa for his helpfulness. I am glad to accept the amendments. 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.

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 if South Vietnam would permit such supervision. This could result in a break in relations between the two countries.

Under this amendment the winner of the election next October in South Vietnam may be looked upon as the one aided by the U.S. Government. This is not the wish of the Senator from Illinois, but it could be the result of this amendment.

This amendment would also deny the South Vietnamese Government United States support if that Government changes power through some process other than an election. Such a decision should be left in the hands of the executive branch as a matter of foreign policy.

If the Congress disagrees with the decision of the executive branch then it can exercise its power of the purse and deny to the President funds to aid the new government.

Here again, Mr. President, the Congress is making an attempt to deny the President his constitutional powers. I urge rejection of this amendment.

Mr. MONDALE. Mr. President, I want to express my strong support for Senator STEVENSON'S amendment to create a congressional commission to help insure that the United States follows a policy of strict neutrality with regard to forthcoming elections in South Vietnam.

In many ways, this amendment goes to the heart of the enormous sacrifice we have made in Southeast Asia.

We have asked young men to give their lives and limbs . . . we have asked the American people to give billions of dollars . . . so that the people of South Vietnam would be free to chart their own course.

We have learned the hard way, of course, that we cannot dictate the politics or change the culture of another people. We cannot give them purpose or unity or values that they are unwilling or unable to accept for themselves.

And I do not believe that this amendment can be a guarantee that the South Vietnamese will exercise a fair and free choice for their government this fall.

But if our sacrifice means anything, surely we have to do all we can to see that the United States does nothing to interfere with that choice.

One of the most repelling ironies of this war has been the heavy hand of American interference in South Vietnamese politics while our men were dying for South Vietnam's independence.

There is no more telling example of that interference than the huge investment of U.S. funds and advisory support in the governmental police apparatus of the Saigon regime—a police force all too frequently used for the arrest and detention, not of Communists, but of nationalist non-Communist opponents of the Thieu-Ky Government.

I find it bitterly symbolic that over a decade in which nearly 50,000 Americans have died in the name of freedom for South Vietnam, the number of political police in that country has increased sixfold from 16,000 to 97,000 in 1971. And with our assistance the number is planned to grow to 147,000 by 1973.

U.S. aid for the police alone has increased 25 percent from 1970, to an estimated $27.3 million in 1971. These are only the unclassified aid figures. We can only assume that covert funds would make that figure much larger.

We are now budgeting six times as much aid for political police in South Vietnam as we are for education.

There is no secret about the function of this U.S.-created police force. Its targets are religious groups, veterans, and students—almost anyone who voices opposition to the war policy of the present regime in Saigon.

Our assistance, however, is not limited to training a force of repression. We have also had a part, as Congressman ANDERSON and others have shown, in the building of the infamous "tiger cages" on Con Son Island. And beyond assistance to a political police force, or building barbaric prisons, our political interference in South Vietnam has been evident in a number of other ways. Perhaps

one of the most notable was the tragic Chau case—a member of the General Assembly House of Deputies who was summarily 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 U.S. embassy and Ambassador Bunker were implicated, and whether the United States was in any way responsible for the totalitarian repression of opposition in South Vietnam's National Assembly.

While we are at it, we might ask as well for the real story behind the Chuyen case—a reported CIA 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 treasure—just as we have earned the right to know how our own Government moved us into this bottomless tragedy to begin with.

As I said at the outset, Mr. President, the Stevenson amendment cannot insure the freedom of South Vietnam's elections. It certainly cannot insure 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 conniving 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 we should withdraw 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 uncertainties about present policy 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 but that we appear to be fair and impartial. Already we have sent out instructions to all concerned to make every effort to stay out of any political 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. This 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 $565 million in economic aid to South Vietnam.

Thus, we are likely to spend an additional $15 billion to give South Vietnam a chance to survive. If a similar program for American domestic renewal were proposed, we would have numerous studies, extensive 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 even more 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 aside 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 35 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—

> Corruption has become . . . an incurable disease.

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 runner-up in the 1967 elections is still in prison. Vice President Ky's newspaper has been closed half the time in the past 3 weeks. Saigon's leading opposition newspaper has been seized 141 times in the past 18 months. And we have yet to see whether technicalities will once again 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 reassert 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 were 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 asked pointedly political 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 example of possible U.S. partiality in the forthcoming elections is the series of programs run by the Public Affairs Office of the USIA. The able and distinguished Senator from Idaho, Mr. CHURCH, has studied this problem and recommended ways for preventing our officials from running a massive propaganda campaign which bolsters President Thieu.

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 partiality because the head of our Saigon public 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 South Vietnam. 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 during the further consideration of amendment No. 173, the pending amendment, the time be limited to 20 minutes, the time to be equally divided between the mover of the amendment and the manager of the bill.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Who yields time?

Mr. CHURCH. Mr. President, would the Senator from Illinois be kind enough to yield me 3 minutes to make an insertion in the RECORD?

Mr. STEVENSON. Mr. President, I yield 3 minutes to the Senator from Idaho.

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 items which 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 Government in recovering these forbidden shipments.

The seriousness of the disclosures by Mr. Tad Szulc of the New York Times cannot be 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 explicity 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 on March 25 and nothing is now 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:

First. Mr. Szulc's article from the New York Times.

Second. A bill of lading from the National Shipping Corp. of Karachi, sent to the Embassy in Pakistan, dated April 8, 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 shipments of additional military items on the *Sunderbans*, dated April 16.

Fourth. A copy of the deck receipt from East-West Shipping 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 DESPITE BAN

(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 from the United States to Pakistan 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 within the Administration as to how the three-month-old ban on shipments of military equipment to Pakistan should be applied.

"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 in mid-August with a cargo that 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 8 with other items of military equipment for Pakistan, including parts for armored personnel carriers, according to the ship's manifesto and the accompanying State Department export license. She is due to arrive in Karachi Wednesday.

All 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, initiated in 1967, had been placed "under review."

Today, State Department officials, responding to queries 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 were prohibited under the ban imposed shortly after the severe repression of the East Pakistani independence movement began early in the spring. The State Department estimates that at least 200,000 East Pakistanis have died in the subsequent fighting and that 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 or agents of 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 could not explain how this Pentagon statement could be reconciled with the fact that, according to the bills of lading submitted to the Pakistani Embassy here, the equipment to be loaded on the Sunderbans was received at the dock in New York on April 23 and the equipment for the Padma on May 21.

A communication from the shippers to Lt. Col. M. Amram Raja at the defense procurement division of the Pakistani 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 appeared to be at a loss for an explanation of the shipments.

State Department sources quoted the Defense Department as saying that no sales or 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 been made 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

State William P. Rogers requesting information about "certain items of military equipment" being shipped to Pakistan under State Department licenses.

Senator Church, 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 of this equipment.

A check of the bills of lading of the cargo aboard the Sunderbans showed that this license covered an item described as "28 skids, parts," weighing 11,895 pounds. No further description of these items was available.

But another license issued by the State Department for the Sunderban's cargo specified "parts and accessories for military vehicles." The Sunderbans carries a total of 21 items, according to the dockside delivery listings, identified on these documents only as cases and cartons of "auto parts and accessories," "skids and parts," "boxes" and "parts."

PLANES AND PARACHUTES LISTED

The dockside delivery listings for the Padma include two entries of "four aircraft" each, 113 parachutes and parts, and auto parts, accessories, skids and "wooden boxes."

An item described as "crates, bundles and parts" is listed as weighing 14,133 pounds.

The program of military sales to Pakistan, begun in 1967, had been running at nearly $10-million a year, according to Robert J. McCloskey, the State Department spokesman. The United States agreed in that year to sell "nonlethal" equipment to both Pakistan and India, lifting in part the embargo placed on military deliveries after the 1965 Indian-Pakistani war.

In October, 1970, the Administration agreed, as an "exception," to sell Pakistan an undisclosed number of F–104 fighter planes, B–57 bombers, and armored personnel carriers. However, 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 1967 and April 30, 1970.

A communication sent on May 28 to the defense procurement division of the Pakistani Embassy by the headquarters of the Air Force accounting and finance center in Denver enclosed a "status report . . . listing all your open foreign military sales cases, showing case value, amounts collected, delivered and undelivered."

The letter—signed by Elaine B. Loventhal, chief foreign military sales branch comptroller at the Denver headquarters—was headed: "USAF statement of military sales transactions and detail delivery listings."

The "status report" noted that previous charges on Pakistani military purchases were $25,679,654.10, that undelivered items totaled $21,730,740.07 and that "cash received to date" was $24,342,782.37.

State Department officials were unable to say precisely what period this report covered.

The Air Force report said, however, that the Pakistani Government had to remit "on or before 31 May, 1971" the sum of $3,376,-253.51 for further "total cash requirements."

A notation on the report showed that a check from Pakistan for $404,116.49 had been received "in May, 1971."

Authoritative sources here said that "in all likelihood" additional sales to Pakistan might have been made by the Army and the Navy.

Spokesmen for the East West Shipping Agency, the New York agents for the Padma and the Sunderbans, indicated that the Padma had carried military equipment to Pakistan on a number of recent voyages, most recently delivering it in Karachi on March 22, three days before the troop action in East Pakistan.

The voyage for which the Padma is now preparing is her first to Karachi carrying military equipment since the ban was imposed after March 25. The current trip by the Sunderbans is also her first with such equipment since the ban. But authoritative sources said that other ships with military equipment for Pakistan might have sailed since March 25 from East and West Coast ports.

BILL OF LADING

Forwarding agent—shipper's references: Ref Exp: 63942MVF Inter-Maritime Forwarding Co., Inc., 30 Church St., N.Y.

Shipper: Embassy of Pakistan (Defence Procurement Div.), Washington, D.C.

Consigned to order of: C/O Embarkation Headquarters, Karachi, Pakistan.

Address arrival notice to: Commandant Officer, Central MT Stores Depot Golra, C/O Embarkation Headquarters, Karachi, Pakistan.

Also notify: None.

Vessel: S.S. Sunderbans (National Shipping Corp.).

Pier: No. 36 East River.

Port of loading: New York, N.Y.

Mark and numbers: EXP:63942; BAC–1/19, BAF–1/8, BAD–1.

Number of packages: 28.

Description of packages and goods: Skids, parts and accessories for military vehicles (claw screw cam control).

Gross weight in pounds: 11,895.

Dated at New York: 4/8/71.

BILL OF LADING

Forwarding agent—shipper's references: REF EXP: 53950MVP, Inter-Maritime Forwarding Co., Inc., 30 Church St., N.Y.

Shipper: Embassy of Pakistan (Defence Procurement Division), Washington, D.C.

Consigned to order of: C/O Embarkation Headquarters, Karachi, Pakistan.

Address arrival notice to: Commandant Officer, Central MT Stores Depot Golra, C/O Embarkation Headquarters, Karachi, Pakistan.

Also notify: None.

Vessel: SS. Sunderbans (National Shipping Corp.).

Pier: No. 36 East River.

Port of loading: New York.

Marks and numbers: EXP: 63950, BAG–1/9, UNI–1/13, BAD–1.

Number of packages: 23.

Description of packages and goods: Pieces (22 skids, lctn.), parts and accessories for military vehicles (shaft, screw, mount knob).

Gross weight in pounds: 18,171.

Dated at New York: 4/16/71.

EAST WEST SHIPPING AGENCIES, INC.,
New York, N.Y.

EMBASSY OF PAKISTAN,
Washington, D.C.

Attention: Lt. Col. M. Akram Raja, Attache (D.P.) *Defense Pres. Division*

DEAR SIR: We are pleased to forward copies of dock receipts together with a list covering that merchandise received for the past week, May 21, 1971.

Trusting you find the above in order, we remain,

Very truly yours.
EAST WEST SHIPPING AGENCIES, INC.

UNITED STATES SENATE,
Washington, D.C., June 22, 1971.

THE PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: It has come to my attention that the Pakistan ship *Padma*, that left New York harbor this afternoon bound for Montreal, is carrying a load of United States supplied arms, weapons, and related spare parts which is in violation of our officially proclaimed policy banning all arms and weapons to the Government of Pakistan at this time.

I take the utmost objection at the failure of the United States to prevent these arms from being loaded on the *Padma*. Certainly we should be able to enforce the publicly declared policy of the government.

It is reported that the *Padma* will dock in Montreal before proceeding further. If the Coast Guard is unable to intercept the ship in American waters, then I urge you to solicit the cooperation of the Canadian Government in recovering these forbidden shipments.

I hope you will take prompt and necessary measures to see that American arms are removed from the *Padma*.

Very truly yours,

FRANK CHURCH.

THE MILITARY SELECTIVE SERVICE ACT

The Senate continued with the consideration of the bill (H.R. 6531) to amend the Military Selective Service Act of 1967; to increase military pay; to authorize military active duty strengths for fiscal year 1972; and for other purposes.

Mr. STEVENSON. Mr. President, I yield 5 minutes to the Senator from Minnesota.

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 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 the Congress—

(a) That the neutrality of the United States in the 1971 South Vietnamese elections be reaffirmed; and

(b) That the President of the United States take all feasible measures to assure that the United States maintains strict neurality 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 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 committees of Congress could do this on their own. In other words, 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 amendment is to state unequivocally that we, the people of the United States, through the Representatives of the people in this Congress, want to assure that the power, influence, resources, the equipment, money, and personnel of the United States presence in Vietnam is not used in any way whatso-

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 we are 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, but we do not believe 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 encumbents.

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 as to the conduct of American personnel in Vietnam in the political process. I do not think it will take an inordinate amount of time for Members of 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 tempore 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 RE-ELECTION OF PRESIDENT THIEU?

Mr. President, I speak in support of the amendment No. 173 which the 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 all 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 analysis and contingency 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—the principle of true 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 all-too-long commitment by the United States, the South Vietnamese will be able to "hack 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 kind of strength and self-determination which I believe should be the focus of our attention. When the President explains to us the scorecard of his policy, he fails to talk about 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 supporting in South Vietnam. 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 plank in their platforms. The senatorial elections last August gave further evidence of the desire of the people to end the war. The anti-government and pro-peace Buddhist state headed by Vu Van Mau received the highest number of votes. These elections confirmed that the people of South Vietnam want peace and not a continuation of the war.

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 steps, which are by definition the most elementary, can also be the most consequential. We know that the sheer weight of American presence in Vietnam is a pillar of support for the government in power. But we also know that there are ways to minimize this support, if not eliminate it completely which the administration is making no effort to do. One has only to read the testimony before the Senate Foreign Relations Committee to realize that the U.S. Government is actively supporting the Thieu government.

The Senator from Idaho (Mr. CHURCH) recognized this point and documented his point extremely well when he introduced his bill (S. 1397) to amend the U.S. Information and Educational Exchange Act of 1948 to impose restrictions on information activities outside U.S. Government agencies. Senator CHURCH disclosed the type of activity such as "informal provincial samplings" or polls undertaken by the USIA in Saigon on behalf of the Thieu government. Ambassador Harriman has gone even farther by noting our "unqualified support of the unpopular and repressive Thieu government." Notwithstanding official denials to the contrary, we know this to be true.

I, therefore, have joined with Senator STEVENSON in introducing this amendment which, while more comprehensive, is really a logical extension of Senator CHURCH's amendment. It would bind our Government to maintain a position of strict neutrality during all the elections which are scheduled in South Vietnam—the elections of the national lower house in the summer, the presidential elections in the fall, and the elections of the province chiefs and mayors in the winter. A congressional commission would be created to keep the Congress informed about the elections and help implement a policy of neutrality.

Without U.S. assistance and influence the chances for freer elections in South Vietnam would be enhanced. 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 present 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 substantive measure designed 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 take 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 uninhibited 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 of factors which indicate the unlikeliness of an unmanaged election. Thieu has jailed a number of those opposed to his policies, including the man who came in second in the 1967 presidential election, and even a member of the lower house—in violation of his constitutional immunity and a Supreme Court ruling. Incidentally he has replaced the judge who made this ruling. After his return from Midway, President Thieu announced 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 forthcoming elections to careful scrutiny. Observers should be dispatched as soon as possible, for what happens between now and the elections will be more important than what takes place on election days. While the observers should, of course, look for signs of improper use of American influence, they must also be able to report on the activities of Thieu's military and political machine.

The presence of American observers might inhibit efforts to manipulate the elections. If, as I fear, the elections are nonetheless controlled, the committee report would make the American people aware of the facts and dispel any illusion of a popular choice.

The National Committee for a Political Settlement in Vietnam, of which I am a member, has also made some excellent proposals for a policy in Vietnam. I ask, Mr. President, unanimous consent that these proposals be printed at this point in the RECORD.

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

THE MORAL IMPERATIVE IS TO STOP ALL THE KILLING AT THE EARLIEST POSSIBLE MOMENT IN ADVANCE OF WHATEVER DATE IS SET FOR AMERICAN WITHDRAWAL

The expanded combat in Indochina shows clearly the risks of "Vietnamization" and its failure as a way of ending the war. Yet, it is not enough just to say "Let's get out. Simply getting out—now, or on a set date, or in the indefinite future—without a political settlement, is still "Vietnamization" of the killing, substituting Vietnamese blood and bodies for those of Americans.

The coming 1971 elections in South Vietnam (Lower House in August, Presidency in October and province chiefs and mayors in the winter), coinciding with the rainy season lull in military activity, offer new opportunities for fresh initiatives to end the fighting and bring the parties to the Indochina war into meaningful negotiations.

With peace the major issue in these elections, the campaign can focus the widespread desire of the South Vietnamese people for peace and a cease-fire, bringing pressures to bear on both Saigon and the National Liberation Front to consider the kinds of accommodations necessary to negotiating a political settlement.

An election cease-fire followed by free and open elections, could be the first step toward bringing the other side into the political process and moving the struggle for power from the military to the political level.

Whether or not this occurs, a broader government emerging from the elections would be in a more favorable position to offer and seek accommodations and agreement. Fair and unimpeded elections would strengthen the independent, unaligned political and religious forces, such as the Buddhists, the trade unions, the liberal Catholics and peace groups.

To stop *all* the killing, and bring home *all* American troops and prisoners of war, the U.S. and its allies should:

Initiate an election year standstill ceasefire in South Vietnam, setting a date when our forces will stop all firing and offensive action, firing only in self defense, urging the other side to reciprocate and establish an atmosphere of peace for the 1971 elections.

Open the 1971 elections to the other side inviting the Provisional Revolutionary Government to participate fully, along with independent non-Communist religious and political forces, such as the Unified Buddhists, in supervising, administering and running candidates in this year's elections, with guarantees against reprisals for political activity. To move the conflict from the military to the political level requires opening the political process to the Communists.

Mixed election commissions, or similar care-taker election arrangements which include the various parties, could help assure full access to the political process by all parties and fair campaign and electoral processes.

Fair and open elections offer the best chance for the development of democracy and a stable peace, requiring both 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 aid or activity that would compromise the elections.

Pursue a permanent cease-fire agreement which will include international supervision of the cease-fire and elections, withdrawal of all non-South Vietnamese military forces, release of all prisoners of war and guarantees of no reprisals by either side following the elections and political settlement.

Just as we have refused to take "no" for an answer on the prisoner of war issues, 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 peaceful 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 well in the last decade how we can build.

Mr. President, all I am asking today is that we begin the process of construction. We can begin by respecting a policy of strict neutrality during the upcoming 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 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 comment that it is a brave man in public life from Cook County, Ill., that would get into the question of honest elections and the regulation of such 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 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 that I commend him on his initiative.

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 could also bring 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 happy experiences. We should not subject other people to them without such mitigation 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, I will yield the Senator 3 minutes, if he wishes, after I complete my statement.

Mr. STEVENSON. 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 write off something, but we have all these agencies of the Government over there now—economic aid, military aid, military forces of our own. We talk about 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-

portant as their places are here. That may be old fashioned, but I just think our constituents, the people at 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 retrench 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 and so forth, the few Vietnamese who will notice us will wonder what those foreigners are doing over there. I think we have overdone this matter. I know the fine motives of the authors and the Senators who are for the amendment, but certainly it should not be on this bill, and not until Congress can consider this general question.

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

Mr. STENNIS. I yield.

Mr. LONG. It seems to me one of the ways best to let it be known that we are not trying to influence the outcome of the elections over there is to keep Senators and Representatives over here, and not send them over there.

Mr. STENNIS. Mr. President, I found out more about the war and about the conditions over there by sending well prepared, intelligent, and often unidentified staff members. I think our committees can, if they wish, take care of the situation and our role in that way, anyhow. On this bill, at any rate, I think the amendment ought to be defeated, and I hope it will be.

The PRESIDING OFFICER. Does the Senator yield back his time?

Mr. STENNIS. I yield some time to the Senator from Illinois.

Mr. STEVENSON. I thank the Senator from Mississippi, and I also want to thank my distinguished colleague from Illinois for his kind words and for his support.

The Secretary of State and the American Ambassador in South Vietnam all recognize the importance of this election. They all recognize the importance of American neutrality in the elections. Why? Because the Government of South Vietnam, if it depends for its support and its existence on the support of the people of South Vietnam instead of on the support of the American Government, will be able to govern and will be able to deal with the North. Then we could withdraw fully and swiftly, having fulfilled our purpose in South Vietnam which, from the beginning, has been stated to be free choice and self-determination for the people of South Vietnam.

Presidential Press Secretary Ziegler has said we must give the people of South Vietnam a chance to determine their own future. They have that chance. They have that chance in the forthcoming election.

At the present time the United States is perceived as not being neutral; it is perceived as supporting only one candidate for President of South Vietnam. All this amendment says is that we are not interfering, we will not interfere, we will not dictate a final choice during the remainder of our military involvement in South Vietnam. All it says is that the Congress will help the President maintain our neutrality so that a war-weary people in South Vietnam can at last choose their own government; and then we can, having fulfilled that purpose, leave—leave swiftly and leave honorably.

I yield back my remaining time.

Mr. STENNIS. Mr. President, I yield back my remaining time.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Illinois. All time has been yielded back. The yeas and nays having been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

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, he would vote "yea." If I were at liberty to vote, I would vote "nay." Therefore, I withdraw my vote.

I announce that the Senator from Indiana (Mr. BAYH), the Senator from Texas (Mr. BENTSEN), the Senator from Missouri (Mr. EAGLETON), the Senator from Mississippi (Mr. EASTLAND), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Oklahoma (Mr. HARRIS), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Montana (Mr. MANSFIELD), the Senator from Wyoming (Mr. MCGEE), and the Senator from Connecticut (Mr. RIBICOFF) are necessarily absent.

On this vote, the Senator from Texas (Mr. BENTSEN) is paired with the Senator from Mississippi (Mr. EASTLAND).

If present and voting, the Senator from Texas would vote "yea" and the Senator from Mississippi would vote "nay."

I further announce that, if present and voting, the Senator from Missouri (Mr. EAGLETON), and the Senator from Connecticut (Mr. RIBICOFF) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Ohio (Mr. SAXBE) is necessarily absent.

The Senator from Pennsylvania (Mr. SCOTT) is absent by leave of the Senate on official business.

The Senator from Vermont (Mr. AIKEN), the Senator from New Hampshire (Mr. COTTON), the Senator from Arizona (Mr. GOLDWATER) and the Senator from North Dakota (Mr. YOUNG) are detained on official business.

If present and voting, the Senator from Vermont (Mr. AIKEN), the Senator from South Dakota (Mr. MUNDT) and the Senator from Pennsylvania (Mr. SCOTT) would each vote "nay."

The result was announced—yeas 36, nays 46, as follows:

[No. 116 Leg.]

YEAS—36

Beall	Jackson	Pastore
Case	Javits	Pell
Chiles	Magnuson	Percy
Church	Mathias	Prouty
Cooper	McIntyre	Proxmire
Cranston	Metcalf	Roth
Gravel	Miller	Schweiker
Griffin	Mondale	Stevenson
Hart	Moss	Symington
Hughes	Muskie	Tunney
Humphrey	Nelson	Weicker
Inouye	Packwood	Williams

NAYS—46

Allen	Dole	McClellan
Allott	Dominick	McGovern
Anderson	Ellender	Montoya
Baker	Ervin	Pearson
Bellmon	Fannin	Randolph
Bennett	Fong	Smith
Bible	Gambrell	Sparkman
Boggs	Gurney	Spong
Brock	Hansen	Stennis
Brooke	Hartke	Stevens
Buckley	Hatfield	Taft
Burdick	Hollings	Talmadge
Byrd, Va.	Hruska	Thurmond
Cannon	Jordan, N.C.	Tower
Cook	Jordan, Idaho	
Curtis	Long	

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Byrd of West Virginia, against.

NOT VOTING—17

Aiken	Fulbright	Mundt
Bayh	Goldwater	Ribicoff
Bentsen	Harris	Saxbe
Cotton	Kennedy	Scott
Eagleton	Mansfield	Young
Eastland	McGee	

So Mr. STEVENSON's amendment was rejected.

Mr. STENNIS. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. DOMINICK. 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. 1161. An act to amend section 402 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 or tract of land heretofore acquired by the United States of America from the United Mexican States;

H.R. 1890. An act for the relief of Robert F. Cheatwood, Walter R. Cottom, Kenneth Greene, Kenneth L. March, Ernest Levy, and the estate of Charles J. Hiler;

H.R. 2011. An act for the relief of Philip C. Riley and Donald F. Lane;

H.R. 2047. An act for the relief of Marion Owen;

H.R. 2132. An act for the relief of Comdr. Albert G. Berry, Jr.

H.R. 2835. An act for the relief of William E. Carroll;

H.R. 3748. An act for the relief of Sgt. John E. Bourgeois;

H.R. 3929. An act for the relief of Gheorghe Jucu and Aurelia Jucu; and

H.R. 4327. An act for the relief of Robert L. Stevenson.

The PRESIDENT pro tempore subsequently signed the enrolled bills.

THE MILITARY SELECTIVE SERVICE ACT

The Senate continued with the consideration of the bill (H.R. 6531) to amend the Military Selective Service Act of 1967; to increase military pay; to authorize military active duty strengths for fiscal year 1972; and for other purposes.

AMENDMENT NO. 126

The PRESIDING OFFICER. Under the previous order, the Chair lays before the Senate Amendment No. 126, which will be stated.

The assistant legislative clerk read as follows:

On page 20, line 14, strike out "twenty-six" and insert in lieu thereof "forty-five".

On page 21, line 6, strike out "twenty-six" and insert in lieu thereof "forty-five".

On page 22, strike out the period in line 3, and insert in lieu thereof a comma and the following: "subject to the provisions of the second sentence of section 5(d) of this Act."

On page 23, between lines 2 and 3, insert the following:

"(5) Section 4(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:

"(7) Section 4(c) is amended by striking out 'twenty-six' each time it appears therein and inserting in lieu thereof 'forty-fifth' ".

On page 23, line 6, strike out "(6)" and insert in lieu thereof "(8)".

On page 23, line 8, strike out "(7)" and insert in lieu thereof "(9)".

On page 23, between lines 10 and 11, insert the following:

"(10) Section 4(1)(1) is amended by striking out 'thirty-fifth' 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 5(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 eligible for induction under this Act that bears the same ratio to the total number of persons to be inducted in such year as the number of persons in such age group bears to the total number of persons in all age groups eligible for induction."

On page 25, line 8, strike out the period and insert in lieu thereof a comma and the following: "and the last sentence of such section is amended by striking out "thirty-fifth" and inserting in lieu thereof "forty-fifth".

Renumber paragraphs (11) through (13) as paragraphs (14) through (16), respectively.

On page 25, between lines 12 and 13, insert the following:

"(18) Section 6(c)(2) is amended by striking out '26' in subparagraph (A) and inserting in lieu thereof '45', and by striking out 'twenty-six' in subparagraph (D) and inserting in lieu thereof 'forty-five'."

On page 26, line 14, strike out "thirty-fifth" and insert in lieu thereof "forty-fifth".

On page 26, line 22, strike out the period and insert in lieu thereof a comma and the following: "and by striking out 'thirty-fifth' and inserting in lieu thereof 'forty-fifth'."

Renumber paragraphs (14) through (30) as paragraphs (18) through (35), respectively.

On page 33, between lines 9 and 10, insert the following:

"(36) Section 16(a) is amended by striking out 'twenty-six' and 'twenty-sixth' and inserting in lieu thereof 'forty-five' and 'forty-fifth', respectively".

On page 33, renumber paragraphs (31) and (32) as paragraphs (37) and (38), respectively.

Mr. STENNIS. Mr. President, I yield 1 minute to the Senator from West Virginia.

UNANIMOUS-CONSENT AGREEMENT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the time on this amendment be reduced from 1 hour to 20 minutes, the time to be equally divided between the mover of the amendment and the manager of the bill.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. BYRD of West Virginia. Mr. President, are we going to have the yeas and nays on this amendment? If so, we ought to try to get them now.

Mr. GRAVEL. Mr. President, I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. GRAVEL. I yield myself as much time as necessary to make my initial presentation.

Mr. President, this is not a very complex issue, and that is why we are able to cut down the amount of time for discussion.

The amendment is to expand the age of those 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, wars are initiated by older men and are fought by young men. In this Chamber are men who served when they were young and fought. They were fighting the wars of old men. Since this is essentially a Chamber of older 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 if it is good for the 19-year-olds, 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 hauling 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 are 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 of all ages 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 reason why we do not do it is that we know it is politically unpalatable.

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. BOGGS). 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, many of these men, 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 27 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 the 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 inducted.

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 reproportion 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 yield.

Mr. TOWER. Mr. President, I do not think my statement can be interpreted as being self-serving, as I am 45 years old, and 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 general mobilization, would resign my seat in the Senate and go on active duty if physically able to do so.

But I think the pending amendment is

facetious, really. I think that the Senator from Mississippi has struck the right note when he has noted that the middle management, the professional people of this country, are those in the age bracket that would be encompassed by the amendment of the Senator from Alaska.

I feel reasonably certain that I could be replaced and I could go on active duty in the Navy, but I can think of a lot of other people in sensitive positions, sensitive to our economy and our society, that could not be replaced, who would be in that age bracket.

Any military man will tell you that, for training purposes, it is best to get a man in the service in his earlier years, that after that, he becomes less acceptable to the right kind of military training that will enable him to accept discipline and, indeed, to survive in a combat situation. Discipline is extremely important. It is not done just for the sake of imposing the will of officers on men, but it is done so that a man will be a more effective fighting man, so that he will be able to save his own life in response to discipline, which is an important element of the salvation of a man in a combat situation.

For these reasons, Mr. President, the young are better adapted to this kind of service.

I certainly hope that the amendment of the Senator from Alaska will be rejected.

Mr. GRAVEL. Mr. President, how much time does the Senator from Mississippi have left?

The PRESIDING OFFICER (Mr. BOGGS). The Senator from Alaska has 6 minutes remaining.

Mr. GRAVEL. How much time does the Senator from Mississippi have left?

The PRESIDING OFFICER. The Senator from Mississippi has 5 minutes remaining.

Mr. WEICKER. Mr. President, will the Senator from Alaska yield for a question?

Mr. GRAVEL. I yield.

Mr. WEICKER. Since I am within the age bracket encompassed by the pending amendment, I am inclined to support it. However, this also implies that the draft will be extended. Would the Senator from Alaska join this Senator in extension of the draft to see to it that his amendment comes into being, and if so, I am willing to support it

Mr. GRAVEL. If this amendment prevails, and if it is stuck together on the House side, I would be willing to stop my filibustering and would be happy to see this bill pass. The draft has had such a traumatic, cathartic effect on the Nation. We would be a really peaceful nation for a change.

On the point of the Senator from Texas (Mr. TOWER), when he talks about physical condition, let me say that in this nuclear age, we do not need physical conditioning, we need judgment. It is more important for a sergeant who has a nuclear warhead at his fingertips to have some judgment rather than to be able to make 10 laps around the track.

Mr. TOWER. Will the Senator from Alaska yield for a question?

Mr. GRAVEL. But I believe—I yield to the Senator from Texas.

Mr. TOWER. Does the Senator honestly believe that triggering a nuclear weapon is under the control of a sergeant?

It is certainly not.

The Senator just said something that I wonder whether he really wants to repeat. Does the Senator really say that he is filibustering? That is a very candid admission.

Mr. GRAVEL. If my colleague wants to get the RECORD out, on May 3, 1971, I announced that I was filibustering, but I have had so much help from my colleagues here that I can only say "thank you."

Mr. TOWER. I find that shocking.

Mr. HART. Mr. President, will the Senator from Alaska yield?

Mr. GRAVEL. I yield.

Mr. HART. I have prepared a statement to go in the RECORD to say that I would vote against cloture tomorrow because I regard this as not being a filibuster. Am I under a misapprehension?

Mr. GRAVEL. Well——

Mr. PASTORE. Mr. President, will the Senator from Mississippi yield to me?

Mr. GRAVEL. I am using my time on this, but I will yield to the Senator some time if the Senator from Mississippi will yield me some on this subject, and I would be very happy to answer the Senator from Michigan. I do not want to use all my time.

Mr. STENNIS. I will be happy to yield 1 minute to the Senator from Alaska and then 1 minute to the Senator from Rhode Island.

Mr. GRAVEL. A filibuster, as we understand it in the old sense was where a person would tie up a bill and concentrate on dilatory tactics, such as reading the Bible, or other books; but in the new sense, such as the filibuster on the SST and the situation in 1964 when the one-man, one-vote bill was filibustered that was on the basis of developing time—that is, time ensued, and the parties got discouraged.

What has happened here is that I announced I felt too strongly about this issue that when it came time, if no one else was prepared to talk, I would attempt to filibuster at that time, until I would be shut off by possible cloture. At this point in time, that has not been necessary to do, because so many amendments have been offered on this issue by those who have felt that they could improve the law with many other amendments before the vote on cloture tomorrow.

I would hope, irrespective of my wish or my view, that we would at least address ourselves to those amendments still before us. Does that answer the question of the Senator from Michigan?

Mr. HART. Had it not been in that fashion, the Senator would have lost a vote.

Mr. STENNIS. Mr. President, I yield 1 minute to the Senator from Rhode Island.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized for 1 minute.

Mr. PASTORE. Mr. President, I merely want to say, after listening to all these courageous and stalwart men in the 40-year-age bracket, that I am more than ever convinced I shall vote against the pending amendment. [Laughter.]

Mr. GRAVEL. Maybe we could accommodate the Senator and raise the age bracket.

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 their service. Very simply, it would add a broader manpower pool, a more technical manpower pool, than we presently have and would distribute the discriminative burden we now place on the 19-year-olds.

Mr CANNON. Mr. President, would the Senator 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 it for 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 of liability for the draft 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 importance 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. This task would be an overwhelming one 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 drafting of men up to age 45.

Mr. President, I predict this amendment will be defeated soundly. It is nothing more than a move to make the draft more unpopular and appear to be un-

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 Alaska. 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 is correct. The Senate will be in order.

Mr. PROUTY. Mr. President, may we have the well cleared?

The PRESIDING OFFICER. The Senator is correct. The Senators will please take their seats. The well will be cleared. The clerk will proceed.

The legislative clerk resumed and concluded the rollcall.

Mr. BYRD of West Virginia. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Texas (Mr. BENTSEN), the Senator from Missouri (Mr. EAGLETON), the Senator from Mississippi (Mr. EASTLAND), the Senator from Oklahoma (Mr. HARRIS), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Louisiana (Mr. LONG), the Senator from Montana (Mr. MANSFIELD), the Senator from Wyoming (Mr. MCGEE), the Senator from Utah (Mr. MOSS), the Senator from Connecticut (Mr. RIBICOFF), the Senator from Georgia (Mr. TALMADGE), and the Senator from California (Mr. TUNNEY) are necessarily absent.

I further announce that, if present and voting, the Senator from Texas (Mr. BENTSEN), and the Senator from Mississippi (Mr. EASTLAND) would each vote "nay."

Mr. GRIFFIN. I announce that the Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Ohio (Mr. SAXBE) is necessarily absent.

The Senator from Pennsylvania (Mr. SCOTT) is absent by leave of the Senate on official business.

The Senator from Vermont (Mr. AIKEN), the Senator from Kentucky (Mr. COOPER), the Senator from New Hampshire (Mr. COTTON), the Senator from Arizona (Mr. GOLDWATER) and the Senator from North Dakota (Mr. YOUNG) are detained on official business.

If present and voting, the Senator from Vermont (Mr. AIKEN), the Senator from Kentucky (Mr. COOPER), the Senator from South Dakota (Mr. MUNDT), and the Senator from Pennsylvania (Mr. SCOTT) would each vote "nay."

The result was announced—yeas 4, nays 74, as follows:

[No. 117 Leg.]

YEAS—4

Gravel	Proxmire	Weicker
Pell		

NAYS—74

Allen	Ervin	Miller
Allott	Fannin	Mondale
Anderson	Fong	Montoya
Baker	Fulbright	Muskie
Beall	Gambrell	Nelson
Bellmon	Griffin	Packwood
Bennett	Gurney	Pastore
Bible	Hansen	Pearson
Boggs	Hart	Percy
Brock	Hartke	Prouty
Brooke	Hatfield	Randolph
Buckley	Hollings	Roth
Burdick	Hruska	Schweiker
Byrd, Va.	Hughes	Smith
Byrd, W. Va.	Inouye	Sparkman
Cannon	Jackson	Spong
Case	Javits	Stennis
Chiles	Jordan, N.C.	Stevens
Church	Jordan, Idaho	Stevenson
Cook	Magnuson	Symington
Cranston	Mathias	Taft
Curtis	McClellan	Thurmond
Dole	McGovern	Tower
Dominick	McIntyre	Williams
Ellender	Metcalf	

NOT VOTING—22

Aiken	Harris	Ribicoff
Bayh	Humphrey	Saxbe
Bentsen	Kennedy	Scott
Cooper	Long	Talmadge
Cotton	Mansfield	Tunney
Eagleton	McGee	Young
Eastland	Moss	
Goldwater	Mundt	

So Mr. GRAVEL's amendment (No. 126) was rejected.

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, let the record show that I was advised by both sides that all Senators had voted, and only for that reason did I suggest that the tally clerk have the vote announced even though the full 5 minutes had not run.

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 tomorrow. I ask unanimous consent 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,
Washington, D.C., June 22, 1971.

Hon. JOHN L. MCCLELLAN,
U.S. Senate,
Washington, D.C.

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 vote for this motion on the same basis. Allow me to cite the following.

1. 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 cloture 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 insure the readiness of our Armed Forces.

2. 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 47% of all Air Force volunteers are draft-motivated. Moreover, about 20% of a Minuteman missile crew must complete from 11 to 13 months of highly specialized additional training before they can be assigned to this nuclear deterrent. About 42% of all Navy enlistees are draft-motivated. Moreover, more than one-half of an entire Polaris submarine crew requires 50 weeks or more of skilled training before they can be assigned to their jobs. In a word, our 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.

(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 Labor 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, by unanimous consent, the second time, and referred as indicated:

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.

By Mr. BURDICK (for himself and Mr. YOUNG):

S. 2129. A bill to authorize 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 235 people away from another congressional seat.

The result of this, in a State such as

Oregon, where the population is growing each year, is that Oregon will be underrepresented until the next census, when Oregon most probably will gain a fifth congressional seat.

Oregon's respected secretary of State, Mr. Clay Myers, summed up the thinking 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 SHORTS OREGON

(By 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, other U.S. government overseas 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 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 taxing purposes.

While the decision to incorporate some groups of the U.S. overseas population in the "apportionment population" appears reasonable, it is the purpose of this statment 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 place or another by common sense observation; yet, the locating, for census purposes, of some part of the population is a less simple matter: students from one state attending school in another, persons on vacation who are away from home and traveling in another state or abroad, and military personnel stationed at an installation which is not in the same state as their "home." To "place" these "special" populations, the Census Bureau has developed a rule of assigning each person to his "usual place of abode" . . . to the place where he is found most of the time, regardless of his place of legal residence.

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 for apportionment purposes. By the "usual place of abode" rule, many persons recognized by one state as residents and taxpayers and voters are actually counted as residents of another state, even though the latter state does not recognize these persons in its election process.

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 in its electoral process. On the other hand, a state with only a few small military e.g., Oregon, Wisconsin, Connecticut) is a "net exporter" of persons whom it continues to recognize as residents but who are "credited" to some other states by the Census Bureau's "usual place of abode" rule.

Since the chief purpose for taking a census in the first place is to permit the proper allocation of the U.S. House seats, it is obvious that the Census Bureau's "usual place of abode" rule is frequently at variance with the intent of matching the political strength of a state with the number of its population engaged in its electoral process or, at least, represented by its elected members of the U.S. House.

In early years, the discrepancy between the "apportionment population" of the state determined by the Census Bureau's "usual place of abode" rule and the states "political population" as determined by those recognized as its residents was small and probably did not have an impact on the apportionment of House seats under the various apportionment formulas which the Congress has used from time to time.

However, in the last few decades, the number of students attending colleges not in their home states, the number of servicemen and their dependents stationed at an installation in some state other than the one in which they are legal residents, etc., has grown to very significant numbers.

Unquestionably, the apportionment of the House resulting from the 1970 Census has been affected by the use of the "usual place of abode" rule. No other U.S. Census has ever been taken at a time of such great numbers in military service.

For example, if that portion of the large military population stationed in Oklahoma, but not recognized by that state as legal residents, were subtracted from its "apportionment (i.e., 'usual place of abode') population" and the same were done for Oregon—a state which includes few "non-legal residents" in its "apportionment population"—then Oklahoma would, under the current apportionment method, lose one House seat and Oregon would gain one. Thus, the use of the "usual place of abode" rule by the Census Bureau has, in 1970, resulted in the incorrect assignment of at least one House seat.

The 1970 "supplementary" rule, which assigns at least some persons in the U.S. "overseas population" back to their respective "home" state, partly offsets the effect of the "usual place of abode" rule used for the population within the 50 states. However, because many of the states with proportionately large overseas populations are also the same states with large military installations (e.g., Oklahoma), and because many of the states with proportionately small overseas populations are also the states with only small military installations (e.g., Connecticut), the advantage given to some states by the "usual place of abode" rule is actually reinforced by the "overseas allocation" rule. Thus, if the 1970 House apportionment were made on the basis of the same population process (i.e., using the "usual place of abode" population only), then Connecticut would gain one representative and Oklahoma would lose one. As it is, however, Oklahoma benefits from both the "usual place of abode" rule and the "overseas allocation" rule while Connecticut "loses out" under both rules.

The argument is that present procedures of enumerating the population of each state are based upon considerations of convenience and simplicity and not upon the desire to determine state populations most consistent with the objective of Article 1, Section 2 of the Constitution: "equal representation for equal numbers."

Since the early days of the Republic, Congress has wrestled with the problem of translating that section into a mathematical formula that would parcel out the seats of the House on a population basis.

In 1941, the Congress adopted the "method of equal proportions" formula as the best technique. The "method of equal proportions" is considered one fair way of determining the apportionment of House seats. However, the "method of equal proportions" may be at odds with the main thrust of the Supreme Court's recent "one-man, one-vote" decisions.

The point of "one-man, one-vote" is that each vote in any election will have, as near as is practicable, the same absolute value as any other vote cast in another state for a candidate or candidates for Congress, not that each successful candidate for the office represents the same proportion of population.

If it is true that the "one-man, one-vote" decisions are concerned with achieving an absolute equality of voter power by each voter, then it appears that the "method of major fractions" and not the "method of equal proportions" in the valid way of apportioning the House seats. If the "method of major fractions" were applied to the "1970 apportionment populations" of the states, then Oregon and Connecticut would each have one seat more than they are awarded by the "method of equal proportions," while Montana and South Dakota would each have one seat less.

It is apparent that the whole process of counting population for apportionment purposes and the apportionment procedure itself are in profound need of re-examination and change. It may be too late to "do anything" about the apportionment population counts of the 1970 census.

The Census Bureau did not assign back to their "home" or "legal residence" state the person in U.S. military bases, schools, etc. To be consistent, this should be done. A serviceman from Oregon stationed in Vietnam is for the first time counted in Oregon where he votes and pays taxes.

The same serviceman at a California military installation, however, is counted as a California resident.

The military should furnish the state of origin for its personnel. It is then an easy matter to subtract from the total those who are overseas and already counted in each 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.

Before 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 "placing" the population. We must develop internally consistent rules for "locating" our growing numbers of "semi-mobile" people in the nation's population, and the rules must be complementary to the purpose of Article 1, Section 2 and Amendment XIV, Article 2 of the Constitution. This matter must be resolved before 1980.

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 two "extra" seats be awarded to Connecticut and Oregon—the two states which are always on the "losing end" of the population counting procedures and apportionment methods questioned here.

Since it is not clear which states have acquired seats at the expense of Connecticut and Oregon (because different states would lose seats, depending upon which argument or combination of arguments given here is accepted), there would be little justice in simply and arbitrarily re-assigning two of the present 435 seats to those states.

While Congress may be reluctant to enlarge, even temporarily, the size of the House, it has done so for cause in the past (the admissions to statehood of Hawaii and Alaska). Certainly, the present situation is sufficient warrant for Congress to offer exceptional relief to Connecticut and Oregon.

Further, the presence in the House of two "extra" members would serve as a constant

reminder to the Congress that a complete overhaul is required in the method of determining the "apportionment population" of the states, and that a thorough re-examination of the apportionment procedure is necessary.

Mr. HATFIELD. Mr. President, my colleague in the House, Mr. DELLENBACK, has introduced legislation 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 the identical 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 Honorable Senate and House of Representatives of the United States of America, in Congress assembled

We, your memorialists, the Fifty-sixth Legislative Assembly of the State of Oregon, in legislative session assembled, most respectfully represent as follows:

Whereas it is apparent that the process of counting population and the apportionment procedures for seas in the House of Representatives of the United States are in profound need of reexamination 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 census figures 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 residency, although authorized by law, are not consistent with the objective of equal representation for equal numbers; and

Whereas even the validity of the method by which congressional seats are apportioned after the census is taken may be questioned under recent "one-man, one-vote" decisions of the United States Supreme Court; and

Whereas it is unclear which states have acquired seats at the expense of the two states, Oregon and Connecticut, most obviously deprived of additional seats under the pending reapportionment; and

Whereas there is precedent for the Congress of the United States to afford exceptional relief to Oregon and Connecticut; now, therefore,

Be It Resolved by the Legislative Assembly of the State of Oregon:

(1) The Congress of the United States is memorialized to increase temporarily the size of the membership of the House of Representatives of the United States by two, assigning those seats one each to Oregon and Connecticut.

(2) The Congress of the United States is further memorialized to seek and enact a more consistent and equitable method of computing population and apportioning seats prior to the 1980 federal decennial census.

(3) A copy of this memorial shall be transmitted to the President of the Senate and 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 these remarks, followed by 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, Oregon fell just 235 persons short of outright entitlement to a fifth congressional seat on the basis of the official 1970 census figures. However, there appear to be several compelling reasons why Oregon—and the State of Connecticut—should, in fact, be granted new seats in Congress.

Under the "major fraction" formula, which was the system used prior to 1941 in allocating seats in Congress, both Oregon and Connecticut would gain one more seat, while South Dakota and Montana would each lose one.

Further, under any apportionment formula that counts Oregonians serving in the military as Oregon residents, Oregon would again be entitled to a fifth seat. Reliable estimates indicate there are more than 10,000 persons who pay taxes in Oregon but who are stationed at bases elsewhere in the continental United States. Such persons could be easily identified.

The enclosed brief makes further detailed arguments supporting our claim for a fifth seat. Taken altogether, it seems to me there is ample reason and justification for petitioning Congress to increase its membership by two seats for the balance of this decade in the interests of fair and equal representation.

Please feel free to contact me at any time should you have any questions on this subject. Meantime, your support can be invaluable in keeping Oregon from being grossly under-represented in Congress for the next 10 years.

HOUSE COMMITTEE ON ELECTIONS AND REAPPORTIONMENT

Mr. Chairman, members of the Committee: Mr. Myers has asked me to testify briefly before you this morning in support of House Joint Memorial 4, which, as you know, urges Congress to add one additional seat each to Oregon and Connecticut.

Under the complicated mathematical formula of equal proportions, Oregon fell just 235 persons short of outright entitlement to a fifth congressional seat on the basis of the official 1970 census figures. Those figures are final, and the Secretary of State's office has been informed they are unchangeable.

However, there appear to be several compelling reasons why Oregon—and the State of Connecticut—should, in fact, be granted new seats in Congress.

Under the "major fraction" formula, which was the system used prior to 1941 in allocating seats in Congress, both Oregon and Connecticut would gain one more seat, while South Dakota and Montana would each lose one.

Further, under my apportionment formula that counts Oregonians serving in the military as Oregon residents, Oregon would again be entitled to a fifth seat. Reliable estimates indicate there are more than 10,000 persons who pay taxes in Oregon but who are stationed at bases elsewhere in the continental United States. Such persons could easily be identified.

Never before, since the first nationwide census was taken in 1792, has the United States had so many of its citizens in military service out of their home states. Further, no previous census has even been conducted during wartime, as was the 1970 census. Ironically, if an Oregon resident is serving in the military and stationed in Vietnam, he is counted as an Oregonian in the census. But if that same soldier is stationed in Ft. Ord, California, the 1970 census counted him as a Californian, under the formula that is now being used to apportion congressional seats.

A brief on Oregon's case for a fifth congressional seat has been prepared by the Secretary of State's office, and each of the members of this committee will be given a copy for your study. It makes further detailed arguments supporting our claim for a fifth seat.

Taken altogether, it seems to our office there is ample reason and justification for petitioning Congress to increase its membership by two seats for the balance of this decade in the interests of fair and equal representation. To do otherwise insures that Oregon will, for all practical purposes, be grossly under-represented in Congress for the next 10 years.

If the two seats are not added—and should Congress ignore this Joint Memorial—then Oregon might well have grounds for a suit in federal court on the basis of being deprived of representation under the "one-man, one-vote" apportionment formula.

CASE FOR OREGON'S FIFTH SEAT IN CONGRESS

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 (U.S. Code, Title 3, Chap. 1, Section 2a).

The state 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 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 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 taxing purposes (House Subcommittee on Census and Statistics, 91st Congress, 1st Session, hearing record serial No. 91–8).

While the decision to incorporate some groups of the U.S. overseas population in the "apportionment population" appears reasonable, it is the purpose of this paper 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 place or another by common sense observation; yet, the locating, for census purposes, of some part of the population is a less simple matter: students from one state attending school in another, persons on vacation who are away from home and traveling in another state or abroad, and military personnel stationed at an installation which is not in the same state as their "home." To "place" these "special" populations, the Census Bureau has developed a rule of assigning each person to his "usual place of abode" . . . to the place where he is found most of the time, *regardless* of his place of legal residence (Bureau of the Census, *1970 Census Users' Guide*, Part 1, p. 73).

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.

Historically, the "usual place of abode" rule has evolved as *the* criteria for allocating the population of the country among 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 developed as a pragmatically useful, if not theoretically perfect, way of determining where each person is located by the census.

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 for apportionment purposes. By the "usual place of abode" rule, many persons recognized by one state as residents and taxpayers and voters are actually counted as residents of another state, even though the latter state does not recognize these persons in its election process (*Burns* vs. *Richardson*, 384 U.S. 73 (1966)).

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 in its electoral process. On the other hand, a state with only a few small military bases (e.g., Oregon, Wisconsin, Connecticut) is a "net exporter" of persons whom it continues to recognize as residents but who are "credited" to some other states by the Census Bureau's "usual place of abode" rule.

Since the chief purpose for taking a census in the first place is to permit the proper allocation of the U.S. House seats (U.S. Constitution, Art. 1, Sec. 2), it is obvious that the Census Bureau's "usual place of abode" rule is frequently at variance with the intent of matching the political strength of a state with the number of its population engaged in its electoral process or, at least, represented by its elected members of the U.S. House.

In early years, the discrepancy between the "apportionment population" of the state determined by the Census Bureau's "usual place of abode" rule and the state's "political population" as determined by those recognized as its residents was small and probably did not have an impact on the apportionment of House seats under the various apportionment formulas which the Congress has used from time to time.

However, in the last few decades, the number of students attending colleges not in their home states, the number of servicemen and their dependents stationed at an installation in some state other than the one in which they are legal residents, etc., has grown to very significant numbers. Unquestionably, the apportionment of the House resulting from the 1970 Census has been affected by the use of the "usual place of abode" rule.

For example, if that portion of the large military population stationed in Oklahoma, but not recognized by that state as legal residents, were subtracted from its "apportionment (i.e., 'usual place of abode') population" and the same were done for Oregon—a state which includes few "non-legal residents" in its "apportionment population"—then Oklahoma would, under the current apportionment method, lose one House seat and Oregon would gain one (*Congressional Quarterly*, Dec. 4, 1970, p. 2918). Thus, the use of the "usual place of abode" rule by the Census Bureau has, in 1970, resulted in the incorrect assignment of at least one House seat.

The 1970 "supplementary" rule, which assigns at least some persons in the U.S. "overseas population" back to their respective "home" state, partly offsets the effect of the "usual place of abode" rule used for the population within the fifty states. However, because many of the states with proportionately large overseas populations are also the same states with large military installations (e.g., Oklahoma), and because many of the states with proportionately small overseas populations are also the states with only small military installations (e.g., Connecticut), the advantage given to some states by the "usual place of abode" rule is actually reinforced by the "overseas allocation" rule. Thus, if the 1970 House apportionment were made on the basis of the same population counted for the 1960 apportionment process (i.e., using the "usual place of abode" population only), then Connecticut would gain one representative and Oklahoma would lose one (Congressional Quarterly, ibid.;. As it is, however, Oklahoma benefits from both the "usual place of abode" rule and the "overseas allocation" rule while Connecticut "loses out" under both rules.

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 (*Borough of Bethel Park* v. *Maurice Stans*, U.S. Dist. Court, Western District of Pennsylvania, Civil Actions 70.1049, November 19, 1970).

However, just because such rules may be legally acceptable does not make them either fair or equitable. The argument is that present procedures of enumerating the population of each state are based upon considerations of convenience and simplicity and not upon the desire to determine state populations most consistent with the objective of Article 1, Section 2 of the Constitution: "equal representation for equal numbers" (*Westbury* v. *Sanders*, 376 U.S. 1, 18 (1964)).

Concerning the U.S. Census Bureau's methods for "placing" population, there is one other matter touching upon the apportionment of the U.S. House of Representatives based upon the 1970 Census which requires discussion: the validity of the apportionment formula.

Since the early days of the Republic, Congress has wrestled with the problem of translating Art. 1, Section 2 of the Constitution into a mathematical formula that would parcel out the seats of the House on a population basis (House Subcommittee on Census and Statistics. 91st Congress, 2nd Session, House Report 91–1314, Appendix B).

In 1941, the Congress adopted the "method of equal proportions" formula as the best technique (55 stat. 769, Nov. 15, 1941). The "method of equal proportions" is considered one fair way of determining the apportionment of House seats (National Academy of Sciences Committee on Apportionment, *Annual Report of National Academy of Sciences*, Fiscal Year 1928–29, pp. 20–23). However, the "method of equal proportions" may be at odds with the main thrust of the Supreme Court's recent "one-man, one-vote" decisions (*Baker* v. *Carr* 369 U.S. 186 (1962), *Gray* v. *Sanders* 372 U.S. 368 (1963), *Reynolds* v. *Sims* 377 U.S. 533 (1964), *WMCA* v. *Lomenzo* 377 U.S. 713 (1964), etc.).

The point of "one-man, one-vote" is that each vote in any election will have, as near as is practicable, the same absolute value as any other vote cast in another state for a candidate or candidates for Congress, not that each successful candidate for the office represents the same proportion of population. While these two ways of viewing representation seem to be opposite sides of the same coin, they are, in fact, quite different matters (Prof. E. V. Huntington, "Memorandum on the Method of Equal Proportions," *Congressional Record—Senate*, Vol. 70, pt. 5 (70th Congress, 2nd Session.) pp. 2965–66 (March 2, 1929)).

If it is true that the "one-man, one-vote" decisions are concerned with achieving an absolute equality of voter power by each voter, then it appears that the "method of major fractions" and not the "method of equal proportions" is the valid way of apportioning the House seats. If the "method of major fractions" were applied to the "1970 apportionment populations" of the states, then Oregon and Connecticut would each have one seat more than they are awarded by the "method of equal proportions" while Montana and South Dakota would each have one seat loss.

(Admittedly, this question of the "correct" formula for apportionment is somewhat uncertain. It has been the percentage deviations from some theoretically average district which has been the point of scrutiny in a number of the cases (e.g., *WMCA* v. *Lomenzo*)—which seems to indicate that the "method of equal proportions" has been, by implication, approved by the Court. However, such cases have been concerned with establishing equal districts *within* a state—something it is theoretically possible to achieve. (*Shaw* v. *Adkins*, 202 Ark. 856, 153 SW (2nd 2415). Since it is not possible to have equal districts *among* the states, the question of what is the "most equal" apportionment among states still needs definitive resolution. The point here is simply that if the Court also insists that, in the election of the House, any voter of one state has, to the degree possible, the same absolute individual share of voting power as possessed by a voter in another state, then the "method of equal fractions" is the best expression of "one-man, one-vote" in the apportionment process).

It is apparent that the whole process of counting population for apportionment purposes and the apportionment procedure itself are in profound need of re-examination and change. It may be too late to "do anything" about the apportionment population counts of the 1970 census.

The Census Bureau did not assign back to their "home" or "legal residence" state the persons in U. S. military bases, schools, etc. To be consistent, this should be done. A serviceman from Oregon stationed in Vietnam is for the first time counted in Oregon where he votes and pays taxes. The same serviceman at a California military installation, however, is counted as a California resident.

The military should furnish the state of origin for its personnel. It is then an easy matter to subtract from the total those who are overseas and already counted in each 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.

Before 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 "placing" the population. We must develop internally consistent rules for "locating" our growing numbers of "semi-mobile" people in the nation's population, and the rules must be complementary to the purpose of Article 1, Section 2 and Amendment XIV, Article 2 of the Constitution. This matter must be resolved before 1980.

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 two "extra" seats be awarded to Connecticut and Oregon—the two states which are *always* on the "losing end" of the population counting procedures and apportionment methods questioned here.

Since it is not clear which states have acquired seats at the expense of Connecticut and Oregon (because different states would lose seats, depending upon which argument or combination of arguments given here is (are accepted), there would be little justice in simply and arbitrarily re-assigning two of the present 435 seats to those states.

While Congress may be reluctant to enlarge, even temporarily, the size of the House, it is done so for cause in the past (the admissions to statehood of Hawaii and Alaska).

Certainly, the present situation is sufficient warrant for Congress to offer exceptional relief to Connecticut and Oregon.

Further, the presence in the House of two "extra" members would serve as a constant reminder to the Congress that a complete overhaul is required in the method of determining the "apportionment population" of the states, and that a thorough re-examination of the apportionment procedure is necessary.

ORDER THAT DEBATE ON MOTION TO INVOKE CLOTURE NOT BEGIN UNIL 12 O'CLOCK NOON TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, notwithstanding rule XXII, the hour under the rule for debate on the motion to invoke cloture not begin to run tomorrow until 12 o'clock noon.

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

PROGRAM

Mr. BYRD of West Virginia. Mr. President, the program for tomorrow is as follows:

The Senate will covene at 11:30 a.m.

Immediately following the recognition of the two leaders under the standing order, the distinguished senior Senator from Virginia (Mr. BYRD) will be recognized for not to exceed 15 minutes, following which there will be a period for the transaction of routine morning business with statements limited therein to 3 minutes, the period not to extend beyond 12 o'clock noon.

At 12 o'clock noon, the 1 hour for debate under rule XXII will begin to run. At the close of the hour, a quorum call is automatic. The leadership urges Senators to report to the floor promptly when that quorum call begins.

Immediately upon the establishment of the presence of a quorum, a rollcall vote under the rule is automatic. Hence, the rollcall vote will occur on the motion to invoke cloture at about 15 minutes after 1 o'clock p.m.

If cloture is not invoked, presumably another cloture motion will be immediately filed, with a vote thereon to occur on Friday.

In the meantime, amendments will continue to be called up and action taken thereon during the remainder of tomorrow afternoon and all day Thursday.

On the other hand, if cloture is invoked on tomorrow, the Military Selective Service Act shall be the unfinished business, to the exclusion of all other business, until disposed of. Thereafter no Senator shall be entitled to speak in all more than 1 hour on the measures, amendments thereto, and motions affecting the same.

Except by unanimous consent, no amendment shall be in order after the vote to bring debate to a close unless such amendment has been qualified under the rule. An amendment not germane shall not be in order.

ADJOURNMENT UNTIL 11:30 A.M.

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 11:30 a.m. tomorrow.

The motion was agreed to; and (at 8 o'clock and 33 minutes p.m.) the Senate adjourned until tomorrow, Wednesday, June 23, 1971, at 11:30 a.m.

HOUSE OF REPRESENTATIVES—*Tuesday, June 22, 1971*

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 this day.

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 announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment bills and a joint resolution of the House of the following titles:

H.R. 1161. An act to amend section 402 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 or tract of land heretofore acquired by the United States of America from the United Mexican States;

H.R. 1890. An act for the relief of Robert F. Cheatwood, Walter R. Cottom, Kenneth Greene, Kenneth L. March, Ernest Levy, and the Estate of Charles J. Hiler;

H.R. 2011. An act for the relief of Philip C. Riley and Donald F. Lane;

H.R. 2047. An act for the relief of Marion Owen;

H.R. 2132. An act for the relief of Comdr. Albert G. Berry, Jr.;

H.R. 2835. An act for the relief of William E. Carroll;

H.R. 3748. An act for the relief of Sgt. John E. Bourgeois;

H.R. 3929. An act for the relief of Gheorghe Jucu and Aurelia Jucu;

H.R. 4327. 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 annuities; and

H.R. 8825. An act making appropriations for the legislative branch for the fiscal year ending June 30, 1972, and for other purposes.

The message also announced that the Senate insists upon its 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," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. HOLLINGS, Mr. ELLENDER, Mr. INOUYE, Mr. COTTON, Mr. BROOKE, and Mr. YOUNG to be the conferees on the part of the Senate.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 29. An act to establish the Capitol Reef National Park in the State of Utah;

S. 47. An act for the relief of Flore Lekanof;

S. 59. An act for the relief of Kwok Kwen Ng;

S. 60. An act for the relief of Foo Ying Yee;

S. 113. An act for the relief of certain individuals and organizations;

S. 161. An act for the relief of the West Fargo Pioneer and Dale C. Nesemeier; and

S. 415. An act for the relief of Mr. and Mrs. Arvel Glinz.

EULOGIES TO THE LATE HONORABLE ROBERT J. CORBETT, OF PENNSYLVANIA

Mr. HAYS. Mr. Speaker, may I call to the Members' attention that the closing date for submitting eulogies in the RECORD to the late Representative Robert J. Corbett, of Pennsylvania, has been set for Friday, July 9, 1971. This has been set as the cutoff date for all RECORD insertions that will make up the compendiums of eulogy for this Member of Congress who, but for his untimely passing, would now be serving in the 92d Congress.

APPOINTMENT OF CONFEREES ON H.R. 8825, LEGISLATIVE BRANCH APPROPRIATIONS, 1972

Mr. ANDREWS of Alabama. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R.