

their aggressive hostilities against the people of South Vietnam.

In New York City the United Nations continues its "peace-as-usual" activities without any protest, convening of the Security Council, or the sending of fact-finding committees to identify the aggressor nation and demand cessation of hostilities under the threat of sanctions.

Nor should such action be expected of the U.N. in its "search for peace" which has long been interpreted in Communist vernacular to mean the destruction of all non-Communist peoples and government. Both Red China and the Soviet Union, through their top party spokesmen have announced complete backing and support of the military invasion of South Vietnam. Under the present administration's new international policy of superpowers, two of the superpowers support this military aggression and our country is not only outvoted but lacks the moral courage to raise the question of aggression in the U.N.

For what purpose and for what benefit does the U.N. exist when it refuses to recognize open aggression against the people of South Vietnam?

The U.N. is a sham without any role as a peacemaking, peacekeeping organization of free people.

That is why some months back I introduced discharge petition No. 10 to discharge H.R. 2632 to revoke and rescind U.S. participation in that organization which calls itself the United Nations.

I include a copy of the bill H.R. 2632 to follow and again urge my colleagues to sign discharge petition No. 10 at the Clerk's desk:

#### H.R. 2632

A bill to rescind and revoke membership of the United States in the United Nations and the specialized agencies thereof, and for other purposes

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That from and after the effective date of this Act the ratification by the Senate of the United States on July 28, 1945, of the United Nations Charter, making the United States a member of the United Nations, be, and said ratification hereby is, rescinded, revoked, and held for naught; and all Acts and parts of Acts designed and intended to perfect and carry out such membership of the United States in the United Nations are hereby repealed.

Sec. 2. That from and after the effective date of this Act all Acts and parts of Acts designed and intended to make the United States a member of the specialized agencies of the United Nations, or any of them, are

hereby repealed; and all executive agreements, international undertakings and understandings, however characterized and named, designed, and intended to make the United States a member of the specialized agencies of the United Nations are hereby rescinded, revoked, and held for naught.

Sec. 3. That from and after the effective date of this Act any and all appropriations for defraying the cost of the membership of the United States in the United Nations or in specialized agencies thereof are hereby rescinded and revoked; and any unexpended and unencumbered balances of any such appropriations shall be covered into the general fund of the Treasury of the United States.

Sec. 4. That the International Organizations Immunities Act of December 29, 1945 (59 Stat. 669; title 22, secs. 288 to 288f U.S.C.), be and it is repealed; and any and all Executive orders extending or granting immunities, benefits, and privileges under said Act of December 20, 1945, are hereby rescinded, revoked, and held for naught.

Sec. 5. This Act may be cited as the "International Organizations Rescission Act of 1969".

### TWO AMERICANS DIED THIS WEEK

#### HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 2, 1972

Mr. SCHMITZ. Mr. Speaker, two Americans died this week, John Edgar Hoover and Louis Francis Budenz. They were of the same generation, but their lives took different paths. J. Edgar Hoover built the Federal Bureau of Investigation and made it an effective tool against crime and Communist subversion. Through Hoover's leadership, the letters FBI came to mean: Fidelity—Bravery—Integrity.

Louis Budenz was a Communist. He served as a national committee member of the Communist Party and as the editor of the party's newspaper, the Daily Worker. In 1946, he broke with communism and rejoined the Catholic Church, the church of his fathers.

Both of these men made important contributions to our country's knowledge of the Communist enemy. The FBI, under J. Edgar Hoover, penetrated and destroyed both Nazi and Soviet spy rings. The Communist Party, U.S.A., formerly a major recruiting ground for Soviet spies, was severely hampered for many years in

its anti-American work by the infiltration of FBI undercover agents.

When Louis Budenz broke with communism, he provided the American people with a detailed description of the leadership of Moscow's apparatus in the United States. He lectured, wrote, and testified in both court proceedings and congressional hearings about the experiences he had had in the upper echelon of the Communist Party. Both men were smeared by the leftist press for daring to expose the full truth about our Communist enemy.

The Washington Post stated April 29, 1972:

Mr. Budenz' charges were vigorously denied by everyone he ever accused, and they never led to a single criminal conviction.

On this, as on many other occasions, the viciousness of the Washington Post story was equalled only by its inaccuracy. Mr. Budenz was a major witness in the 1949 Smith Act trial of the Communist leadership where 11 of them were convicted and served jail sentences for conspiracy to advocate the overthrow of the Government by force and violence. Gerhart Eisler avoided criminal conviction only by sneaking out of the United States aboard a Polish ship. Mr. Budenz had identified him before the House Committee on Un-American Activities as the Soviet supervisor of the American Communist Party.

Louis Budenz devoted the last 26 years of his life to fighting communism. J. Edgar Hoover devoted the last 54 years of his life to fighting communism.

Rest in peace, J. Edgar Hoover and Louis Budenz. May we be worthy of continuing the fight that these two men so valiantly fought.

### MAN'S INHUMANITY TO MAN—HOW LONG?

#### HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 2, 1972

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,600 American prisoners of war and their families.

How long?

## SENATE—Wednesday, May 3, 1972

The Senate met at 12 noon and was called to order by the President pro tempore (Mr. ELLENDER).

#### PRAYER

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

Almighty God, in whom we live and move and have our being, we give Thee thanks and praise for all Thy servants

who have been the chosen instruments of Thy purposes and the lights of the world in their generations. Especially do we thank Thee this day for Thy servant, J. Edgar Hoover, for his lifelong trust in Thee, his steadfast devotion to the Nation, his elevated patriotism, his fidelity in a position of high trust, his commitment to justice and peace in the Nation. We thank Thee for his faith in Thee as the giver of the moral law, the guide to human conduct, and the ultimate judge of all men.

We thank Thee too for all the many graces and virtues of his life—his kindness and generosity, his strong sense of duty, his reverence for life, and his warmhearted friendship.

May a new spirit arise in us that we may be strong as he was strong, brave as he was brave, loyal as he was loyal, serve as he served, love the Nation as he loved it, worship Thee as he worshipped Thee.

In Thy holy name we pray. Amen.

## THE JOURNAL

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Tuesday, May 2, 1972, be dispensed with.

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

## MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Leonard, one of his secretaries.

## WORLD WEATHER PROGRAM—MESSAGE FROM THE PRESIDENT

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States, which, with the accompanying report, was referred to the Committee on Commerce:

*To the Congress of the United States:*

By monitoring and predicting weather over the globe and by assessing the impact of man's activities upon the atmosphere, the World Weather Program helps significantly to improve the quality of our life and the safety of the earth's inhabitants.

I am pleased to report that the World Weather Program is making significant strides forward:

—Through new satellites, telecommunications, and computer technology, global information for early predictions and hazardous weather warnings is being acquired, processed, and then distributed in increased volume and detail.

—Under the Global Atmospheric Research Program, intensive planning activities are underway for a 1974 international experiment to be conducted in the tropical Atlantic. The experiment will attempt to discover what role tropical weather systems play in maintaining the general circulation of the atmosphere. It will also probe tropical weather systems, with a view to improving weather prediction, including hurricane forecasts. Scientific data from this experiment will also help in making weather forecasts that are longer range, and in resolving important environmental problems. Many nations will participate in this experiment with ships, aircraft, satellites, and other facilities.

—Active international involvement in the program by many member nations has yielded peaceful collaboration on an impressive international scale.

The World Weather Program is essential to a total environmental monitoring system for our planet. The program can serve as a model, moreover, for other environmental systems. The atmosphere is but one part of our global ecology. Data on other aspects of our environment can be collected and exchanged through a vehicle like the World Weather Program.

In accordance with Senate Concurrent

Resolution 67 of the 90th Congress, I am pleased to transmit this annual report which describes the advances of the World Weather Program made during the past year and the activities planned for the program by participating Federal agencies for the coming fiscal year.

RICHARD NIXON.

THE WHITE HOUSE, May 3, 1972.

## EXECUTIVE MESSAGES REFERRED

As in executive session, the President pro tempore laid before the Senate messages from the President of the United States submitting several nominations, which were referred to the Committee on the Judiciary.

(The nominations received today are printed at the end of Senate proceedings.)

## COMMITTEE MEETINGS DURING SENATE SESSION

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

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

## ORDER FOR ADJOURNMENT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 12 noon tomorrow.

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

## EXECUTIVE SESSION

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider nominations on the Executive Calendar, beginning with new reports.

There being no objection, the Senate proceeded to the consideration of executive business.

The PRESIDENT pro tempore. The nominations on the Executive Calendar, beginning with new reports, will be stated.

## PRICE COMMISSION

The second assistant legislative clerk proceeded to read the nomination of Mary Hamilton, of Illinois, to be a member of the Price Commission.

The PRESIDENT pro tempore. Without objection, the nomination is considered and confirmed.

## NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

The second assistant legislative clerk proceeded to read the nomination of Rear Adm. Allen L. Powell, to be Director of the National Ocean Survey, National Oceanic and Atmospheric Administration.

The PRESIDENT pro tempore. Without objection, the nomination is considered and confirmed.

## NOMINATIONS PLACED ON THE SECRETARY'S DESK

The second assistant legislative clerk proceeded to read sundry nominations in the U.S. Coast Guard, which had been placed on the Secretary's desk.

The PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed en bloc; and, without objection, the President will be immediately notified of the confirmation of these nominations.

## LEGISLATIVE SESSION

Mr. ROBERT C. BYRD. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to, and the Senate resumed the consideration of legislative business.

## THE CALENDAR

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the calendar, beginning with Calendar No. 737 and proceeding in consecution through Calendar No. 742.

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

## CLAIM OF JICARILLA APACHE TRIBE

The bill (H.R. 9019) to provide for the disposition of funds appropriated to pay a judgment in favor of the Jicarilla Apache Tribe in Indian Claims Commission docket numbered 22-A, and for other purposes was considered, ordered to a third reading, read the third time, and passed.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92-768), 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 H.R. 9019 is to authorize the use of a judgment against the United States recovered in the Indian Claims Commission by the Jicarilla Apache Tribe in New Mexico. The net amount available is \$9,232,709, subject to the payment of attorney fees and litigation expenses. The money has been appropriated, but it may not be used until specifically authorized by act of Congress.

## EXPLANATION OF BILL

The bill permits the money to be used for any purpose requested by the tribe and approved by the Secretary of the Interior. The tribe has adopted a resolution calling for the following uses, and the Department of the Interior concurs:

A. *Community improvement.*—\$1,500,000 to be invested and the interest drawn upon as needed to provide capital or matching funds for construction of detention and correctional facilities, expansion of the domestic water system, paving of streets, and construction of new sewer systems.

B. *Capital improvement.*—\$3,135,000 to be invested for income and job-producing purposes, including the development of additional lakes to complete the planned recreation program, improvement of a tribal live-



stock operation, creation of additional game parks, construction of a tribal sawmill, and the acquisition of stocks and bonds.

*C. Per capita payments.*—\$4,515,000 to be used to make a quarterly per capita payment until each tribal member has received a total of \$2,000 (\$800 initial payment and \$200 each quarter thereafter).

The tribe has a membership of 1,888 and 250 of them live away from the reservation.

#### COST

Enactment of H.R. 9019 will involve no additional cost to the Federal Government.

#### COMMITTEE RECOMMENDATION

The Committee on Interior and Insular Affairs unanimously recommends that H.R. 9019 be enacted.

### AUTHORIZATION TO SELL CERTAIN LANDS OF THE SOUTHERN UTE INDIAN TRIBE

The Senate proceeded to consider the bill (S. 1140) to authorize the sale of certain lands of the Southern Ute Indian Tribe, and for other purposes which had been reported from the Committee on Interior and Insular Affairs with an amendment on page 2, line 9, after the word "funds", insert "and title to any lands reacquired by the tribe by foreclosure of a mortgage or deed of trust"; so as to make the bill read:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That, subject to the provisions of the Southern Ute Indian tribal constitution and the ordinances and resolutions adopted thereunder, any lands that are held by the United States in trust for the Southern Ute Indian Tribe or that are subject to a restriction against alienation or taxation imposed by the United States, and that are not needed for Indian use, may be sold by the Southern Ute Indian Tribe, with the approval of the Secretary of the Interior, and such sale shall terminate the Federal trust or restrictions against alienation or taxation of the lands, except that the trust or restricted status of said lands may be retained, upon approval of the Secretary of the Interior, in any sale to a member of the tribe.

Sec. 2. All funds derived from the sale of lands pursuant to this Act shall be used only for the purchase of real property within the boundaries of the Southern Ute Indian Reservation. Title to any lands purchased with such funds and title to any lands reacquired by the tribe by foreclosure of a mortgage or deed of trust shall be taken in the name of the United States in trust for the Southern Ute Indian Tribe.

Sec. 3. Any tribal lands that may be sold pursuant to section 1 of this Act may, with the approval of the Secretary of the Interior, be encumbered by a mortgage or deed of trust, and shall be subject to foreclosure or sale pursuant to the terms of such mortgage or deed of trust in accordance with the laws of the State in which the land is located. The United States shall be an indispensable party to any such proceeding with the right of removal of the proceeding to the United States district court for the district in which the land is located, following the procedure in section 1446, title 28 of the United States Code, and the United States shall have the right to appeal from any order of remand in the proceeding.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92-770), explaining the purposes of the measure.

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

#### EXCERPT FROM REPORT NO. 92-770

##### PURPOSE

S. 1140 authorizes the Southern Ute Tribe, subject to the provisions of the tribal constitution, ordinances and resolutions adopted thereunder, to sell any land that is held by the United States in trust for the tribe or land subject to a restriction against alienation or taxation imposed by the United States, and that is not needed for Indian use. A sale would terminate the trust or restrictions on the land, except when a member of the tribe acquires the land, in which case title may, with the approval of the Secretary of the Interior, be taken in trust for the individual Indian purchaser. Funds derived from the sale of tribal land will be used only for the purchase of other land within the reservation with title to be taken in trust for the tribe. The tribe would also have the authority, with the approval of the Secretary, to encumber by mortgage or deed of trust any land that may be sold pursuant to section 1 of the bill.

##### NEED

S. 1140 contains authority needed by the Southern Ute Tribe of Indians to consolidate trust or restricted lands on their reservation into more usable and profitable units. These Indians voted for application of the provisions of the Indian Reorganization Act of June 18, 1934, to their affairs and therefore there is ample authority for the Secretary of the Interior to acquire lands for the benefit of the tribe and for the exchange of tribal lands for other lands of equal value. However, neither the 1934 act nor any subsequent act authorizes the sale of tribal lands on this reservation. This legislation is necessary to permit the tribe to dispose of lands not needed for Indian use, lands which usually consist of small isolated tracts of low income potential, and to acquire lands more advantageously located or otherwise more valuable for Indian use.

##### BACKGROUND

The Southern Ute Tribe owns approximately 302,000 acres of land in trust, approximately 38,000 of which are considered to be isolated tracts as they are not bordered on at least two sides by other tribally owned or Indian allotted land. The location of these tracts throughout the reservation area presents problems in use, access, development and management.

Most of the tracts which would be considered for sale are primarily isolated tracts or range land which provide only minimal returns. They are for the most part unfenced, lack a sufficient water supply, contain no commercial timber, have inadequate forage, and are of insufficient size to constitute an economic unit. Location, terrain, accessibility, soils and moisture supply make the cost of optimum development too high when compared with the return the owners may expect to receive after development.

The tribe has heretofore designated three primary areas for concentrated development efforts. It is developing a land consolidation plan which when completed will specify the areas of greatest importance for acquisition, set priorities, and determine kinds of land as well as resources to be used to acquire this land. This type of planning and the long-range goals established by the Southern Ute Tribe are significant steps in the progress of the tribe. It also denotes the desire

of the tribal council to make every effort possible to retain and upgrade its landholdings.

In the past the tribe has been hampered in its attempts to acquire key tracts of land because of its limited resources, which are essentially from oil and gas royalties. In fact, the tribe has lost out on the purchase of key tracts of fee owned land it desired to acquire because it did not have funds immediately available.

The enactment of this legislation will provide an opportunity to improve the land base of the Indians and be of considerable economic benefit to the tribe. It may be able to dispose of undesirable isolated parcels and thus obtain funds to purchase land that has an immediate foreseeable value to the tribe. The chairman of the Southern Ute Tribe testified in favor of S. 1140 at the hearings before the Subcommittee on Indian Affairs on March 28, 1972.

#### COST

No additional expenditures of Federal funds will result from the enactment of S. 1140.

#### AMENDMENT

The Department of the Interior's legislative report on S. 1140 recommended a technical amendment to the bill, but at the time of the hearing on this measure the departmental witness withdrew the proposed amendment. The committee approved a technical amendment to section 2 of the bill offered by Senator Allott at the request of the tribe. Senator Allott's amendment added the following language to the second sentence in section 2, after the word "funds" and before the word "shall": "and title to any lands reacquired by the tribe by foreclosure of a mortgage or deed of trust". The purpose of this technical amendment is to ensure that through sale and subsequent default by the purchaser, the tribe's land base would not be diminished, and that in the event of default and foreclosure tracts of reacquired lands will revert to their former trust status.

#### COMMITTEE RECOMMENDATION

The Committee on Interior and Insular Affairs recommends unanimously the enactment of S. 1140.

### PREVAILING RATE EQUALIZATION ADJUSTMENT ACT OF 1972

The bill (H.R. 13753) to provide equitable wage adjustments for certain prevailing rate employees of the Government was considered, ordered to a third reading, read the third time, and passed.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92-771), explaining the purposes of the measure.

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

#### PURPOSE

H.R. 13753 is a bill proposed by the administration to authorize retroactive wage adjustments for 214,000 wage board employees whose pay increases were delayed, either by the 90-day wage-price freeze or by the administration's postponement of wage surveys.

The bill was amended in the House of Representatives to provide that annual comparability pay adjustments for legislative employees (and adjustments in clerk-hire allowances for Members) on the one hand, and annual comparability pay adjustments for employees in the executive branch, on the other hand, shall have the same effective date, beginning with the October, 1972, pay adjustment.

## BACKGROUND

The following events gave rise to the need for a retroactive pay adjustment for wage-board employees who have been denied such an adjustment:

August 15, 1971—the President announced a 90-day freeze, from August 15 to November 14, 1971, on wages and prices.

August 31, 1971—the President submitted to the Congress an alternative pay plan for statutory-pay-system employees.

The plan postponed for 6 months a pay increase due January 1, 1972.

September 1, 1971—the President ordered all wage surveys on which wage-board pay adjustments are based to be deferred for 6 months, beginning on the date of the order.

December 22, 1971—The President approved Public Law 92-210, the Economic Stabilization Act Amendments of 1971. The act had been amended to rescind the 6-month postponement of the pay adjustment for statutory-pay employees. Thus, by law, statutory pay adjustments were authorized for January 1, 1972. Although Public Law 92-210 is silent on pay adjustments for wage-board employees, the committee believes the Congress expected the President to allow suitable adjustments in wage-board pay so that the two classes of employees would be treated equally.

January 11, 1972—the President canceled the order deferring wage surveys for 6 months and ordered a resumption of the normal survey cycle.

## STATEMENT

On August 15, 1971, by Executive order, wage increases for blue-collar employees were frozen until November 14, 1971, in 35 wage areas. On September 1, 1971, the President ordered that all wage surveys be deferred for 6 months. As a result of this, wage surveys were postponed until January 13, 1972 in 43 other wage areas. When the wage-price freeze ended on November 14, the Comptroller General was asked to determine whether any of the frozen wage adjustments could be made retroactively effective. He ruled that wage adjustments that would have gone into effect during the freeze period pursuant to a wage survey ordered prior to August 15, 1971, could be made.

Of the 35 wage areas having wage increases frozen, all but eight had surveys ordered prior to August 15, 1971. Thus, workers in 27 wage areas could receive retroactive pay increases.

The only way that the workers in the other eight wage areas can receive retroactive pay increases is through authorization by law. This is true also for the 43 wage areas in which wage surveys were deferred until January 13, 1972, under the President's September 1 memo. This bill provides statutory authority to provide for retroactive pay increases for those employees in the eight wage areas in which wage increases were frozen and the 43 wage areas in which wage surveys were deferred.

This bill provides specific authority for retroactive pay increases for wage-board employees under the following circumstances:

(1) Where wage surveys actually were ordered to be made on or after August 15, 1971, but, because of the 90-day wage-price freeze ordered under Executive Order Nos. 11615 and 11627, the resulting wage adjustments could not be placed into effect before November 14, 1971, such wage adjustments will be made effective retroactive to the normal effective dates determined under the provisions of section 5343 of title 5, United States Code.

(2) Where the normal wage surveys were scheduled to be made during the period beginning on September 1, 1971, and ending on January 12, 1972, but because of the action of the President, were not ordered to be made until after January 12, 1972, the wage sched-

ule adjustments based on such surveys will be made effective on the dates such adjustments would have been effective had the normal schedule for adjustments for fiscal year 1972 wage surveys been followed.

## THE HOUSE AMENDMENT

The bill was amended in the House to provide that the effective date for annual comparability adjustments in pay for legislative employees will be the same date as the date for comparability pay adjustments in the executive branch—on the first of October of each year. This is a housekeeping amendment which is needed to correct a technical imperfection in Public Law 91-256. Under that law, legislative employees must now receive pay adjustments 1 month later than employees in the executive branch because of a Comptroller General ruling on the language of Public Law 91-256.

## COST

The retroactive pay authorized by this bill would amount to a one-time expenditure of approximately \$12 million.

## NATIONAL GUARD TECHNICIANS RETIREMENT

The Senate proceeded to consider the bill (S. 855) to amend title 5, United States Code, to correct certain inequities in the crediting of National Guard technician service in connection with civil service retirement, and for other purposes which had been reported from the Committee on Post Office and Civil Service with amendments on page 1, line 5, after the word "sentence.", strike out "thereof which reads as follows: "Service referred to in paragraph (6) is allowable only in the case of persons performing service under section 709 of title 32, United States Code, on or after the effective date of the National Guard Technicians Act of 1968.""; on page 2, line 4, after the word "sentence.", strike out "thereof which reads as follows: "Notwithstanding the foregoing provisions of this subsection, the deposit with respect to a period of service referred to in section 8332 (b) (6) which was performed prior to the effective date of the National Guard Technicians Act of 1968 shall be an amount equal to 55 per centum of a deposit computed in accordance with such provisions.""; in line 13, after "(1).", strike out "thereof which reads as follows:"; after line 14, strike out:

"(1) In determining service for the purpose of computing an annuity under each paragraph of this section, 45 per centum of each year, or fraction thereof, of service referred to in section 8332(b) (6) which was performed prior to the effective date of the National Guard Technicians Act of 1968 shall be disregarded."

On page 3, line 1, after the word "the", strike out "last" and insert"; and, at the beginning of line 2, strike out "thereof which reads as follows: "This subsection shall apply only in the case of persons who perform service under section 709 of title 32, United States Code, on or after the effective date of this Act." so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 8332(b) of title 5, United States Code, relating to creditable service for civil

service retirement purposes, is amended by striking out the last sentence.

(b) Section 8334(c) of title 5, United States Code, relating to deposits for periods of creditable service for civil service retirement purposes, is amended by striking out the last sentence.

(c) Section 8339 of title 5, United States Code, relating to computation of civil service retirement annuities, is amended by striking out subsection (1).

(d) Section 3(c) of the National Guard Technicians Act of 1968 (82 Stat. 757; Public Law 90-486), relating to crediting of National Guard technician service for Federal employees' leave, death, and disability compensation, group life and health insurance, severance pay, tenure, and status, is amended by striking out the second sentence.

SEC. 2. The foregoing provisions of this Act shall become effective as of January 1, 1969.

## NATIONAL GUARD TECHNICIANS

Mr. BOGGS. Mr. President, I would like to take a few moments to bring to the attention of Senators a bill, S. 855, relating to retirement credit for Air Force and Army National Guard technicians. This bill was reported favorably by the Post Office and Civil Service Committee and is now on the Senate Calendar. I support it wholeheartedly.

National Guard technicians are civilian employees of the Federal Government who perform essential maintenance and technical services for National Guard units throughout the country. There are a total of 42,000 National Guard technicians, 392 of these in my own State of Delaware.

As a result of the National Guard Technician Act of 1968, these technicians were made Federal employees for purposes of retirement and other benefits. However, at that time they were permitted only 55-percent credit for their prior National Guard technician service on the grounds that they were covered during that period by social security and State retirement plans.

Moreover, only those who continued to serve as technicians after the 1968 act were eligible for Federal retirement computed at the reduced cost.

Mr. President, the inequity of this situation became apparent soon after the National Guard technicians were brought under the Federal retirement program. Thirty-one States, for example, did not include National Guard technicians in State retirement programs. Of those which do, three-fourths of the technicians do not have enough service to entitle them to a State annuity or enough quarters to receive social security.

For several years I have joined with other Senators to grant these dedicated servants the dignity and security of a full retirement income in line with those received by other Federal employees.

S. 855 would grant National Guard technicians 100-percent retirement credit for their service prior to 1968. They would have the option of paying into the retirement fund the amount that would have been withheld or taking a reduced annuity. In addition, technicians who moved to other positions would be eligible for retirement based on 100 percent of their service prior to 1968, and those already receiving annuities would



have them recomputed to reflect the increase in creditable service.

Mr. President, many technicians who began their work during World War II and the years thereafter are now reaching retirement age. It is of the greatest importance that we act now so that they will be able to enjoy the hard-earned fruits of their labor.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92-772), explaining the purposes of the measure.

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

#### BACKGROUND

The National Guard has employed technicians since the early 1920's. These employees function to enhance the military readiness of the National Guard, which serves as a component of the National Defense Establishment. Working as civilian employees under the direction of the Governors and adjutant generals of the States, National Guard technicians draw their pay directly from the Federal Government and they are employed under the authority of Federal law. The Secretaries of the appropriate military departments set their salary levels and prescribe the conditions of their employment. Until 1969, these employees were not covered by the Civil Service Retirement Act.

Because of this exclusion, National Guard technicians have had to rely upon inadequate social security and State retirement programs. In 1953, the Federal Government began contributing the employer's share of social security taxes for them and toward State retirement programs in those few States that considered these technicians to be State employees for retirement purposes.

In 1968, the National Guard Technicians Act (Public Law 90-486) marked a step to improve the retirement provisions of law for these employees. In the act, making technicians of the Army and Air Force National Guard employees of the Federal Government, Congress declared service performed prior to January 1, 1969, creditable for civil service retirement purposes only to the extent of 55 percent of such service and only for technicians who continued to serve in the National Guard after January 1, 1969.

No credit is now allowable for National Guard technician service prior to January 1, 1969, unless the employee served in that capacity after that date. An employee, for example, who served as a National Guard technician prior to January 1, 1969, and then moved to another identical position with the Government but not with the National Guard would receive no Federal retirement credit at all for his National Guard technician service.

The National Guard Technicians Act was admittedly a compromise. The report on the measure from the Senate Armed Services Committee indicated that the 45-percent reduction of accreditation for prior service was intended to approximate the difference between the Government's contribution to social security and State retirement programs in behalf of these employees and the amount the Government would have contributed to the Federal retirement fund if they had been covered by the Retirement Act.

But National Guard technicians do not benefit equally from Federal contributions to social security and State retirement, and the benefits they receive are inadequate.

The Chief of the National Guard Bureau testified that—

In 31 States, technicians were not covered by State retirement programs. In other States, some technicians were covered and some were not.

Some technicians, covered by social security, will draw no benefits because they lack the necessary number of quarters of coverage before January 1, 1969.

Three-fourths of the technicians covered by State retirement systems do not possess sufficient service to acquire vested interests in the State systems and will never become entitled to State annuities.

The 55-percent limitation applies to service prior to 1953, when the Government made no contributions either to State systems or to social security.

#### STATEMENT

The committee believes that National Guard technicians are entitled to full retirement credit for all their technician service. S. 855 would make creditable for all Federal employees service as a National Guard technician prior to January 1, 1969. The employee must either deposit into the fund the amount which would have been withheld from his pay at the time of service; or the employee must authorize a permanent reduction in his annuity each year equal to 10 percent of the amount owed. It would remove the 55-percent limitation imposed by the National Guard Technicians Act on service prior to January 1, 1969.

Specifically, S. 855 would—

(1) Grant 100 percent retirement credit to all former technicians serving in any Federal position covered by the Retirement Act on and after January 1, 1969.

(2) Allow eligible technicians to pay the full amount of the optioned deposit due for the pre-1969 technician service. Current law limits such optional deposit to 55 percent of the amount determined to be due.

(3) Allow former technicians in the Federal service on and after January 1, 1969, to receive service credit for their pre-1969 technician service in determining length of service for leave, Federal employees' death and disability compensation, group life and health insurance, severance pay, tenure, and status.

(4) Provide that an annuitant with pre-January 1, 1969, technician service may have his annuity recomputed to reflect 100 percent credit for his pre-January 1, 1969, service.

#### HEARINGS

Hearings on S. 855 were held October 13, 1971.

#### COST

The Civil Service Commission reports that repeal of the 55-percent-credit provision would increase the unfunded liability of the retirement fund by \$128 million. Under law this amount would be amortized by 30 equal annual installments of approximately \$7.9 million. The cost of crediting past service cannot be accurately ascertained.

#### AMENDMENTS

The committee has amended the bill to make technical improvements in its language, but has not changed the provisions of the bill as introduced.

#### THE IMMEDIATE RETIREMENT OF CERTAIN FEDERAL EMPLOYEES

The Senate proceeded to consider the bill (S. 3380) to permit immediate retirement of certain Federal employees which was reported from the Committee on Post Office and Civil Service with amendments on page 1, line 8, after "(2)", strike out "while his agency or subdivision thereof," and insert "during a period when the agency in which he is employed"; on page 2, line 2, after the word "completing", strike out "twenty-

five" and insert "25"; in line 3, after the word "becoming", strike out "fifty" and insert "50"; in the same line, after the word "completing", strike out "twenty" and insert "20"; and, after line 4 strike out:

SEC. 2. Notwithstanding the first section of section 8339(g) of title 5, United States Code, an employee retiring under clause (2) of section 8336(d) of such title (as enacted by the first section of this Act), during that period beginning on the date of enactment of this Act and ending on the three hundred and sixty-fourth day of such date, shall have his annuity reduced only by one-twelfth of 1 per centum for each full month the employee is under fifty-five years of age at the date of separation, except that such reduction shall not exceed 5 per centum.

So as to make the bill read:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 8336(d) of title 5, United States Code, is amended to read as follows:*

"(d) An employee who is separated from the service—

"(1) involuntarily, except by removal for cause on charges of misconduct or delinquency; or

"(2) during a period when the agency in which he is employed is undergoing a major reduction in force, as determined by the Commission, and who is serving in such geographic areas as may be designated by the Commission; after completing 25 years of service or after becoming 50 years of age and completing 20 years of service is entitled to a reduced annuity."

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92-773), explaining the purposes of the measure.

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

#### PURPOSE

S. 3380, as amended, is based on an official recommendation of the Civil Service Commission to permit certain employees of the Government of the United States to retire when the Executive agency in which they are employed is involved in a major reduction of personnel.

#### STATEMENT

Under current civil service retirement law, an employee who has 25 years of service, or who has 20 years of service and has reached age 50, may retire on a reduced civil service annuity if he is involuntarily separated from the service for reasons other than misconduct or delinquency. Generally, such a separation is caused by the abolition of his position or a reduction of personnel in his agency.

Reductions in personnel result in the separation of those employees who have the least seniority and who generally are not entitled to retention preference under the Veterans Preference Act (5 U.S.C. 3502). Thus many younger employees are separated from the service while older employees, many of whom might be willing to retire in such circumstances, are retained. An older employee cannot volunteer to retire under the involuntary separation provisions cited above (5 U.S.C. 8336(d)); he is eligible for retirement only after a reduction in force has resulted in his termination.

S. 3380, as amended, will permit an otherwise eligible employee to voluntarily retire before a reduction in force is actually ef-

fect, thus permitting the agency to determine in advance the overall effect of the reduction in force.

The Committee has amended S. 3380 to make technical changes and to delete a provision which would have changed the reduction in annuity formula for employees retiring during the first year after enactment of S. 3380.

Under current law, an employee retiring under 5 U.S.C. 8336(d) is required to take a permanent reduction in his civil service annuity of  $\frac{1}{4}$ th of 1 per cent of his annuity for each full month he is less than 55 years of age. Thus, an employee who is exactly 53 years of age at the time of his separation receives an annuity reduced by 4 per cent; an employee who is exactly 48 at the time of his separation receives an annuity reduced by 14 per cent. This reduction is based on actuarial estimates by the Civil Service Commission to maintain the liquidity of the Civil Service Retirement and Disability Fund. The Committee recommends that the present law be maintained.

S. 3380 authorizes the Civil Service Commission to determine what constitutes a "major reduction in force" and to designate which geographic areas of Federal employment shall be included within the provisions of this legislation when RIF's occur.

The essence of this legislation is that it vests in the employee the option to choose to retire if he is eligible under the involuntary retirement provisions of law. If he decides that he would like to retire, he may submit his resignation and the agency is bound to permit him to retire. Heretofore, the only way an employee could retire would be to have the agency request his resignation during a RIF, which has been interpreted by the Commission to be an involuntary separation.

#### CAREER PROGRAM FOR AIR TRAFFIC CONTROLLERS

The Senate proceeded to consider the bill (H.R. 8083) to amend title 5, United States Code, to provide a career program for, and greater flexibility in management of, air traffic controllers, and for other purposes which had been reported from the Committee on Post Office and Civil Service with amendments on page 2, line 1, after the word "the", insert "separation and"; in line 3, after the word "the", insert "separation and"; in line 6, after the word "this", strike out "section to the employees of the Department" and insert "section"; after line 10, insert a new section, as follows:

SEC. 2. (a) Section 3307 of title 5, United States Code, is amended to read as follows: "§ 3307. Competitive service; maximum-age entrance requirements; exceptions

"(a) Except as provided in subsections (b) and (c) of this section, appropriated funds may not be used to pay an employee who establishes a maximum-age requirement for entrance into the competitive service.

"(b) The Secretary of Transportation may, with the concurrence of such agent as the President may designate, determine and fix the maximum limit of age within which an original appointment to a position as an air traffic controller may be made.

"(c) The Secretary of the Interior may determine and fix the minimum and maximum limits of age within which original appointments to the United States Park Police may be made."

(b) Item 3307 of the analysis of chapter 33 of title 5, United States Code, is amended to read as follows:

"3307. Competitive service; maximum-age entrance requirements; exceptions."

On page 3, at the beginning of line 6, change the section number from "2" to

"3"; in line 11, after "(a)", strike out "If an" and insert "An"; in the same line, after the word "with", strike out "career tenure who has completed"; in line 12, after the word "controller", insert "who"; in line 13, after the word "removed", strike out "from duties"; in line 20, after the word "mental", strike out "well-being" and insert "health"; at the beginning of line 22, strike out "the Secretary may provide, with the written agreement of the controller," and insert "is entitled to not more than the full-time equivalent of 2 years of"; in line 24, after the amendment just above stated, strike out "training to assist the controller in qualifying for employment in another position but such training shall not exceed 2 years in duration" and insert "training"; on page 4, after line 2, strike out:

"(b) The Secretary may provide training under this section in a Government or non-Government facility for employment in the Department of Transportation, in another Government agency, or outside the Government.

At the beginning of line 7, strike out "(c)" and insert "(b)"; in the same line, after the word "During", strike out "the" and insert "a"; in line 8, after the word "controller", strike out "shall" and insert "shall be"; in line 9, after "(1)", strike out "be"; in line 11, after "(2)", strike out "be"; in line 12, after the word "provided", strike out "by or"; in the same line, after the word "under", strike out "statute" and insert "law"; in line 13, after "(3)", strike out "be"; in the same line, after the word "from", strike out "the"; at the beginning of line 15, strike out "(d)" and insert "(c)"; in line 19, after the word "another", strike out "Government" and insert "Executive"; in line 24, after the word "for", strike out "purpose" and insert "purposes"; in the same line, after the word "of", strike out "determining entitlement to severance pay under"; in line 25, after "section 5595", strike out "of this title"; on page 5, line 1, after the word "or", strike out "entitlement to immediate retirement under"; at the beginning of line 3, strike out "(e)" and insert "(d)"; in line 6, after the word "section", strike out "including but not limited to, among the expenses, the necessary cost of—

"(1) travel and per diem instead of subsistence under subchapter I of chapter 57 of this title;

"(2) transportation of immediate family, household goods and personal effects, packing, crating, temporarily storing, draying, and unpacking, under section 5724 of this title, when the estimated cost of transportation and related services are less than the estimated aggregate per diem payments for the period of training;

"(3) tuition and matriculation fees;

"(4) library and laboratory services;

"(5) purchase or rental of books, materials, and supplies; and

"(6) other services or facilities directly related to the training of the controller." and insert "including expenses authorized to be paid under chapter 41 and subchapter I of chapter 57 of this title, and the costs of other services or facilities directly related to the training of a controller."; at the top of page 6, strike out "(f) The provisions of sections 4105(a),

4107 (a) and (b), and 4111 of chapter 41 of this title shall apply to the training provided under this section, but no other provisions of such chapter 41 shall apply to training provided under this section." and insert "(e) Except as provided by subsection (d) of this section, the provisions of chapter 41 of this title, other than sections 4105(a), 4107 (a) and (b), and 4111, shall not apply to training under this section."; at the beginning of line 9, strike out "(g)" and insert "(f)"; in the same line, after the word "not", insert "otherwise"; in line 14, after the word "for", strike out "an"; at the beginning of line 15, strike out "annuity" and insert "retirement"; in the same line, after the word "under", strike out "subchapter III of chapter 83" and insert "section 8336"; in line 17, after the word "service", strike out "for retirement"; at the beginning of line 23, strike out "well being" and insert "health"; in line 25, after the word "section", strike out "The involuntary separation of a controller" and insert "Separation"; on page 7, line 3, after the word "month", strike out "which immediately follows" and insert "following"; in line 4, after the word "day", strike out "on which"; in line 9, after the word "later.", insert "A controller who is to be separated under this section is entitled to training under section 3381 of this title. Separation of such a controller who elects to receive training under section 3381 shall not become final until the last day of the month following the completion of his training."; in line 15, after "(a)", strike out "A" and insert "An air traffic"; in line 19, after the word "the", where it appears the second time, strike out "date of"; in line 22, after the word "such", insert "a"; in line 24, after the word "determination", strike out "of the Secretary"; on page 8, line 4, after the word "shall", insert "immediately"; in line 12, after "(c)", strike out "A" and insert "The"; in the same line, after the word "review", strike out "convened under subsection (b) of this section"; in line 13, after the word "review", insert "evidence supporting and inconsistent with"; in line 25, after the word "controller", strike out "from" and insert "within"; on page 9, line 2, after the word "Transportation", strike out "shall prescribe" and insert "is authorized to issue"; in line 3, after the word "regulations", strike out "necessary"; in line 4, after the word "subchapter", strike out "Regulations pertaining to eligibility for and type and kind of training to be provided under section 3381 of this title shall be based on such considerations as the Secretary considers appropriate, including, but not limited to, length of service, previous occupational skills and education, training needs, and desires of controllers to be trained."; in line 12, after the word "subchapter", strike out "does" and insert "shall"; in line 15, after the word "of", where it appears the first time, insert "the"; in the same line, after the word "efficient", insert "separation and"; in line 16, after the word "mental", strike out "well-being" and insert "health"; in the same line, after the word "of", where it appears the second time, strike out "the" and insert "a"; on page 10, at the beginning of line 1, change the section number from "3" to "4"; at the begin-



ning of line 16, change the section number from "4" to "5"; in line 21, after the word "inserting", insert "after subsection (d)"; on page 11, at the beginning of line 4, change the section number from "5" to "6"; in line 10, after the word "inserting", insert "after subsection (d)"; in line 15, after the word "employee.", strike out "unless that employee received training under section 3381 of this title"; at the beginning of line 17, change the section number from "6" to "7"; in line 19, after "8339 (h)", insert "each place it appears"; in line 20, after "8332 (b) (3)", insert "and (8)"; on page 12, at the beginning of line 1, strike out "(i)" and insert "(A)"; at the beginning of line 5, strike out "(ii)" and insert "(B)"; in line 6, after the word "and", strike out "(c)" and insert "(e)"; in line 7, after "section 8336 (f)", strike out "respectively,"; at the beginning of line 12, strike out "(iii)" and insert "(C)"; at the beginning of line 16, strike out "(iv)" and insert "(D)"; at the beginning of line 20, strike out "(v)" and insert "(E)"; in the same line, after the word "the", strike out "reference" and insert "references"; in line 21, after "(h)", insert "and subsection (i)"; in line 22, after the word "the", strike out "reference" and insert "references"; in line 23, after "(i)", insert "and subsection (j), respectively"; at the beginning of line 25, strike out "(vi)" and insert "(F)"; on page 13, at the beginning of line 3, strike out "(vii)" and insert "(G)"; in line 4, after "(e)", strike out "respectively,"; in line 10, after "section 8339 (i)", insert "and section 8339 (j)"; in line 11, after the amendment just above stated, strike out "respectively,"; in line 12, after "section 8339 (a)-(i)", strike out "and"; in line 13, after "8339 (j)", insert "and section 8339 (k)"; after line 22, strike out:

(5) by striking out the reference "section 8339 (a), (b), (d), (g), and (h)" in section 8344(a) (3), (A), and inserting the reference "section 8339 (a), (b), (d), (e), (h), and (i)" in place thereof.

And, in lieu thereof, insert:

(5) by amending section 8344(a) —

(A) by striking out the reference "section 8339 (a), (b), (d), (g), and (h)" in subparagraph (A) and inserting the reference "section 8339 (a), (b), (d), (e), (h), and (i)" in place thereof; and

(B) by striking out the references "section 8339 (i) of section 8339(j) (2)" in the sentence following immediately below clause (ii), and inserting the references "section 8339 (j) or section 8339(k) (2)" in place thereof.

On page 14, at the beginning of line 11, change the section number from "7" to "8"; at the beginning of line 15, change the section number from "8" to "9"; and, on page 15, at the beginning of line 1, change the section number from "9" to "10".

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the amendments be considered and agreed to en bloc.

The PRESIDENT pro tempore. Without objection, the amendments are considered and agreed to en bloc.

Mr. ROBERT C. BYRD. Mr. President, I send to the desk an amendment and ask that it be stated.

The PRESIDENT pro tempore. The amendment will be stated.

The assistant legislative clerk proceeded to read as follows:

On page 15, after line 3, insert the following:

"Sec. 11. The Act of September 26, 1969 (Public Law 91-73; 83 Stat. 116), relating to age limits in connection with appointments to the United States Park Police, is repealed effective at the end of the eighty-ninth day after the date of enactment of this Act.

Mr. ROBERT C. BYRD. Mr. President, I have offered this amendment on behalf of the distinguished Senator from Wyoming (Mr. McGEE). It is a technical change in the bill as reported to repeal the provisions of Public Law 91-73, relating to the establishment of minimum and maximum age requirements in the U.S. Park Police. That authority is being continued elsewhere in the bill, and this repealer is merely a conforming amendment.

The amendment was agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

#### ROUTINE MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of routine morning business for not to exceed 30 minutes, with statements therein limited to 3 minutes.

The Senator from New York is recognized.

(The remarks Mr. BUCKLEY made at this point on the introduction of S. 3570 are printed in the RECORD under Statements on Introduced Bills and Joint Resolutions.)

#### QUORUM CALL

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

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

The second assistant legislative clerk proceeded to call the roll.

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

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

#### ORDER FOR RECOGNITION OF SENATOR STENNIS TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that tomorrow, immediately following the recognition of the two assistant leaders under the standing order, the distinguished Senator from Mississippi (Mr. STENNIS) be recognized for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### ORDER FOR PERIOD FOR TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that following the remarks of the distinguished Senator from Mississippi (Mr. STENNIS) tomorrow there be a period for the transaction of routine morning business for not to exceed 30 minutes, with statements limited therein to 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### APPOINTMENT OF SENATOR HATFIELD AS CONFEEE ON SECOND SUPPLEMENTAL BILL (H.R. 14582) IN LIEU OF SENATOR INOUE

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senator from Hawaii (Mr. INOUE) be relieved as a conferee on the second supplemental appropriation bill (H.R. 14582) and that the Senator from Oregon (Mr. HATFIELD) be appointed as a conferee on that bill in his place.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### QUORUM CALL

Mr. ALLEN. 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. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

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

##### USE OF FUNDS IN FOREIGN COUNTRIES

A letter from the Deputy Secretary of Defense certifying, pursuant to law, that no use was made of funds appropriated to make payments in a foreign country in which country the Treasury Department was holding excess foreign currencies; to the Committee on Appropriations.

##### ASSISTANCE-RELATED EXPENDITURES FOR LAOS

A letter from the Assistant Secretary of State submitting, pursuant to law, an additional report showing the total amount of assistance-related expenditures for Laos for the first two quarters of fiscal 1972 (with accompanying papers); to the Committee on Armed Services.

##### NOTIFICATION OF PROPOSED FACILITIES PROJECTS

A letter from the Deputy Assistant Secretary of Defense submitting, pursuant to law, a list of facilities projects proposed to be undertaken for the Air Force Reserve; to the Committee on Armed Services.

##### PROPOSED AMENDMENT OF TITLE 10, UNITED STATES CODE

A letter from the Secretary of the Navy, transmitting a draft of proposed legislation to amend title 10, United States Code, to provide for the temporary promotion of ensigns of the Navy and second lieutenants of the Marine Corps, to provide that these appointments may be made by the President alone, and for other purposes (with an accompanying paper); to the Committee on Armed Services.

##### REPORT OF THE DEPARTMENT OF LABOR

A letter from the Secretary of Labor transmitting, pursuant to law, a report on the Department's study and review of the program establish by the Emergency Unemployment

Compensation Act of 1971 (with accompanying report); to the Committee on Finance.

#### REPORT ON FUNDS APPROPRIATED FOR CERTAIN PROGRAMS AND ACTIVITIES

A letter from the Comptroller General of the United States, reporting, pursuant to law, that all funds previously appropriated and thereafter impounded during fiscal year 1971 for programs and activities administered by or under the direction of the Department of Agriculture, the Department of Housing and Urban Development, and the Department of Health, Education, and Welfare, have been released for obligation and expenditures; to the Committee on Foreign Relations.

#### REPORT ON THE EXCLUDED STUDENT

A letter from the Chairman and Members of the United States Commission on Civil Rights, transmitting, pursuant to law, a report on Educational Practices Affecting Mexican Americans in the Southwest (with an accompanying report); to the Committee on the Judiciary.

#### REPORT ON THE IMMIGRATION AND NATURALIZATION SERVICE

A letter from the Commission of Immigration and Naturalization transmitting, pursuant to law, reports concerning visa petitions which have been approved according to the beneficiaries third preference and sixth preference classification (with accompanying reports); to the Committee on the Judiciary.

#### SUSPENSION OF DEPORTATION OF CERTAIN ALIENS

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, orders suspending deportation of certain aliens (with accompanying papers); to the Committee on the Judiciary.

### REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. RANDOLPH, from the Committee on Public Works:

S. 3572. An original bill to extend and amend sections 5(n) and 8(d) of the Federal Water Pollution Control Act, as amended (Rept. No. 92-777).

By Mr. BELLMON, from the Committee on Interior and Insular Affairs, with an amendment:

H.R. 5199. An act to provide for the disposition of funds appropriated to pay judgments in favor of the Miami Tribe of Oklahoma and the Miami Indians of Indiana in Indian Claims Commission dockets numbered 255 and 124-C, dockets numbered 256, 124-D, E, and F, and dockets numbered 131 and 253, and of funds appropriated to pay a judgment in favor of the Miami Tribe of Oklahoma in docket numbered 251-A, and for other purposes (Rept. No. 92-778).

By Mr. ANDERSON, from the Committee on Aeronautical and Space Sciences, with an amendment:

H.R. 14070. An act to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and research and program management, and for other purposes (Rept. No. 92-779).

### 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. BUCKLEY (for himself and Mr. JAVITS):

S. 3570. A bill to authorize the Administrator of Veterans Affairs to convey certain

real property in Canandaigua, New York, to Sonnenberg Gardens, a corporation. Referred to the Committee on Veterans' Administration.

By Mr. RIBICOFF:

S. 3571. A bill for the relief of Wayne Gafka. Referred to the Committee on the Judiciary.

By Mr. RANDOLPH, from the Committee on Public Works:

S. 3572. An original bill to extend and amend sections 5(n) and 8(d) of the Federal Water Pollution Control Act, as amended. Placed on the calendar.

By Mr. SCHWEIKER:

S. 3573. A bill exempting State lotteries from certain Federal prohibitions. Referred to the Committee on the Judiciary.

By Mr. FULBRIGHT:

S. 3574. A bill to change the name of the Beaver Dam in the State of Arkansas to the James W. Trimble Dam. Referred to the Committee on Public Works.

By Mr. COOPER (for himself and Mr. Boggs):

S. 3575. A bill providing for an architectural design competition relating to the integration of Senate needs with the surrounding community. Referred to the Committee on Public Works.

By Mr. GAMBRELL:

S. J. Res. 230. A joint resolution proposing an amendment to the Constitution of the United States with respect to the process by which the Constitution is amended. Referred to the Committee on the Judiciary.

### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BUCKLEY (for himself and Mr. JAVITS):

S. 3570. A bill to authorize the Administrator of Veterans Affairs to convey certain real property in Canandaigua, N.Y., to Sonnenberg Gardens, a corporation. Referred to the Committee on Veterans' Administration.

Mr. BUCKLEY. Mr. President, I introduce a bill which would enable a group of New York residents to assume the responsibility for restoring and maintaining an historic and unique estate with its exceptionally beautiful gardens.

Sonnenberg Gardens is located in Canandaigua, N.Y., on land originally owned by Mrs. Frederick Ferris Thompson, who imported workmen and materials from diverse parts of the world to construct 10 separate and distinct gardens, reflecting a variety of cultures and styles. The result was incomparable beauty and elegance. The land was sold to the U.S. Government in 1930 and a Veterans' Administration hospital was constructed on a portion of it.

This bill would authorize the Administrator of Veterans' Affairs to convey approximately 45 acres of this 208-acre site to Sonnenberg Gardens, Inc., which has been granted a New York State charter as a nonprofit, tax-exempt, educational corporation.

This transaction would not adversely affect the operation of the hospital. Conversely, the substantially enhanced gardens, to which the patients would have access, would serve as a benefit to the patients and community as well. The Veterans' Administration, which has not been able to properly maintain the gardens, would be freed of the expense of upkeep. Should Sonnenberg Gardens, Inc., fail to meet its responsibilities, the

land would revert to the Veterans' Administration.

I am happy to see this effort by local citizens who are concerned about history and their community volunteering their time and money to preserve a place of unique beauty in the Finger Lakes region of New York State.

Dr. N. A. Rotunno, professor emeritus, landscape architecture, Syracuse University, has written:

There may be somewhere on the Eastern seaboard a garden or gardens that are as good as Sonnenberg. I doubt if there is any place in the East or in the country that has as many different gardens.

It must be borne in mind that these gardens were the special creation of one person, the 'Lady, of Sonnenberg', Mrs. Frederick Ferris Thompson. Mrs. Thompson must have had a great sense of imagination, propriety and taste. It (the restoration) should, in a sense, be aimed to make this a national historic monument of gardening exemplifying the fine ideas of the past and their tie to the present and the future trends in gardening. The garden and grounds are of such caliber and interest that they should receive national attention.

Thus, in a very real sense what this restoration will accomplish will benefit not only residents of New York State but the Nation as well.

The President, I send the bill to the desk and ask that it be properly referred.

Mr. JAVITS. Mr. President, I am a cosponsor of the bill, S. 3570, introduced by my colleague from New York (Mr. BUCKLEY), to authorize the Administrator of Veterans' Affairs to convey certain property in Canandaigua, N.Y., to Sonnenberg Gardens, Inc., a nonprofit, educational corporation which has been granted a charter by the State of New York.

The many artists and citizens who have joined together to form Sonnenberg Gardens, Inc., have contributed substantial time and money to the effort to restore and maintain the beautiful and unique gardens and the mansion of Sonnenberg. The group has demonstrated that they possess the financial and artistic capability adequately to carry out the purposes set forth in its charter. These purposes are:

First, to receive, hold, restore and improve the gardens, grounds, and mansion of the estate known as Sonnenberg, formerly owned by Mrs. F. F. Thompson, and located at Howell Street in the city of Canandaigua, Ontario County, N.Y.;

Second, to display and exhibit for both study and enjoyment numerous and various types and styles of gardens, landscape architecture, and structural architecture;

Third, to provide a place for the display of paintings, sculpture, and art works in general;

Fourth, to provide a place for the performance of musical concerts, operas, dance and ballet recitals, arts exhibits, and the performing and fine arts generally; and

Fifth, to further such ends to act individually, in free association or by contract with others, including individuals, organizations, churches, schools, municipalities and government agencies, and institutions.

The former owner of this property, Mrs. Frederick Ferris Thompson, commissioned several noted horticulturalists



and landscape gardeners to design and construct the Sonnenberg Gardens, each having a separate and distinct theme, such as the Italian, the Old Fashioned, the Japanese. This property is currently part of the Veterans' Administration grounds in Canandaigua. Access to the restored gardens would provide visitors to the Finger Lakes region an unforgettable and enriching experience. I commend the bill to the Senate because it would preserve this art treasure and, I might add, do so at no monetary cost to the Federal Government.

A similar bill, H.R. 13780, has been introduced in the House by Representative JOHN TERRY, who represents the district where the gardens are located, and who has taken an active interest in this matter for some time.

By Mr. SCHWEIKER:

S. 3573. A bill exempting State lotteries from certain Federal prohibitions. Referred to the Committee on the Judiciary.

#### STATE LOTTERY EXEMPTION ACT OF 1972

Mr. SCHWEIKER, Mr. President, I introduce today the State Lottery Exemption Act, a bill to exempt official State-operated lotteries from restrictive Federal postal, broadcasting, and gambling laws.

On March 7, 1972, the State of Pennsylvania joined New Hampshire, New Jersey, and other States, by inaugurating an official State-operated lottery for the purpose of raising revenue. Proceeds from the lottery will be put into the State's general revenue fund until June 30, 1972. But, thereafter, all proceeds will be devoted to the exclusive use of property tax relief for the elderly. This is a worthwhile objective I fully support.

The lottery has been a popular success in Pennsylvania and more than 44 million tickets at 50 cents apiece were sold in the first 6 weeks of the lottery's operation. After paying out prizes and administrative costs, the State has gained \$1 million a week, and State officials estimate that in the first year alone the Pennsylvania lottery will net \$50 million.

The purpose of my bill today is to exempt official State-operated lotteries like Pennsylvania's from the many restrictive laws on the books that were enacted to curb illegal gambling. The exemptions I recommend will enable States to more freely publicize the lottery, to attract more lottery ticket buyers, and to insure that all aspects of the lottery's operation are fully in accord with Federal laws. States today are hard-pressed to raise revenues for important public services. The popularity of State lotteries to date indicates that the public supports this method of raising revenue, and my bill will eliminate current Federal restrictions on the operation of State lotteries.

My bill will accomplish the following:

First, allow radio and television stations to broadcast information about the lottery, including the winning numbers. Title 18, United States Code, section 1304, currently bans any lottery broadcasting, and the Federal Communications Commission has specifically ruled

that the current law is to be strictly enforced.

Second, allow newspapers to freely publish lottery information without fear of violating postal regulations. Title 18, United States Code, section 1302, prohibits the use of the mails for distribution of information about lotteries in newspapers. The U.S. Postal Service has permitted publication of legitimate "news" about lotteries so long as the "news stories were not merely fulfilling a necessary part of the operation of a lottery." However, Postal Service representatives have visited Pennsylvania newspapers in connection with publication of lottery information, and a memorandum which has been given to these newspapers in the State by the Postal Service says that—

Even if the only information published is the winning number, identified as such, and no mention is made of the prizes pertaining thereto, the mailing of the publication might be found to be prohibited by postal lottery law.

The Postal Service has advised newspapers "to seek the guidance of private legal counsel as to contemplated mailings of items dealing with lotteries." I think it would be better to exempt State-controlled lotteries from the prohibitions altogether to eliminate any uncertainty or confusion for newspapers.

Third, allow advertisements of State lotteries in newspapers and on radio and television. This will allow the States to publicize their lotteries more comprehensively, and will help insure greater revenues from the lotteries.

Fourth, insure that States operating lotteries are not subject to the Federal 10 percent wagering tax. Section 4401 of the Internal Revenue Code requires that the operator of a lottery shall pay a 10-percent excise tax "on all wagers placed in such lottery." Exemptions from this tax provided by section 4402 only include lotteries where "the ultimate winners are determined by the results of a horse race," and do not include computerized number lotteries such as Pennsylvania's. Clearly the intent of the law is to exempt legitimate fundraising events from the gambling tax, and I would hope that my bill might be passed quickly to clarify the law to insure that all State lotteries are exempted from this tax.

Fifth, exempt State-operated lotteries from the Federal tax on "coin-operated gaming devices" imposed by section 4461 of the Internal Revenue Code. This will allow States to utilize coin-operated vending machine sales of lottery tickets, without the threat of an additional tax.

Sixth, allow mailing of lottery tickets, and information about State lotteries. Title 18, United States Code, section 1302, prohibits the use of the mails for distribution of lottery tickets, for sending checks or money orders to purchase tickets, or for any solicitation connected with the lottery. Exemption of State-controlled lotteries from this prohibition would allow a State to expand its lottery sales.

Seventh, allow transportation in interstate commerce of State lottery tickets, equipment and information. Three sections of Title 18, United States Code—section 1301, dealing with "transporting

lottery tickets;" section 1084, dealing with "transmission of wagering information;" and section 1953, dealing with "Interstate transportation of wagering paraphernalia"—all provide restrictions on transportation aspects of lotteries which should be exempted.

Eighth, exempt State-operated lotteries from section 3005 of the postal laws which allows postmasters to return mail concerning lotteries.

The bill will exempt official State lotteries from provisions of the law which seriously impair the ability of States to continue these revenue-raising methods successfully, such as the broadcasting, newspaper mailing, and 10 percent wagering tax provisions. Some of the other provisions are relatively technical exemptions. However, all of them should be enacted so that the laws of the U.S. Government are consistent in recognizing a State's legitimate interest in using lottery, sweepstakes, or wagering pools to obtain needed funds for public services.

Nearly half the States are either conducting or considering State lotteries. Some predict that every State will someday be engaging in some lottery system to raise revenues. It is in the interest of each Member of Congress to modify the Federal laws to permit the maximum operation of State lotteries, and I urge my colleagues to act promptly on this legislation.

Mr. President, I ask unanimous consent that the text of the "State Lottery Exemption Act of 1972" be printed in the RECORD following these remarks.

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

S. 3573

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this act shall be known as the "State Lottery Exemption Act of 1972."*

SEC. 2. (a) chapter 1 of title 18, United States Code, (relating to general provisions), is amended by adding at the end thereof the following new section:

"§ 16. State-conducted lotteries, sweepstakes, and wagering pools

"(a) The provisions of chapter 61 and of sections 1084 and 1953 of this title shall not apply with respect to any lottery, sweepstakes, or wagering pool conducted by any agency of a State acting under authority of State law.

"(b) For purposes of this section, 'State' includes any of the several States of the Union, the Commonwealth of Puerto Rico, the District of Columbia, or any territory or possession of the United States."

(b) The table of contents of chapter 1 of such title 18 is amended by adding at the end thereof the following new item:

"16. State-conducted lotteries, sweepstakes, and wagering pools."

SEC. 3. (a) Section 4402 of the Internal Revenue Code of 1954 (relating to exemptions from the wagering tax) is amended by striking out paragraph (3) and inserting in lieu thereof the following:

"(3) State-conducted lotteries, etc.—On any wager placed in a sweepstakes, wagering pool, or lottery which is conducted by an agency of a State acting under authority of State law, but only if such wager is placed with the State agency conducting such sweepstakes, wagering pool, or lottery, or with its authorized employees or agents."

(b) Section 4462 (b) of such Code (re-

lating to exclusions from definition of coin-operated gaming device) is amended—

(1) by striking out "or" at the end of paragraph (1),

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

(3) by adding after paragraph (2) the following new paragraph:

"(3) a vending machine which (A) dispenses tickets on a sweepstakes, wagering pool, or lottery which is conducted by an agency of a State acting under authority of State law and (B) is maintained by the State agency conducting such sweepstakes, wagering pool, or lottery, or by its authorized employees or agents."

(c) The amendment made by subsection (a) shall apply with respect to wagers placed after the date of the enactment of this Act. The amendments made by subsection (b) shall apply with respect to periods after such date.

SEC. 4. Section 3005 of title 39, United States Code, is amended by adding at the end thereof the following new subsection:

"(c) The provisions of subsection (a) of this section shall not apply to any lottery, gift enterprise, or scheme for the distribution of money or of real or personal property, by lottery, chance, or drawing of any kind conducted by any agency of a State acting under authority of State law. For purposes of this subsection, 'State' includes any of the several States of the Union, the Commonwealth of Puerto Rico, the District of Columbia, or any territory or possession of the United States."

By Mr. FULBRIGHT:

S. 3574. A bill to change the name of the Beaver Dam in the State of Arkansas to the James W. Trimble Dam. Referred to the Committee on Public Works.

Mr. FULBRIGHT. Mr. President, I am today introducing a bill which would honor the late J. W. Trimble, who served 22 years in the House of Representatives, by naming the Beaver Dam on the White River in Arkansas the James W. Trimble Dam.

J. W. Trimble died at age 78 on March 10 in Eureka Springs, Ark. His death greatly saddened his many friends in Washington and in Arkansas.

As a news article in the Arkansas Gazette described him, "Judge" Trimble was "one of the best-loved men on Capitol Hill during his 22 years in Congress—a 'father confessor' to pages, a pal of doorkeepers, and a friend of Presidents."

The same article pointed out that, as the Congressman from the Third Congressional District of Arkansas, he brought "dams and reservoirs and rural electrification and millions in Federal money into northwest Arkansas."

It is particularly appropriate, I believe, that one of the dams in the Third Congressional District, which he represented so ably and diligently, be named in honor of J. W. Trimble.

When I was elected to the Senate in 1944, J. W. Trimble was elected to succeed me in the House of Representatives. Therefore, my acquaintance with Judge Trimble was a long-standing one, and I always had the utmost respect for him. He was a man of the highest integrity and of noble character.

He was one of the earliest and most consistent supporters of the Arkansas River navigation project, which has

meant so much to the State of Arkansas.

Mr. President, I am hopeful that the Congress will rapidly approve this legislation to honor an outstanding American.

I ask unanimous consent to have printed in the RECORD a news article from the Arkansas Gazette of March 11, which provides some details about Judge Trimble's distinguished career, and an editorial from the Gazette of March 14, which provides some insight into his unique character. Further, I ask unanimous consent that an editorial broadcast by radio station KBRS, Springdale, Ark., March 17, advocating that Beaver Dam be named Trimble Dam, be printed in the RECORD.

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

#### EX-LAWMAKER DIES AT 78—HE HELPED BRING PROGRESS TO STATE

EUREKA SPRINGS.—James W. Trimble, aged 78, of Berryville, who, as the state's Third District congressman, brought dams and reservoirs and rural electrification and millions in federal money into Northwest Arkansas, died Friday at a hospital here.

One of the best-loved men on Capitol Hill during his 22 years in Congress, the Judge, as he was called, was a "father confessor" to pages, a pal of doorkeepers and a friend of presidents.

He was regarded as the state's most liberal congressman, frequently voting in opposition to those other longtime congressmen who served with him—E. C. (Took) Gathings of West Memphis, Oren Harris of El Dorado and Wilbur D. Mills of Kensett.

For example, in 1965, the ultraconservative Americans for Constitutional Action gave Judge Trimble a 14 per cent rating, compared to 68 per cent for Gathings.

As a member of the House Rules Committee, he wielded power that helped him get many projects for Arkansas.

To become a member of this committee, Mr. Trimble gave up his seat on the House Public Works Committee, where he championed Arkansas waterway projects.

In 1964, when 500 supporters of the Arkansas River navigation system turned out to thank Representative Trimble for his efforts, Garth Whipple, the president of the Arkansas Basin Association, said: "Others talk pretty, but the Judge has got the votes [in Congress] to get things done. In my experience, there is one man whose contribution to the Arkansas River program stands out above all others, and that man is Judge Trimble."

As to his ability to get federal money for Arkansas projects, Senator J. William Fulbright said during Trimble's 1964 campaign:

"Jim Trimble has so many projects going in his district that it looks like he has backed up a truck to the Treasury. This is what seniority means to you."

#### STAND FOR DAMS HELPED BRING DEFEAT

Ironically, it was Judge Trimble's stand for more dams that helped bring on his unexpected defeat in 1966 by John Paul Hammerschmidt, the conservative Republican lumberman from Harrison.

Mr. Trimble believed that to complete his dream of water control on the White River of North Arkansas, dams were needed on the Buffalo River.

A half billion dollars had been spent on the White, he told constituents at Marshall as he opened his campaign of 1966. If the dams on the Buffalo weren't completed, it would leave only 90 per cent of the project done and that's like finishing only 90 per cent of the roof of your house.

But opposition from conservationists and sportsmen who wanted to keep the Buffalo free-flowing led to concerted action to beat him. He got 72,635 votes to Hammerschmidt's 80,495.

He was not bitter. He said of his defeat: "It's part of the game." And with the graciousness that characterized him in Washington, he offered Hammerschmidt his help.

During his 11 terms he represented a district that was strongly Republican, placing his reliance on diplomacy and a consistent plan of argument. He rarely acknowledged his opponents.

Because he grew up in an isolated area, one of 10 children, he had a dream of development for the Ozarks. In later years, he looked fondly at the dams and towers that carried electricity across the ridges.

#### HE ABHORRED WASTE OF SOIL

He was a conservationist, once saying: "Every muddy stream is an indictment of those of our generation and of past generations, because we've permitted our precious soil to flow down our streams. That soil is not ours. It is held in trust by us for future generations."

He was born February 3, 1894, in a farm home in the valley of the Osage River, the son of Allen and Anna McFarlane Trimble.

Early educators in that remote area helped guide him in his early years in the small towns of Carroll County and he frequently boarded with families while attending school. In the fall of 1913, he enrolled at the University of Arkansas, majoring in education and history. He worked after class as a custodian. He was editor of the college newspaper during his junior year.

A stint as a teacher at Texarkana after graduation was interrupted by World War I and he became an officer in the training cadre at Camp Pike. After the armistice, he returned to the mountains to become principal of the Osage school. Later he was principal at Pleasant Ridge.

#### ENTERED POLITICS IN 1920

In the summer of 1920 he began his political career, winning the Democratic nomination for Carroll County clerk. Mr. Trimble recalled that his opponent was a friend and that they went around the county introducing each other. He told voters they should do everything for his opponent—including feeding him and bedding down his horse—except vote for him.

His county next named him tax collector in 1924, a job he held for four years. As county clerk, he sold himself a marriage license on February 4, 1922, and was wedded to Ruth Maples of Berryville. They had twins, a boy and a girl, in 1923. The girl, Martha Carol, died 2½ years later. Their son, James Kerry Trimble, is a colonel with the Army Engineers.

Mr. Trimble studied law and was admitted to the bar in 1925. He returned to politics, and in a hotly contested race, he defeated two prominent opponents to become prosecuting attorney of the Fourth Judicial District. He served four terms and then was elected circuit judge in 1938. One of those among his circuit clerks was Orval Eugene Faubus of Huntsville, whose loyalty to Judge Trimble kept him from running for that congressional seat in later years.

In 1944, when his friend J. William Fulbright left his congressional post to go to the Senate, Mr. Trimble became the district's congressman. Senator Fulbright got Trimble his first committee post, on the Foreign Affairs Committee, but he gave it up after two years for the Public Works Committee.

As a member of the committee he gained seniority and influence valuable in promoting the dam building program of North Arkansas. He lived to see Norfolk, Bull Shoals, Table Rock and Beaver Dams completed and co-sponsored with Representative Mills



the bill that created Greer's Ferry Dam near Heber Springs.

He was a strong proponent of rural electrification and in 1955 struck the match for a fiery new congressional row over private versus public power when he announced he would introduce a bill adjusting the computation of benefit to cost ratio hydro-electric power projects to include recreational, municipal and industrial water supply and irrigation benefits.

"Let us return the control of our natural resources to the Congress where it belongs," he said.

After his defeat, he and Mrs. Trimble returned to their home at Berryville. His death came less than two weeks after President Nixon signed the bill to make the Buffalo River a National River, free of dams.

Funeral arrangements are by Nelson Funeral Service here.

#### J. W. TRIMBLE

They will be burying J. W. Trimble in his home town of Berryville this afternoon, and it will be the saddest of sad occasions for countless numbers of persons well beyond the immediate family circle, and through the medium of his long service in the national Congress, for many present and former Members of Congress all across the land.

James William Trimble was a good man, and it would have been quite enough if he had been only that, for, if there are not really as many really bad men as some of us sometimes imagine, there aren't all that many truly good men, either. Jim Trimble was a truly good man—but he also was one of the adornments of the Congress during his years of service there, one of the adornments of the Arkansas delegation, especially.

"Judge" Trimble, as he was known from the days when he traveled the Fourth Judicial Circuit, first went to the Congress in 1944, at a time when the Third Congressional District of Arkansas comprised 10 contiguous counties in the extreme northwest-ernmost corner of the state, and there were seven Arkansas congressional districts, rather than the present four. If this makes J. W. Trimble sound dated, the assumption would be a misleading one. He was anything but dated, and never allowed himself to grow old in his thinking, if, in fact, he could have become so even if he tried.

He was one of the succession of "dam" congressmen from the Third District—Clyde T. Ellis, J. W. Fulbright, and then Trimble—whose combined, persevering, labors transformed the face of North Arkansas and reversed the population outmigration that had prevailed there for so long. As so frequently happens in the affairs of men, one of the unforeseen results was to help change the political complexion of the Third District. This result was unforeseen, but if Congressman Trimble had been able to foresee it, he would not, we are sure, have done anything differently. Let nobody judge the North Arkansas dams who does not remember the Third District "before."

This is not the place to rehash the circumstances of Mr. Trimble's defeat for reelection in 1966, other than to say that in our judgment there was no single reason for it. In general terms, it was the familiar story of staying in Washington too late doing the District's work, and perhaps of not taking the opposition seriously enough, rather in the fashion of Senator Ralph Yarborough in Texas in 1970. All we can say of Judge Trimble's enforced retirement was that it was premature. We do not know how long he would have wanted to stay on in Congress—not too much longer, probably—but his retirement when it came was premature.

In defeat, characteristically, he refused to sulk. Again, he wouldn't have known how. Instead, he said, "It's all in the game", and

immediately offered to do everything he could to make the transition easier for his successor, who, we know, shares the grief of everyone who ever knew Jim Trimble. If Mr. Trimble ever had a personal enemy, we never heard his name.

#### KBRS EDITORIAL

A gentleman, a scholar, a statesman is dead. . . . Congressman Jim Trimble passed away this last Friday in his beloved north-west Kansas. This was as it should have been and probably as he wanted it. Jim Trimble served his district, State, and Nation with honor and with dedicated service. While we disagreed with some of his votes in the House of Representatives, we must say that, on the whole, he did a splendid job. Those of our listening audience that were too young to know "Mr. Jim" or the "Judge" have missed an experience that they would not forget soon. The "Judge" was responsible for our many fine lakes and dams in northwest Arkansas and the rural electrification of our northwest corner. Since his death, we have heard many times over, in casual conversation and quotes from former Governors, and in editorials, that these things will be a monument for him. We don't think that this is enough. . . . We have advocated before his death that Beaver Dam should be named "Trimble Dam" with proper ceremonies and recognition. The time is past now to show our appreciation to Jim Trimble, but it's never too late to place a fine man's name on this beautiful place. We hope that the powers that be and the "Judge's" good friends will do what should have already been done.

#### By Mr. COOPER (for himself and Mr. Boggs):

S. 3575. A bill providing for an architectural design competition relating to the integration of Senate needs with the surrounding community. Referred to the Committee on Public Works.

Mr. COOPER. Mr. President, I introduce, for myself and for the senior Senator from Delaware (Mr. Boggs), a bill to provide planning for the Capitol Grounds.

Mr. President, I spoke on the floor of the Senate on Monday, opposing piecemeal development of the Capitol Grounds and pointing out that there should be better ways to proceed to meet the needs of the Senate, the House of Representatives and other governmental bodies on Capitol Hill, and at the same time preserve and provide for an orderly, useful, and beautiful development of the area. I believe there are ways to plan for the beauty of the whole area and to relate Federal activities to the community of which they are a part.

I have been thinking about this matter for some time. I have opposed on this floor in the past ugly, useless construction. I introduce a bill which I believe could stimulate more orderly development—and could provide, as well, guidance to the Senate, itself.

While I am not a member of the Buildings and Grounds Subcommittee, I am a member of the Committee on Public Works, and I hope very much this proposal may be considered by the subcommittee. I particularly hope this approach might be considered before our committee would authorize construction of an additional Senate Office Building or a parking garage. Hearings by the subcommittee would provide the opportunity for comments and suggestions by those interested in this subject.

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

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

#### S. 3575

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) there is established an architectural design competition to encourage the preparation of imaginative designs providing for the orderly planning, development, and integration of the needs of the Senate for physical facilities with the surrounding residential and commercial community in that area of northeast Washington, D.C., in the immediate vicinity of the Senate Office Buildings and the Senate side of the Capitol Grounds.*

*(b) The competition shall be administered jointly by the Committee on Public Works of the Senate and the Architect of the Capitol.*

*SEC. 2. (a) One award for the best design shall be made, the amount of which shall be determined by the Committee and the Architect.*

*(b) (1) The award for the best design shall be determined by a design awards committee of 5 persons (including architects and city planners), selected by the Architect with the approval of the Committee on Public Works.*

*(2) Each member of the awards committee who is not otherwise employed by the United States Government shall be paid for each day he is engaged in the actual performance of his duties as a member of the committee (including travel time) an amount equal to the daily rate paid a GS-18 under the General Schedule of section 5332(a) of title 5, United States Code. A member of the committee who is an officer or employee of the United States Government shall serve without additional compensation. All members of the committee shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in the performance of their duties.*

*(c) The award shall be made to the person submitting the design which best demonstrates a means of integrating and relating groups of United States Government buildings to the structure and function of the community in such northeast area, maximizing the beneficial effects of such relationship and minimizing displacement, isolation, discontinuity, and disruption of the life of the community, and enhancing the potential for orderly and attractive development.*

*(d) Any design submitted in such competition shall provide for an additional Senate Office Building; parking facilities for employees of the Senate, other United States Government employees, and visitors and residents in such area; and the preservation and expansion of the Capitol Grounds. The designer should consider joint utilization of property that may provide an architectural transition from Government office space and other Government occupancy to neighborhood or other styles of architecture existing or planned for the surrounding community, and should consider any existing model cities or other governmental planning for such northeast area, including that by the National Capitol Planning Commission. Design comments may also address the questions of proper administration of such structures designed for mixed Government-private occupancy.*

*SEC. 3. There are authorized to be appropriated not to exceed \$50,000 to carry out this Act.*

Mr. BOGGS. Mr. President, I am happy to join the distinguished senior Senator from Kentucky (Mr. COOPER) in sponsoring this bill. The design competition pro-

posed could encourage the development of Senate and other governmental facilities within the context of the community of which they are a part.

I serve on the Public Buildings and Grounds Subcommittee, and we have had before us a number of proposals for using or expanding the Capitol Grounds, such as the amendment adopted on the Senate floor Monday which would take part of existing Capitol parkland for parking spaces.

I believe we could do a better job of relating our needs to the life of the community in which the Capitol is the dominant architectural feature. It would be helpful to the subcommittee and the Senate to have ideas—not finished plans—setting forth outlines, perhaps with sketches, of desirable kinds of developments and suggesting to the Senate, including the Public Works Committee and Senate Office Building Commission, ways of accomplishing a more attractive plan.

The Architect of the Capitol can, I am sure, contribute greatly to such plans, but at present his jurisdiction is restricted to the Capitol Grounds, and he has received no instructions to consider and plan for related development in the surrounding area.

I know of the deep interest of the chairman of the subcommittee—the junior Senator from Alaska (Mr. GRAVEL)—who has talked to me about the possibility of commercial or joint use space as part of a proposed Senate garage. The subject may be discussed at a meeting of the subcommittee tomorrow, and I hope this bill may make a contribution to that discussion.

The Capitol—like the White House and other great monuments—is central to the design and feeling of Washington. It is especially important to address proposals for additional Federal structures with that in mind, and to consider the broader aspects of such proposals rather than simply providing parking or office space for the Government.

By Mr. GAMBRELL:

S.J. Res. 230. A joint resolution proposing an amendment to the Constitution of the United States with respect to the process by which the Constitution is amended. Referred to the Committee on the Judiciary.

Mr. GAMBRELL. Mr. President, I have proposed a workingman's bill of rights setting forth the rights and concerns of the average Americans who work for a living and support this country. The purpose of this bill of rights is to give recognition to working people, and to remedy the neglect and abuse to which they have been subjected.

Right No. 1 under the workingman's bill of rights is—the right to have a voice in running the system:

American working people should not be excluded from managing the system. They have the right to speak out and be heard. The working man of this country supports and defends the system and is entitled to control it, because institutions which exist under the system are the servants of the people. Remedies for the concerns of the working man should be convenient and prompt, and reforms of the system should be easy.

One of the most frustrating experiences which average Americans have is the near impossibility of getting action on basic concerns affecting their lives. We are constantly being told that if the people do not like rulings made by the courts and the Congress, they will just have to "jump" it. The remedy we hear, is to elect a new Congress, which is impossible as a practical matter.

Many times it is impossible even to get a vote in Congress on such a matter, much less a vote by the American people.

We hear that some established politicians will not let an amendment out of a committee, or that judges have lifetime jobs regardless of the quality of their performance.

The people should have a direct remedy to correct abuses which a majority of them feel. There should at least be a way of letting the people vote on a matter, if the Congress will not respond to deeply felt public concerns. In order to give the people a stronger voice in Government, I am introducing today a proposed amendment to the U.S. Constitution which will give the American people a means of amending the Constitution on their own initiative. This "right to be heard amendment" will permit the people and their representatives to initiate constitutional amendments to be ratified by a direct vote of a majority of the voters. The amendment contains safeguards against reckless, sectional, and poorly formed amendments, but it will serve to restore to the people the final say under our system of checks and balances.

If we truly believe in democracy in this country, the people have a right to be heard.

Mr. President, I ask that the text of my proposed amendment be printed in the RECORD.

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

S.J. RES. 230

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution if ratified by the legislatures of three-fourths of the several States within 7 years after its submission to the States for ratification:*

"ARTICLE —

"SECTION 1. Amendments to this Constitution shall be proposed and ratified in accordance with the provisions of this Article.

"SEC. 2. An amendment to this Constitution may be proposed by popular petition if (1) the petitions setting forth the text of the proposed amendment bear the signatures of a total number of eligible voters equal to twenty percent of the number of votes cast for Presidential electors in the next preceding Presidential election and (2) the signatures of not less than twenty percent of the eligible voters in at least one-half of the several States appear on the petitions. As used in this paragraph, the term 'eligible voter' means an individual who is eligible to vote for the election of Members of the House of Representatives.

"An amendment to this Constitution may be proposed by the legislatures of the sev-

eral States if (1) the petitions setting forth the text of the proposed amendment are adopted by not less than one-fourth of the legislatures of the several States and (2) the legislatures adopting those petitions are the legislatures of States the population of which equals at least one-fourth of the population of the United States as determined by the most recent decennial census of the United States.

"An amendment to this Constitution may be proposed by petition when signed by one-half of the members of the House and Senate.

"Petitions and resolutions proposing amendments to this Constitution shall be delivered to the President, who shall immediately report the same to both Houses of Congress.

"SEC. 3. If an amendment to this Constitution is proposed by petitions under the first or second paragraph of section 2, the Congress may prohibit the submission of that proposed amendment to the people of the United States by concurrence of two-thirds of the members of each House. The Congress may by the concurrence of a majority of the members of each House call a national convention of the people to consider, veto, or propose an alternative amendment relating to the same subject matter as any amendment proposed under section 2. The convention shall be representative of the States by population and shall act by majority vote.

"SEC. 4. An amendment to this Constitution proposed under section 2 shall be ratified by the affirmative vote of a majority of the individuals casting votes in the election held for the election of Members of the House of Representatives next occurring more than 180 days after the date on which the petition or resolution proposing that amendment was delivered to the President, so long as a majority of those voting in a majority of the several States shall favor the amendment.

"SEC. 5. The Congress shall have power to implement and enforce this article by appropriate legislation."

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 2689

At the request of Mr. CHURCH, the Senator from Nevada (Mr. CANNON) was added as a cosponsor of S. 2689, a bill to promote development and expansion of community schools throughout the United States.

S. 3300

At the request of Mr. GRIFFIN, the Senator from Alabama (Mr. ALLEN) was added as a cosponsor of S. 3300, a bill to amend the Communications Act of 1934 to provide that renewal licenses for the operating of a broadcasting station may be issued for a term of 5 years and to establish certain standards for the consideration of applications for renewal of broadcasting licenses.

S. 3394

At the request of Mr. DOMINICK, the Senator from Arizona (Mr. GOLDWATER) and the Senator from New York (Mr. JAVITS) were added as cosponsors of S. 3394, a bill to permit citizens of the United States to buy, hold, and sell gold.

S. 3538 AND S. 3539

At the request of Mr. BAYH, the Senator from Nevada (Mr. BIBLE), the Senator from Iowa (Mr. HUGHES), and the Senator from California (Mr. CRANSTON) were added as cosponsors of S. 3538, a



bill to amend the Controlled Substances Act to require identification by manufacturers of each schedule II dosage unit produced; and S. 3539, a bill to amend the Controlled Substances Act to move certain barbiturates from schedule III of such act to schedule II.

#### FOREIGN RELATIONS AUTHORIZATION ACT—AMENDMENT

AMENDMENT NO. 1176

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

Mr. DOMINICK (for himself, Mr. BENTSEN, Mr. GURNEY, Mr. TOWER, Mr. GOLDWATER, and Mr. BUCKLEY) submitted an amendment intended to be proposed by them jointly to the bill (S. 3526) to provide authorizations for certain agencies conducting the foreign relations of the United States, and for other purposes.

#### ADDITIONAL COSPONSORS OF AN AMENDMENT

AMENDMENT NO. 999

At the request of Mr. CHURCH, the Senator from Arkansas (Mr. McCLELLAN), the Senator from Maine (Mrs. SMITH), the Senator from Kansas (Mr. PEARSON), the Senator from Illinois (Mr. PERCY), the Senator from Pennsylvania (Mr. SCHWEIKER), the Senator from South Carolina (Mr. THURMOND), and the Senator from Maryland (Mr. MATHIAS) were added as cosponsors of amendment No. 999, intended to be proposed to the bill (H.R. 1), to amend the Social Security Act to increase benefits and improve eligibility and computation methods under the OASDI program, to make improvements in the medicare, medicaid, and maternal and child health programs with emphasis on improvements in their operating effectiveness, to replace the existing Federal-State public assistance programs with a Federal program of adult assistance and a Federal program of benefits to low-income families with children with incentives and requirements for employment and training to improve the capacity for employment of members of such families, and for other purposes.

#### SENATE VOCATIONAL REHABILITATION HEARING SET FOR MAY 4

Mr. RANDOLPH. Mr. President, a week ago our Subcommittee on the Handicapped, of the Committee on Labor and Public Welfare, met in executive session concerning legislation involving amendments to the Vocational Rehabilitation Act, which is due to expire on June 30, 1972. The House of Representatives already has approved its version of the Rehabilitation Act of 1972, incorporating several new proposed programs which are of intense interest to the handicapped and to those who serve the handicapped.

I am pleased to announce that the opening hearing on this important legislation is scheduled at 9 a.m. Thursday, May 4, in room 6226 of the New Senate Office Building. Members of the Subcom-

mittee on the Handicapped agreed to assign the Senator from California (Mr. CRANSTON) the responsibility of presiding at this and future hearings and conducting our consideration of the proposed legislation.

Witnesses for the opening hearing on vocational rehabilitation are Mr. Stephen Kurzman, Assistant Secretary for legislation, Office of the Secretary, Health, Education, and Welfare, accompanied by Mr. John Twine, Administrator, Social and Rehabilitation Service, and Dr. Edward Newman, Commissioner, Rehabilitation Services Administration.

Senator CRANSTON has indicated that hearings are scheduled next week on Wednesday at 10:30 a.m. and Friday at 9:30 a.m., May 10 and May 12, to hear public witnesses.

#### NOTICE OF CANCELLATION OF HEARING

Mr. CRANSTON subsequently said: Mr. President, the Subcommittee on the Handicapped, of which the distinguished Senator from West Virginia (Mr. RANDOLPH) is the chairman, of the Labor and Public Welfare Committee, was scheduled to receive testimony from administration witnesses tomorrow morning at 9 a.m. on H.R. 8395, the Rehabilitation Act of 1972, and related bills amending the Vocational Rehabilitation Act. Senator RANDOLPH had asked me to chair the subcommittee hearings on and consideration of this legislation, which I am honored to do.

Mr. President, because we have been advised late this afternoon that the administration will be unable to provide us its written testimony in advance by close of business today, in general compliance with rule 9 of the Labor and Public Welfare Committee and section 133A of the Legislative Reorganization Act requiring submission of testimony 24 hours in advance, we have decided to postpone the hearing until next Thursday, May 11, at 10 a.m. I regret the necessity of delaying consideration on this very important topic, but I do not believe that I, acting as chairman for this legislation, can proceed in an effective manner to understand and evaluate the administration testimony on such a complex matter without some reasonable opportunity to review their presentation in advance. I have discussed this matter with Senator RANDOLPH and with the distinguished chairman of the Labor and Public Welfare Committee, Mr. WILLIAMS, who concur fully in this postponement.

The hearings previously announced on these bills for May 10 and May 12 will be postponed until the following week.

#### ADDITIONAL STATEMENTS

#### THE 750TH ANNIVERSARY OF THE GOLDEN BULL OF HUNGARY

Mr. INOUE. Mr. President, I invite the attention of Senators to the current celebration of the 750th anniversary of "Bulla Aurea," the Golden Bull of Hungary. Similar to, and coming but 7 years after, the Magna Carta, the Golden Bull was an enactment by the Hungarian Diet

of a fundamental pillar of the Hungarian constitution and an early guarantee of human liberty.

The Golden Bull of Hungary guaranteed the freemen's personal freedom and other basic rights and privileges while narrowing the gap which separated the existing social classes. Not only did this document order the nobles not to suppress and exploit the lower classes, but it further stipulated that if the king or his successors should violate the provisions of this document then the prelates, barons, and nobles had every right to resist.

I call attention to an exhibition, currently on view in the Library of Congress, commemorating this event. I ask unanimous consent to have printed in the RECORD a description of this document and its historic significance, published in the April issue of the Fight for Freedom, the newsletter of the Hungarian Freedom Fighters' Federation, U.S.A.

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

#### THE GOLDEN BULL OF HUNGARY

The 750th anniversary of the Hungarian Magna Charta recalls the past of a thousand-year-old state. And reminds us that the nature of some social and political conflicts remains more or less the same through centuries.

This cornerstone of the Hungarian constitution, named the Bulla Aurea (Golden Bull), was issued in 1222, seven years after the Magna Charta of England was granted in June 1215. While in England this charter of liberties strengthened the barons against the King, in Hungary, it served all landowners, in today's terms the middle and the lower middle classes.

Since it was a peculiarity of Hungarian history that incomparably more people were nobles than in any other European country and that they often remained noble even when impoverished, the Golden Bull gave constitutional protection to a much larger part of the population than other similar letters or rights elsewhere in medieval Europe, including England, the "cradle of parliamentarism", or Switzerland, the "flower-garden of individual liberties".

The fact that in Hungary the human rights of that period were extended over the mass of the lesser nobility, authorizing them to put up armed resistance individually or collectively against violation of their rights, limited not only the King's power. It made it easier for the middle classes to defy also the magnates, the "petty monarchs" of the realm.

The national Diet began to emerge before the end of the 13th century and was a precursor of our modern Parliaments. It was an assembly of locally chosen delegates of all landowners and was destined to protect the lesser nobility (which then consisted of all who owned land) as well as the Church more against the aristocracy than against the King. This was one of the main reasons why feudalism could not become firmly established in Hungary.

The Golden Bull, the trailblazer of the national Diet, was such an important step towards modern democratic institutions that some of its stipulations are worth remembering even now, 750 years after the event.

It attacked the very roots of feudalism by decreeing that the title and estates of the lords-lieutenant of counties were not hereditary. It provided for the degradation of any lord-lieutenant who abused his office; and promised safeguards to all nobles—i.e., to a significant portion of the nation—against arbitrary arrest.

## THE FIGHT FOR FREEDOM

Soon after, in 1231, the Golden Bull was placed under the guardianship of the Archbishop of Esztergom, the Primate of Hungary. He was authorized to excommunicate the King for violation of the charter's articles.

This is why the Golden Bull, this 13th century bulwark of what today we call human rights, has been regarded as the foundation of Hungarian constitutional liberties.

If the Bull expressed them in legal terms, their political content became known as the Doctrine of the Holy Crown, the crown of the first Hungarian king, Saint Stephen, who was anointed in 1000 A.D. The constitutional Doctrine of the Holy Crown is based on the same principles as the Golden Bull: all political power, even royal prerogatives, were subject to, and derived from, the Crown that symbolized the union of, and independence between, King and nation; the Crown was considered the fountainhead of all rights, of the King's privileges as well as of the rights of all his subjects.

While according to the concept of that age the ruler's power was based on the Grace of God, in Hungary the effectiveness of royal power depended on the assent of the entire nobility. This tenet was defined by the great codifier of Hungary, Stephen Verboeczy, who also played a memorable part in European history when he accompanied Charles V of the Holy Roman Empire to Worms where the famous confrontation with Luther took place.

The basic idea of these principles—those of the Holy Crown dating from 1000, and those of the Golden Bull of 1222—is the same: a constitutional limitation of power, a limitation that served to keep a balance between economic and political forces.

A doctrine that could help us to heal some of the problems of our modern societies.

## NOMINATION OF RICHARD KLEINDIENST TO BE ATTORNEY GENERAL

Mr. HANSEN. Mr. President, I take this opportunity to urge that the nomination of Mr. Richard Kleindienst to be Attorney General of the United States be brought to a vote. It is clear that the overwhelming majority of those of us who have followed the lengthy hearings and rehearings believe that Mr. Kleindienst is eminently qualified for this position and will be confirmed when the vote is taken.

Senators are well aware that the hearings before the Committee on the Judiciary explored every facet of the alleged improper relationship between the Justice Department and ITT. Despite the thoroughness of the investigation, not one iota of evidence was adduced to indicate that Mr. Kleindienst was guilty of any impropriety.

In fact, a careful review of all the testimony suggests the very opposite, that Mr. Kleindienst performed his official duties according to the high standards expected of public servants. The alleged wrongdoing exists only in the imaginations of those who would seize any opportunity in an election year to discredit the Department of Justice and the administration for partisan purposes.

The task that remains ahead is clear. We must put a stop to the dilatory tactics that are being displayed and vote to confirm Richard Kleindienst.

To do otherwise would be a disservice to the country.

CXVIII—980—Part 12

## JOINT CIVILIAN ORIENTATION CONFERENCE

Mr. FULBRIGHT. Mr. President, it is my understanding that within a few days the Department of Defense will conduct a joint civilian orientation conference. On previous occasions I have discussed these conferences, which normally bring together about 70 business leaders for a red carpet tour of key military installations.

These conferences, referred to as JCOC's were the subject of considerable attention in the CBS documentary, "The Selling of the Pentagon" last year. As was pointed out in the documentary, participants pay part of their expenses during the tour. However, previous tours have resulted in considerable Government expense.

The General Accounting Office, in a study entitled "Joint Civilian Orientation Conference," dated June 29, 1971, reported that participants in a JCOC tour fired 18,700 rounds of ammunition from weapons ranging from the M-16 rifle to the 105-millimeter tank gun. The GAO concluded that the tour for 63 civilians cost the Department of Defense \$80,000, compared with \$14,000 estimated by the Pentagon. According to the GAO study, "use of weapons" alone cost \$20,000.

The May 1 issue of Straus Editor's report, a newsletter for news executives, includes an article about the forthcoming JCOC, which is due to begin in Colorado Springs on May 7. It is a very interesting report and I ask unanimous consent, Mr. President, that it be printed in the RECORD, along with the letter of invitation and related material from the Secretary of Defense.

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

## THE SELLING OF THE PENTAGON—II

The power of broadcast journalism and the momentum of a bureaucracy could collide, once again, now that the Dept. of Defense is surreptitiously resuming its annual VIP tour of domestic military installations which had been stopped by the impact of the CBS News documentary.

"The Selling of the Pentagon"—first broadcast February 23, 1971 and rebroadcast several weeks later—reported on various public information functions of the Defense Department and raised questions regarding the extent of those activities. Film of one Dept. program—the Joint Civilian Orientation Conference (JCOC), which offers a personal view of the armed forces to DOD-selected opinion moulders—was an essential part of the documentary which aroused Congress as well as the public. Result: the DOD said last year that the tour was "deferred"—(Pentagonese for canceled). But last Thursday, information officer Col. T. H. Harlow said the JCOC had been dropped only temporarily "because a study of the structuring and format of the conference was underway to broaden the scope to include women and students." Though participation in this year's JCOC will be expanded (presumably to include female and youthful representation), the restructuring study is not available to the public.

Will there be a JCOC this year? "We hope to have one. Any announcement to that effect would be made within 30 days." Will the list of attendees be made public? "Yes." Is the

entire JCOC open to press coverage? "Yes. The tour is totally unclassified. Only seating arrangements would preclude coverage." Is there any possibility that the JCOC would begin in the next 2-3 weeks? "No," said the official DOD spokesman.

But that's not what one learns from an invitation signed by Sec. Melvin Laird. The letter begins: "The Department of Defense, which initiated this program in 1948, will conduct a Joint Civilian Orientation Conference from May 7 to May 13, 1972. The purpose is to give approximately 70 civilian leaders, representing a cross section of our nation, a first-hand view of our Armed Forces and most especially an opportunity to meet our people in uniform."

A questionnaire enclosed asks for information which the Department might have known before sending out the invitation (name, address, occupation, etc.). The defense establishment also wants to know the person's social security number, club memberships and jacket size. "Each conferee is responsible for his own travel arrangements" to and from the excursion—which starts in Colorado Springs and ends up in Washington, D.C. at the Pentagon—and an approx. \$300 pro-rated cost of "meals, lodging accommodations, official receptions and other functions."

Newsman covering the conference should expect to see bridges erected, targets bombed and other highly visual military maneuvers which are "scheduled to coincide with the JCOC." Of the expenditures involved, much is attributable to normal training costs. The major effort in the way of providing out of the ordinary items is in the area of special briefings that are given" (which reporters should be able to attend).

Here's a schedule of stopovers and contacts (the dates at the bases are approximate):

Antler's Plaza Hotel, Colorado Springs, Colorado, 303-473-5600 5/7/72 begins at 10 A.M.).

North Amer. Air Defense Command, Colorado Springs, 303-635-2388 Lt. Col. B. S. Rhee 5/7/72.

U.S. Air Force Academy, Colorado Springs, 303-472-4050 Capt. R. W. Boyle 5/8/72.

S.A.C. Hq. Offutt AFB, Nebraska, 402-294-2456 Maj. A. W. Luedtke 5/9/72.

U.S. Army Infantry Ctr., Ft. Benning, Georgia, 404-545-1544 Maj. Patrick Cannan 5/10/72.

Marine Corps Recruit Depot, Parris Island, South Carolina, 803-524-2111 5/11/72.

Atlantic Naval Comm. Hq., Norfolk, Virginia, 703-444-6295 Capt. Harry E. Padgett 5/12/72.

Dept. of Defense, The Pentagon, Washington, D.C., 202-697-6131 Col. T. H. Marlow 5/13/72 (concludes at 1 P.M.)

## THE SECRETARY OF DEFENSE, Washington, D.C.

DEAR MR. —: The Department of Defense, which initiated this program in 1948, will conduct a Joint Civilian Orientation Conference from May 7 to May 13, 1972. The purpose is to give approximately 70 civilian leaders, representing a cross section of our nation, a first-hand view of our Armed Forces and most especially an opportunity to meet our people in uniform.

It is a pleasure for me to invite you to participate.

The Conference will open May 7 at the Antler's Plaza Hotel, Colorado Springs, Colorado. From there the group will begin a tour of military bases and installations to observe various aspects of military activities. Discussions with senior officials of the Department of Defense at the Pentagon on May 13 will close the Conference.

I feel that this year's Conference will be particularly meaningful in the light of the many changes which are being implemented



throughout the Department of Defense, such as our movement towards the goal of zero draft calls by July 1, 1973, and the transition taking place in other vital areas under our Strategy of Realistic Deterrence to achieve and maintain peace.

To assist you in reaching your decision concerning participation, and in making plans, information is enclosed on transportation, costs, itinerary, and other incidentals of the Conference.

I hope that your schedule will permit you to participate. If you do accept, please do so on the basis that you intend to remain throughout the entire tour. I shall appreciate your returning the attached forms with your response.

To expedite planning and to assure the necessary reservations, it would be most helpful to hear from you within seven days of your receiving this invitation.

MELVIN R. LAIRD.

#### THE JOINT CIVILIAN ORIENTATION CONFERENCE OF THE SECRETARY OF DEFENSE

##### WHAT IT IS

The Joint Civilian Orientation Conference, begun in 1948, is a response by the Secretary of Defense to the desire and need of the American people to be informed about how their Department of Defense is operated. The Conference makes it possible for citizens representing a broad spectrum of our nation to study the accomplishments and problems of the Department of Defense.

##### HOW IT WORKS

A group of approximately 70 citizens representing a geographical cross section of American business, finance, industry, labor, agriculture, civic organizations, communication media, the clergy, students, and the professions are invited by the Secretary of Defense to visit military installations of all four Services.

##### WHAT IS ACCOMPLISHED

It stresses that the Department of Defense is open to public inspection. It responds to the desire of our citizens to maintain an interest in an understanding of national defense programs. It provides members of the Armed Forces and civilians an opportunity to know and understand each other better. It offers a medium for the exchange of ideas.

##### LENGTH OF THE CONFERENCE

The conference will start at the Antler's Plaza Hotel in Colorado Springs, Colorado with registration beginning at 10:00 A.M., May 7, and conclude in the Pentagon, Washington, D.C. around 1:00 P.M. on May 13, 1972. The detailed program has been designed to utilize conference time in the most effective and economical manner. If you accept this invitation, and we hope that you do, please do so on the basis of attending the entire conference.

##### ACTIVITIES TO BE VISITED

North American Air Defense Command—Colorado Springs, Colorado.

U.S. Air Force Academy—Colorado Springs, Colorado.

Strategic Air Command Headquarters—Offutt Air Force Base, Nebraska.

U.S. Army Infantry Center—Fort Benning, Georgia.

Marine Corps Recruit Depot—Parris Island, South Carolina.

Atlantic Command Headquarters—Norfolk, Virginia.

Department of Defense, The Pentagon—Washington, D.C.

##### EXPENSES AND TRANSPORTATION

Each conferee is responsible for his own travel arrangements, at his own expense to and from the conference. For example, each participant pays his own transportation costs from his home to Colorado Springs, Colorado and upon completion of the JCOC,

from Washington, D.C. to his home. Participants pay all meals and lodging accommodations, and share the cost of official receptions and other functions during the conference. It is estimated that these expenses will total about \$300.00. This amount will be collected during registration in Colorado Springs. Transportation during the conference will be provided by the Department of Defense at no cost to the participants. If you accept, please fill in the enclosed biographical information form for use in our JCOC program booklet and the acceptance letter and mail them in the pre-addressed envelope.

#### OFFICE OF THE ASSISTANT SECRETARY OF DEFENSE, Washington, D.C.

Capt. A. R. HAWKINS,  
U.S. Navy, Conference Director—JCOC 41,  
Office of the Assistant Secretary of Defense (Public Affairs), the Pentagon,  
Washington, D.C.

I accept the invitation of the Secretary of Defense for Joint Civilian Orientation Conference 41 which will begin with registration and briefings at the Antler's Plaza Hotel, Colorado Springs, Colorado the morning of Sunday, May 7, 1972.

I have completed and enclosed a JCOC biographical information form.

I understand that reservations have been made for me at hotels or military billets for all nights during the conference. These reservations begin the night of May 7 and end the night of May 12.

I (do) (do not) desire a reservation at the Antler's Plaza Hotel in Colorado Springs the night of Saturday, May 6, at my own expense. (Registration begins at 10:00 A.M. on Sunday and the Conference will officially convene at 2:45 P.M.)

I (do) (do not) desire a hotel reservation in Washington, D.C. for — nights beginning Saturday, May 13, the day the conference terminates at my own expense.

I (will) (will not) require special medical treatment, medication, or other special attention during the Conference. (A medical officer will be available at each of the visited military installations.) I have detailed any special requirements on the back of this page.

My jacket size is Small—Medium—Large. (Please circle.)

Name (please print) \_\_\_\_\_

My friends call me \_\_\_\_\_

(Nickname)

#### TO END INDUSTRIAL CARNAGE

Mr. McGOVERN. Mr. President, it is time we did something truly effective about the disgraceful conditions under which millions of Americans labor every day of their working lives.

Working men and women in this country are constantly exposed to the risk of death, injury and disease on the job. And each year they suffer a tragic toll in lost lives, limbs, health, and hope.

Industrial accidents now take some 15,000 lives a year—more than twice as many as nonkinship murders.

Some 90,000 men and women are permanently disabled at their jobs—rendered incapable of working or supporting their families.

About 25 million are injured badly enough to be forced off work at least 1 day.

And a big part of the problem—industrial diseases—is not even calculated. We have no estimates of how many workers have their lives shortened by exposure to toxic fumes, chemicals, and the like; how many are gradually losing their hearing

from excessive and harmful noise; how many are more susceptible to disease of all kinds because of their working environment.

But we do have some indications.

It is estimated, for example, that between 10 and 20 percent of all people who have been uranium miners will die during the next 20 years from radiation exposure.

One half the deaths of insulation workers are attributable to asbestos, and 3½ million workers are exposed to asbestos.

Soft coal miners die from respiratory disease at a rate five times greater than the general work force.

We have established environmental standards outside the plant, to protect our air and water from pollution. Those standards are vitally important for all of society, and for the survival of our planet.

Yet few consider that when we plug the industrial chimney, we often leave deadly fumes locked up inside where the worker is. As we protect our own well-being we tend to ignore, and often worsen, the situation of men and women inside our shops, plants, mills, and mines.

And the Surgeon General has reported that new scientific knowledge "points to hitherto unsuspected cause and effect relationship between occupational exposures and many so-called chronic diseases, cancer, respiratory ailments, allergies, and heart disease."

This evidence hints at the senseless level of industrial carnage in America. It stands in sharp contradiction to descriptions of the United States as a modern and civilized society—as a society that really cares about the health, security, and dignity of its people.

In this area as in others, the Nixon administration's preeminent concern for the comfort and prosperity of big business has left the ordinary worker with few friends in high places.

With present staffing, it would take between 20 and 30 years to make just one inspection of all the worksites covered by the Occupational Safety and Health Act of 1970.

The substance of citations under the act, and often the citations themselves, are frequently kept secret to avoid embarrassment for the offending company. OSHA inspectors have abandoned the practice of incorporating the results of their tests for toxic substances in their citation reports. Working people themselves usually have to fight hard to see the inspectors' reports—to find out what the Government knows about their working conditions. And citations are rarely backed up with tough enforcement—with real inducements for industry to obey the law and to provide a decent working environment.

In short, while the Occupational Safety and Health Act promised a Federal guarantee of job safety, timid enforcement and favoritism have left it a tool with no teeth. And the rate of industrial death injury, and diseases continues its steady climb.

The worker is neglected after the injury as well.

There is, for example, usually an up-

per limit on weekly workmen's compensation payments which sets the ceiling below the theoretical two-thirds compensation for lost income. And compensation is always limited to no more than a portion of lost wages plus medical expenses.

#### CONCLUSIONS AND RECOMMENDATIONS

The costs of unsafe and unhealthy working conditions are astronomical—in pain and wasted lives for workers, in compensation payments and lost time for industry, in welfare payments and depleted productivity for the Nation as a whole. Decisive Federal action is both justified and required.

The following steps, built around the Occupational Safety and Health Act of 1970, would provide a dramatic improvement in the capacity of the American worker to survive and stay healthy on the job:

First. There should be a minimum of 8,000 Federal inspectors working for the Occupational Safety and Health Administration, and their work should be supplemented by some 4,000 industrial hygienists trained to deal with the so-called invisible health threats.

Second. As a matter of right, workers and their representatives should have full, free, and fast access to the complete results of Federal inspections, including hazards not included in citations.

Third. Funds should be provided for industrial safety and health training in every State for the workers themselves, so they can serve as their own inspectors. This is especially important in smaller plants and in nonunion plants. Training should include methods of compiling evidence on hazardous working conditions and a full understanding of workers' rights under the Occupational Safety and Health Act.

Fourth. New techniques for removing job accident and health hazards should be a major priority for public research funding, with the results available to all industries and workers.

Fifth. A new Occupational Standards Administration should be established to set safety standards both for working conditions and for the 6,000 to 12,000 chemicals which are in common industrial use. This agency would complete tests and set exposure standards before new substances could enter the production process.

Sixth. Federal health teams should concentrate on generally recognized target health areas such as silica in foundries, asbestos in glass factories and foundries, cotton dust in textile plants, carbon monoxide, and lead poison inhalation.

Seventh. Workmen's compensation rates for occupational injury and disease should be standardized, with the minimum set at no less than two-thirds of lost pay, plus full medical benefits.

Eighth. Workmen's compensation boards and the courts should be given authority to determine additional payments for nonwage losses caused by occupational trauma.

#### ADDRESS BY SENATOR JAVITS BEFORE OAKBROOK WORLD AFFAIRS SERIES

Mr. JAVITS. Mr. President, I ask unanimous consent that the text of my prepared remarks before the Oakbrook World Affairs Series, entitled "Vietnam and The War Powers Issue," delivered in Oak Brook, Ill., on May 1, 1972, be printed in the RECORD.

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

#### VIETNAM AND THE WAR POWERS ISSUE

(An address by Senator JACOB K. JAVITS)

President Nixon's television address of April 26 placed the issues involved in the Vietnam war—as he sees them—before the Nation clearly and unmistakably. While I respect the integrity of the President's own perception of the stakes in Vietnam, I cannot agree and believe the end result of this strategy is capable of unnecessarily exposing the U.S. to very adverse developments.

Once again we are at a crossroads with respect to Vietnam. Our Nation wants to get out of the war. But the "battlefield logic" operating on the President as he acts in his role of Commander-in-Chief has induced him for the moment to reescalate the American role—at least in the air and at sea. What will be the outcome of this dilemma? How will the decisions be made and who will make them? These are life and death questions because in a broader sense what is at stake is first, our responsibilities all over the world for preserving the peace; and second, the survival of our constitutional system of government, based on the separation of powers and the system of checks and balances.

In his address, President Nixon articulated his Vietnam policy with remarkable candor, stating: "... our overall goal of ensuring South Vietnam's survival as an independent country."

With respect to the current fighting, the President said: "Our air strikes have been essential ... in assisting the South Vietnamese in their efforts to protect their homes and their country from a communist takeover." He further said: "I have ordered that our air and naval attacks ... be continued until the North Vietnamese stop their offensive in South Vietnam."

I believe it is also pertinent to note that the President said his plan to withdraw an additional 20,000 U.S. ground troops "has the approval of President Thieu."

It seems clear from the President's own words that our Vietnam disengagement policy—for which he has sought and deserved so much credit—is conditioned by a first and a second mortgage—one held by Saigon and one held by Hanoi.

It is possible that the current combination of ARVN ground forces and massive U.S. air and naval forces will succeed in inflicting a decisive battlefield defeat on North Vietnam's communist forces in the struggle now raging. Such a victory would free us to withdraw under the President's prescription. However, current battlefield reports and past history indicate that this outcome is not certain. The more likely prospect, is at least some more years of additional fighting by the South and North Vietnamese forces—but with U.S. air and naval forces providing the margin of survival for the South Vietnamese government. The question then arises, is our commitment to the Government of South Vietnam open ended? Can we be mired there without regard to our necessities at home and abroad for as long as Hanoi chooses to press attacks and

as long as Saigon cannot alone fend them off. And, the President's silence on a residual force of U.S. troops on the ground in Vietnam can only mean we will continue to insure a policy of underwriting the government of South Vietnam with our own trip wire.

The President's Vietnam speech was his first address since his report to the Nation on his visit to Peking; a trip which he described as a journey for peace, which had a stabilization of relations as its principal objective. The President's trip to China has rightly been hailed as a masterpiece of sophistication and statesmanship. The symbolism of President Nixon engaged in earnest private conversation with Mao Tse-tung in Peking was taken to mark an end to the cold war anti-communism of the 1950's which served our Nation so poorly in Asia, and, reversion by the President to the cold war phrases of the 1950's in his Vietnam report was surprising and dismaying.

The overall position of the United States everywhere in the world is at stake and demands a complete withdrawal from Vietnam. We have done all any nation can be asked to do there.

It is time the South Vietnamese took over completely. We can continue financial aid but can do no more.

In my judgment, it is in the overriding national interest of the United States to set a date for the total U.S. disengagement and withdrawal of our forces from Vietnam this year. That necessity, and that decision, must take priority over the understandable bent of President Nixon and his military advisors to assure, if they can, the military success of the government of Vietnam.

I am prepared to be quite blunt about that. It is not in the interest of the United States to allow the ARVN to be overrun, and the Thieu government to be overthrown by this current North Vietnamese offensive. But we have already done in Vietnam all that any nation could ever do for an ally in terms of our own casualties and treasure spent, let alone in the division of our country. And, we have helped to establish a heavily armed one-million man force (and an airforce) with a capability at least as great and probably much greater than that of North Vietnam. Now we can do no more in the fighting without serious jeopardy to our national interests at home and abroad. We can be sure of the fact that if the South Vietnamese people and government want a country, they can have it, because we have equipped them for the purpose. But for us the time has come to get out completely. We cannot continue for the indefinite future to underwrite the survival and security of South Vietnam.

From beginning to end, the Vietnam war has been a "Presidential war which under the practice since World War II is synonymous with "undeclared" war. All the key decisions have been Presidential decisions, based on claims of authority asserted to be inherent in the President's role as Commander-in-Chief of the Armed Forces and as the essential "conductor" of the Nation's foreign policy—and in essence to omit the Congress.

The very concept of a Presidential war is alien to our Constitution and our Nation's historical traditions. Yet, in practice the momentum of the "Presidential" war procedure is very powerful. Four years ago President Johnson, who had been elected in 1964 by the greatest plurality in our Nation's history, was forced out of politics by the Frankenstein he had created in Vietnam. Yet President Nixon, while he has done so very much more to wind down the war, is still contending for the same kind of Presidential power to wage undeclared war which undid President Johnson. And,



this alleged Presidential power to wage undeclared war will continue unless we can devise a methodology for controlling it—and preventing the initiation of new "Presidential" wars.

As the principal sponsor of the War Powers Act recently adopted by the Senate by a vote of 68 to 16, and having studied the constitutional issues in depth, I was particularly interested in the latter part of President Nixon's speech. He posed the constitutional issue in its purest terms from his perspective of the Presidency, and he equated the vindication of his views with the highest stakes of national security.

The position which the President staked out in his speech is so serious that I think we must examine it in detail. Let me begin by quoting the President's own words:

"If the United States betrays the millions of people who have relied on us in Vietnam, the President of the United States, whoever he is, will not deserve nor receive the respect which is essential if the United States is to continue to play the great role we are destined to play. It would amount to a renunciation of our morality, an abdication of our leadership among nations, and an invitation for the mighty to prey upon the weak all around the world. It would be to deny peace the chance peace deserves to have. This we shall never do."

This equation of unfettered Presidential war power with peace, morality and honor was juxtaposed by the President with Congressional and public challenges to his policy and authority in the following vivid terms:

"Their one remaining hope is to win in the Congress of the United States, and among the people of the United States, the victory they cannot win among the people of South Vietnam or on the battlefield in South Vietnam."

The President stated his view of the consequences of successful Congressional action to end the war through legislation—and, perhaps even his view of the consequences of enactment of the War Powers bill—in the strongest terms. He said:

"Let us look at what the stakes are . . . If the Communists win militarily in Vietnam, the risk of war in other parts of the world would be enormously increased."

Adding—

"No man who sits here (i.e., the President) has the right to take any action which would abdicate America's great tradition of world leadership."

The President has here staked out a claim for almost unrestricted Presidential war power in the broadest possible terms and he has equated that claim with morality and national security.

I do not see how it is possible for us to ignore the President's claim or fail to meet the challenge it poses to the survival of our constitutional system based on the system of checks and balances, and separation of powers.

The task is twofold. First, we must find a way to end an ongoing "Presidential" war. Second, we must devise means to prevent future "Presidential" wars. These are separate, though interrelated, problems. I will speak to both of them.

I do not believe that the basic issue we face in this respect as a nation can be resolved satisfactorily by personalizing the problem in terms of opposition to President Nixon. The problem transcends the personality of the particular President in office. It is a question which touches upon the nature of the office of the Presidency as it has evolved in the past twenty-five years. It is a problem which must be solved institutionally, in my judgment. The real redress is a restoration of the constitutional balance between the President and Congress with respect to the authority to commit the nation to war.

If there is to be any effective action in the

present situation, it will have to be legislative action by the Congress. Past efforts, as exemplified by the Hatfield-McGovern amendment, have failed. And there are inherent difficulties in using the fund cut-off procedure in measures of this sort. We have found that fall-back reliance on the appropriations power of the Congress is a very unsatisfactory method of countering the constitutional challenge posed by "Presidential" war. Nonetheless, the battle has once again been joined. A new amendment has been adopted in the Senate Foreign Relations Committee, as a rider to the State Department authorization bill, seeking to bring about a complete withdrawal of U.S. forces from Vietnam this year—with no exception made for the so-called "residual" or "insurance" force which the Administration desires to retain in South Vietnam.

I believe that this latest Senate fund cut-off amendment will be more successful than its predecessors. My view is based to some extent upon the recent Senate debate—and overwhelming passage—of the War Powers Act. The War Powers debate did much to clarify the underlying constitutional issues and the continuing danger which flows from the serious constitutional imbalance which has resulted from the unilateral expansion of Presidential power in the war-making field over the past twenty-five years—as graphically exemplified by the archetype Presidential war in Vietnam.

The War Powers Act corrects the basic flaw of the post-war practice by restoring to the Congress and to the people a meaningful role on the question of war or peace.

The War Powers Act makes ample provision for emergency action by the President. Its unique feature is that, in doing so, it builds in an automatic stop-loss feature necessitating affirmative Congressional action within thirty days. If the President takes emergency action putting the armed forces into hostilities, he must immediately make a full report of the circumstances, authority for, and expected scope and duration of, the military measures he has initiated. If the President is unable to obtain the concurrence of Congress to extend his authority, he must terminate his actions at the end of thirty days. The bill has strict provisions to prevent filibuster or other delays.

The War Powers Act cannot create national wisdom where there is none. But it can insure that the collective wisdom of the President and the Congress will be brought to bear on the life and death questions of war and peace. The Pentagon Papers and the Anderson Papers have shown us how dissenting and questioning viewpoints can be screened out or excluded altogether from the Presidential decision-making process. The real danger to our security today is not that the Congress might hamstring the President. The real danger is that Presidents can—and do—shoot from the hip. If the collective judgment of the President and Congress is required to go to war, it will call for responsible action by the Congress for which each member must answer individually and for restraint by both the Congress and the President.

There has been criticism of the bill from Secretary Rogers, as well as from such former Kennedy and Johnson advisors as George Ball, Eugene Rostow and Arthur Schlesinger, Jr., and from Senator Goldwater. These criticisms have largely presented their objections to the bill from the perspective of "President's men." But I do not believe that they have grasped the "confidence of the people" reason for the bill, nor do they give sufficient weight to the constitutional and legislative imperatives arising from our national experience of the past several decades.

In summary, we are faced with the dual task of ending an on-going "Presidential" war while also finding ways to prevent future

"Presidential" wars. The War Powers Act deals with the second of these two considerations. But it is closely related to the first part of the question also. The War Powers Act grew out of the Vietnam experience and the difficulty of getting a handle on undeclared war in an *ex post facto* way through a fund cut-off. But, in greatly clarifying the problem and the basic constitutional issues, the War Powers Act, in my judgment, has now made it possible and likely that the Congress will deal effectively with the on-going Vietnam war, too. The consensus in the Senate is stronger than ever and a new ferment is clearly evident in the House of Representatives.

The year 1972 is likely to prove to be a decisive year in our Nation's history respecting the basic constitutional issue of committing the Nation to war. I believe that the constitutional crisis which has gripped the Nation over this question will be ended by effective Congressional action.

In closing, I must state my conviction that this resolution of our national dilemma over Vietnam will not bring on the consequences predicted by the President. On the contrary, I believe America will be strengthened infinitely both at home and abroad.

#### TRIBUTE TO LIEUTENANT GOVERNOR-ELECT JAMES E. FITZMORRIS, JR., OF LOUISIANA

Mr. ELLENDER. Mr. President, on May 9, in Baton Rouge, La., I will have the great pleasure of administering the oath of office to Louisiana's new Lieutenant Governor—Mr. James E. Fitzmorris, Jr., of New Orleans.

Mr. Fitzmorris is a long-time friend of mine. He is one of the most energetic civic and governmental workers the city of New Orleans has had in the past several decades. In his first attempt at State office last year, he scored an overwhelming victory in the Democratic primaries and followed that up by winning 76.5 percent of the vote in the February general election.

On April 18, in New Orleans, I had the privilege of introducing Mr. Fitzmorris at a testimonial luncheon attended by hundreds of his coworkers and admirers.

I ask unanimous consent that the remarks delivered on behalf of Mr. Fitzmorris be printed in the RECORD so that Members of the Congress may read about one of the outstanding upcoming young leaders of the State of Louisiana.

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

FITZMORRIS LUNCHEON TESTIMONIAL APRIL 18, 1972, NEW ORLEANS, LA.

Ladies and gentlemen: Let me give you a quick idea of the kind of man we are honoring today:

As you know, I am 81 years old, plus almost six months. I have held public office for almost 59 years—nine years before Jimmy was even born. My biography runs five pages. But Jimmy has been so active that it already takes six single spaced pages to cover his career.

Look at it!

I wonder how many pages it will require when he is 81 years old.

Now relax. I am not going to read all this to you. It would take more time than you have to spare.

Besides, Jimmy is a good politician. I am sure he told you about most of this during his campaign for lieutenant governor.

Of course, this looks like a very up-to-date biography.

It even has Jimmy's new mailing address: It says you can reach him at: The State Capitol, Baton Rouge, Louisiana.

Seriously, let me refer just briefly to this man's life work.

He joined Kansas City Southern Railroad in 1940. He is resigning on May 1st—as vice president.

He enlisted in the U.S. Army as a private in World War II. He came out four years later as a major.

He served as a city councilman from 1954 to 1966. He emerged as president of that council.

Jimmy has also served as:

A vice president of the National Municipal League.

As president of the Mississippi Valley World Trade Council.

As chairman of the Union Passenger Terminal Committee.

As president of the Young Men's Business Club.

As vice president of the Chamber of Commerce.

As president of the Cultural Attractions Fund.

As chairman of Brotherhood Week.

As vice president of the National Defense Transportation Association.

You had to elect him lieutenant governor. There were no offices left around here for him.

In 1950 the Jaycees honored him as the outstanding young man in New Orleans.

In 1965 he received the Chep Morrison Memorial Award for government service.

In 1968 the National Municipal League presented him its Distinguished Citizens Award.

I predict he will win even more awards in the future.

The size of this turnout today is almost as impressive as the vote Jimmy received in the lieutenant governor's race.

He received 76.5 percent of the vote on February 1st . . . a pretty good showing around Louisiana for a New Orleans Catholic.

That's even two percent more than I got in the 1966 Democratic primary. I can recall that in only one election did I surpass his record. That was the election in which I had a Republican opponent. I got 89% of the vote.

The size of this turnout today is also an indication of the number of people Jimmy has helped and has worked with over the years.

It is a tribute to the manner he has served his city . . . his state . . . his country . . . his industry . . . and his church.

It is a tribute to the way he has worked to help our young people.

To improve the transportation of our area.

To stimulate the growth of this city.

To improve world trade.

To help the poor and handicapped.

To stimulate the cultural growth of this community.

And to encourage brotherhood among our people.

As you know, Jimmy is resigning his railroad vice presidency to become a full time lieutenant governor.

This is a good move. I know because I gave up my private business when I went to the Senate in 1937. I have never regretted committing myself entirely to that job. Sure, we could make more money if we devoted all our energies to private practice, but I have learned—and so has Jimmy—that there is no greater satisfaction in life than representing and serving the people of your state and nation.

Call Jimmy and I politicians if you wish. We do not mind the word.

Politics can be a proud, demanding profession.

It is an essential part of the American system.

It is the only profession in which you have to obtain approval of the majority of your fellow citizens.

Politics demands guts enough to defend your job against all comers every few years.

Politics demands the intestinal fiber to defend your integrity with every move you make—in public and private.

In politics, they don't look at your batting average. They look at your last error.

It takes a man like Jimmy to put up with the pressures of politics.

I am very glad to see him devoting his full career to the business of representing our state.

He will help make this a better state.

I just hope that he saves a little time in Baton Rouge to spend with his devoted wife—Gloria—and his lovely daughter Lisa Marie. After all these years of sharing him with the railroad . . . the community . . . and with government, they deserve a chance to enjoy more time with him in the future.

Ladies and gentlemen, it is with pride and extreme pleasure that I introduce a man . . .

Who has proven that Louisiana is no longer divided by regional and religious barriers.

Who has served his industry and his city well.

And a man to whom I will soon have the great pleasure of administering the oath as lieutenant governor of the State of Louisiana.

Mr. James E. Fitzmorris, Jr.

### THE ENVIRONMENT

Mr. McGOVERN. Mr. President, as public concern over the environment has increased, important new issues have come to the fore—issues concerning the problems that face a growing population on a finite earth.

Recently the Wisconsin Environmental Decade solicited from me my views on a number of the most critical environmental issues that face the Nation. I ask unanimous consent that their questions and my replies be printed in the RECORD.

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

WISCONSIN'S ENVIRONMENTAL DECADE QUESTIONNAIRE, SENATOR GEORGE McGOVERN RESPONSE DATED MARCH 24, 1972

(1) What percent of the highway trust fund should be diverted to mass transit and how could you as president see that this is enacted by a recalcitrant Congress?

The highway trust fund should be expanded into a "national transportation fund" with allocations among various forms of transportation based on need and environmental impact. I do not think the percentage apportionment between mass transit and highways should be fixed at the start, in part because that would likely increase traditional congressional resistance but also because I do not think there should be a statutory upper limit on the share available for transit systems. They should be the first priority in public spending on transportation, and as the interstate system is completed I can foresee directing the vast majority of all transportation fund money—including that raised from the present highway trust fund sources plus additional contributions from general revenues—toward mass transit.

(2) What do you consider to be your most effective course of action in demanding our industries internalize the costs of polluting our water and air, and bring about an immediate cessation of their environmentally destructive practices?

I would suggest two principal innovations.

First, the Environmental Protection Act which Senator Hart and I have introduced in

the Senate would give individual citizens standing in federal courts to file suit against polluters. This would permit citizen enforcement of laws for the protection, preservation and enhancement of air, land and water resources, to supplement the work of regulatory agencies and to stimulate those agencies into doing a better job.

Second, I press for adoption of user charges or user taxes on polluters, to finance the cleanup of industrial waste. Thus far we have relied almost exclusively on broad and uniform standards for environmental protection which we attempt to enforce through administrative bodies and the courts. That process would be vastly strengthened if industry were given a firm cash incentive to adopt cleaner processes and to seek technological innovations leading in that direction. User charges could be set according to the volume and chemical composition of each firm's waste and the costs they impose on the regional management system.

(3) In view of the President's Commission of Population Growth's recent report urging an immediate need to achieve zero population growth (ZPG), what specific national measures do you intend to press for?

A top priority need is simply to budget sufficient funds for the Family Planning Services and Research Act. During debate on that legislation, which I cosponsored with Senator Tydings, I pointed out that the urgency of the problem "demands an open ended authorization which would say to our appropriations committees, to the executive, and to the American people, that the Congress is ready to spend such sums as may be necessary to defuse the population bomb." The legislation was written in those terms, but the message still hasn't penetrated the budget system.

In addition, we should be prepared to assure the universal dispensation of cheap, safe and effective birth control techniques, and we should do that at public cost where that is necessary. The evidence is that unwanted births comprise at least half of the excess of the average family size over 2.1 children per family, the figure which would correspond to zero population growth. And the average desired family size appears to be falling. This suggests that with continued and expanded research on new techniques, we can make great strides toward the ZPG goal by simply assuring that the American people can avoid unwanted pregnancies and meet their own family planning goals.

The issue of abortion is also mentioned frequently in this context. While I frankly doubt that steps to terminate rather than avoid, unwanted pregnancies will ever have a significant impact on population growth rates, I do favor reform of abortion laws, so that decisions of this kind can be made by the woman involved in consultation with her physician.

Finally, I think the President must fully commit himself to educating the public on the urgency of the population problem, and to establishing zero population growth as a firm national goal. I have proposed 1976, our bicentennial year, as the target date for achieving ZPG birthrate levels.

(4) How would you reverse the nation's present dangerous reliance on nuclear energy to meet our future power needs?

Our increasing reliance on fission as an energy source is a tragic consequence of the fact that since 1945, some 87 percent of total government and private investment in research on new energy sources has been devoted to fission. That record is probably the best current illustration of the fact that at least in the case of the Atomic Energy Commission, promotion and regulation cannot be served at the same table. I believe the burner reactors are being installed far too hastily, considering their production of radioactive wastes, the fact that they cause even more thermal pollution than fossil fuel



plants, and our present incapacity to deal with the dangers of radioactive emissions and possible major accidents. The Great Lakes and other bodies of water are being literally ringed with reactors, with a great potential for harm.

To limit our short term dependence on these reactors, I intend to substantially increase funding for methods to de-sulphurize coal and oil and to control sulphur oxide and nitrogen oxide emissions from fossil plants. This research should have been conducted long ago. In addition, I would institute a high-priority effort to develop methods of increasing the efficiency of power generation and transmission from fossil fuels, including improved storage technologies, the use of fuel cells, magneto-hydrodynamics (MHD), and the establishment of reliable nationwide interconnections. The latter, a national grid system, would permit much more efficient use of existing power sources simply by allowing us to take advantage of the fact that peak power use periods vary in different parts of the country.

In preparation for the long term we should be fully committed now to explore the maximum potential of such possibilities as controlled fusion, solar energy, and safe and non-polluting breeder reactors, examining environmental safeguards at the same pace as the new technology itself.

(5) What people do you think have the qualifications to be effective leaders of our various national environmental control agencies?

Aside from technical competence, I would look for people who have no ties to the industries involved in environmental disputes, and who are therefore capable of unmitigated advocacy of the public interest.

(6) Would you support a reversal of the present rate structure for the sale of electric power, charging higher rates to larger consumers? What other measures for curtailing power consumption do you propose?

The present rate structure encourages excess energy consumption, and we simply cannot afford it. As the Sierra Club pointed out in its brief asking for abolition of the Potomac Electric Power Company's differential rate structure, "such a revision . . . would not only provide a vastly needed incentive to conserve power and promote efficient usage, but would also serve ultimately to minimize the total cost of services, place the social costs where they belong—on large users—and reduce present discrimination against low-income, small users of power."

There is an overwhelming public interest in curbing the growth in electric power consumption, and that interest is damaged not only by the rate structure but also by regulations permitting deduction of advertising as an operating expense in setting prices. Such regulations have a great deal to do with the fact that the major utilities spend some eight times as much on advertising as on research and development. It is difficult to justify even minimal advertising in a monopoly setting, and such promotion is especially harmful when it is aimed at multiplying consumption of a commodity which is in extremely short supply. Government regulations should stop encouraging, and start limiting, promotional activities of this kind.

The growth in power consumption also reflects the spread of electric heating, which requires some fifty percent more fuel than other methods, the development of new electric appliances, and the use of electricity in conversion industries such as steel, petroleum and aluminum. We may find it necessary to discourage electric heating and the development of new, marginal appliances until we have assured the technology to meet long term power needs clearly and efficiently.

(7) Would you issue an executive order on wilderness areas, and what lands would you include for preservation?

Yes. I would issue an executive order which would permit reviews of all potential federal wilderness areas under the Wilderness Act of 1964, and would assure protection of such areas until the review is completed. While I cannot list specific sites nationwide, one logical case to review for wilderness potential would be portions of the Apostle Islands.

In the same context it is important to note that other areas deserve protection as well. Federal activities such as Project Sanguine, which has been questioned on many grounds including costs, military worth and technical feasibility, can senselessly mar the landscape and disturb the ecology. I would halt further development on that project in northern Wisconsin.

## TAX REFORMS

Mr. HANSEN. Mr. President, I have received considerable mail recently about the need for tax reform and I note that various presidential candidates in their campaigning around the country have charged that the tax laws have been titled in the last 4 years in favor of corporations at the average citizen's expense.

I am glad to note that administration spokesmen are not taking these attacks lying down and one of them, Edwin S. Cohen, Assistant Secretary of the Treasury for Tax Policy, spelled out the Nixon administration's stand on the issue at a Boston meeting of the Federal Tax Institute of New England recently.

Also, Mr. President, a most appropriate answer to the issue was made during a WTO-TV-CBS network program on April 2 by James J. Kilpatrick.

In answer to Nicholas von Hoffman in the "60 Minutes" TV program, Mr. Kilpatrick responded:

Well, Nick, I just spent four days in Wisconsin chasing the Democratic candidates around. And it's just as you say. They're all yelling for tax reforms.

But you know, it's a funny thing. The Democrats have controlled Congress ever since Nixon came in. How come they didn't discover all those chasms and craters long ago and take corrective action then?

Mr. President, I ask unanimous consent that a transcript of the interview with Von Hoffman and Kilpatrick and the full text of Assistant Secretary Cohen's speech in Boston be printed in the RECORD for the edification of tax reform advocates.

Also, Mr. President, the distinguished Senator from Louisiana (Mr. LONG), the Democratic chairman of the Committee on Finance, made some very pertinent and appropriate remarks about tax reform in an unrehearsed television interview on March 29.

Senator LONG has furnished me a copy of the transcript of that interview. I ask unanimous consent that the part of the interview pertaining to tax reform be printed in the RECORD.

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

[From "60 Minutes", Apr. 2, 1972]

AN INTERVIEW WITH VON HOFFMAN AND KILPATRICK

MORLEY SAFER. The deadline for filing income tax is just two weeks away. And predictably, Nicholas Von Hoffman and James

J. Kilpatrick have some opposing thoughts on that subject.

Here's point counter point.

NICHOLAS VON HOFFMAN. So it's finally hit the politicians that the people have had it up to here with the taxes. There's a whole bunch of them loose out in Wisconsin, crying down the skies for tax reform. Plug up the loopholes!

Well, the first question is, why aren't they back here in Washington doing it, and not in Wisconsin talking about it?

Actually, you can't plug up the tax loopholes, because they're not loopholes, they're craters, caverns, gorges, chasms. There isn't enough plugging material in the world to patch up those holes.

Loopholes, ha! What kind of a loophole is it that lets U.S. Steel Corporation get away without paying a dime of federal income taxes last year? Not a dime. Not a penny.

No, this structure can't be reformed. It must be abolished and entirely replaced. We need a completely new tax code that is simple, comprehensible, and uniform, one that taxes all income of every kind without favor, privilege, or mystery.

We need a tax code that ceases to terrify and baffle. There's no reason why the government should put us through such unmitigated Hell every April 15. Why should working men and women who have no outside income have to even fill out a tax return? Isn't it enough that the money is taken out of our paycheck every week?

We need a whole new beginning on taxes. And Jack, I don't hear any of those politicians, in office or out, talking about that.

JAMES J. KILPATRICK. Well, Nick, I just spent four days in Wisconsin chasing the Democratic candidates around. And it's just as you say. They're all yelling for tax reforms.

But you know, it's a funny thing. The Democrats have controlled Congress ever since Nixon came in. How come they didn't discover all those chasms and craters long ago and take corrective action then?

The answer, I suppose, is that most of their hollering is the same old gas bag stuff. The oil depletion allowance, for one thing, makes a wonderful campaign kicking boy. But it's been on the books for 50 years through 25 Congresses, for one reason: because it makes sense in terms of the peculiar nature of the oil industry.

The interest on tax exempt municipal bonds is another fat target. But take away that exemption and you've piled one more burden on the backs of local taxpayers, who are taxed enough as it is.

In a society as complex and varied as ours, it's nonsense to suppose that simple and uniform measures can be applied fairly to everyone.

Nick, yours is the equality of the bandit Procrustes, who made his victims fit an iron bed—lop 'em off or stretch 'em out. Well, that was equal treatment, all right, but it had one flaw. None of his victims survived.

I too would like to see some repairwork done on our tax laws. But Nick, the answer isn't to put some simple Simon on the seat of a bulldozer with instructions to level everything in sight.

TELEVISION INTERVIEW WITH SENATOR RUSSELL B. LONG, MARCH 29, 1972

ANNOUNCER. From Washington, a 15-minute, unrehearsed interview with Senator Russell B. Long of Louisiana, Chairman of the powerful Senate Finance Committee. The Senator will be questioned today by Darlene Schmalzried, Washington correspondent for *The Shreveport Journal* and Spencer Rich, national reporter for *The Washington Post*. Now, with his first question, here is Mr. Rich.

RICH. Senator, you are the chairman of one of the most powerful committees in Congress, maybe the second or third most powerful committee, and you have control over the

destiny of every person in this country through the tax mechanism. What are you doing to equalize the wealth of this country? I have followed two tax bills and I haven't seen much equalization. Yet the vote in Florida for Gov. Wallace and others seemed to be a consensus that the people of this country would like the wealth of the nation equalized.

LONG. I managed that tax reform act and that is the only tax reform act that has been passed since the income tax went into effect before I was born. That reform bill increased the tax on business people, generally—and they are the ones who get the tax breaks by \$7 billion. It reduced taxes for laboring people, in the main, by \$9 billion. That is a big tax adjustment. It is a \$16 billion tax adjustment to benefit people. I am sorry we couldn't put more taxes on some of those who are better able to pay it. Now, I would like to see some additional taxes on people who are paying nothing, such as those who pay all that money into foundations where, theoretically, they are giving to charity and it turns out that the charity they are giving it to is themselves. Some of these groups manage to get by with paying nothing. It was my suggestion, long before it was suggested by someone else, that we ought to have a minimum income tax law so if we missed you with everything else we could catch you with that. One of these days we will have to find a way to tax the tax-exempt interest on state and local bonds. But, I have never been able to support it up to this point because there is not so much state sovereignty left and taxing local bonds gives the federal government the power to destroy what little power is left in state government. That is one of the items which there is no tax paid.

RICH. What about the oil industry? They notoriously pay a small amount of taxes and they get tax breaks for overseas investments. On one hand, they get an import quota system on the theory they are going to invest in the United States; then we turn around and we give them a lot of tax breaks on overseas drilling and all the rest of that stuff.

LONG. Let's talk about the oil industry for a moment. First, about the overseas thing. Most of these countries give their oil companies that produce oil abroad a great deal more advantage than we do. If somebody is going to produce it over there and bring money back to his country I would just as soon Americans would go over there and produce it. That gives us some control over that oil and, in particular, some say-so about how it is going to be hauled around, who is going to control the transportation of it, and that sort of thing. Insofar as they make money in foreign lands, most countries tax people hardly at all on what they can make in doing business in a foreign country. We tax them more than other countries do. That includes the oil industry. If we tax them any more our people wouldn't be competitive with the Germans or the Japanese, the Italians or the others in foreign lands. Now, you say that the industry pays a small amount of taxes. That is true of the income tax; it is not true of anything else. It is not true of property taxes; they pay more in property taxes. It is not true of severance taxes. In Louisiana, I helped to make it that way, by the way—the oil industry pays more than anybody else. It pays 44% of all the taxes to support the State of Louisiana, for example. Oilmen get hit harder at the state and local levels than almost any industry in the country. If you take all their taxes into account, they pay more than anybody does compared to their income. That is not including the tax on their product, the tax on the gasoline. I know you will say, "Oh, but the consumer pays that." But it is a burden on their product. They could sell more gas, presumably, if they didn't have to bear that big tax. I know

that we raised it in Louisiana and when my uncle was governor 20 years ago.

RICH. Esso sells more gasoline in Europe than it sells in the United States and it collects about half as much money for it; yet, the tax there is about 3 times as high. They pay about 72¢ a gallon.

LONG. The point is that we can't make a lot of tax money by making revenue from what our people do in foreign countries. If we tax them very much, in addition to all the taxes foreign countries levy, then our companies couldn't compete in a foreign land. Insofar as you bring something back, you are that much better off. We tax our people doing business abroad more than any other country they are competing with in that line of endeavor.

#### REMARKS OF THE HONORABLE EDWIN S. COHEN, ASSISTANT SECRETARY OF THE TREASURY FOR TAX POLICY

It is a great personal pleasure to me to return to Boston to review with this distinguished audience the status of our work at the Treasury on some important tax matters and to share with you a few thoughts on tax issues that are currently being discussed.

Two years ago you were kind enough to invite me to speak to you at this luncheon, and the program indicated that I was to give a half-hour talk to end at 2:15. The gracious introduction I was given ended at 2:12. It was not easy for a fellow with a Southern drawl to compress a half-hour speech into three minutes, and I am grateful to you for inviting me back for my remaining 27 minutes.

There has been a good deal said of late in the political campaigns and elsewhere on the subject of taxes and the need for further changes. It is scarcely necessary to say that we must constantly be watchful of the operation of our tax system, and use our best efforts, research and debate to make it as fair and equitable as possible and make it best serve the economic and social well-being of the Nation.

Undoubtedly changes can be made and should be made to correct some deficiencies in the tax system, to continue the process of improving its equity, and particularly to simplify this grievously complex law. To accomplish this end, however, we need to make calm and objective appraisals of available data, and to weigh carefully the alternative and the practical consequences of possible revisions. On a matter so vital we cannot afford to fall prey to political promises and rhetoric uttered in the heat of a campaign year.

Three months after taking office, the President sent to Congress in 1969 wide-ranging tax reform proposals. Almost the entire year 1969 was spent in public hearings, executive sessions, debates and drafting on the Tax Reform Act of 1969. On December 30, 1969 the President signed the bill into law. As the Congressional Committee reports stated, there was "no prior tax reform bill of equal substantive scope."

Another major tax bill, the Revenue Act of 1971, was signed into law last December 10. In addition to restoring the Job Development Investment Credit and affirming with some modifications the Asset Depreciation Range System established in Treasury regulations earlier in the year, the bill made important individual income tax and excise tax reductions.

#### EFFECT OF EXTENSIVE 1969-1971 TAX CHANGES

A charge has recently been made that the changes in the tax laws and regulations since the beginning of 1969 have favored corporations to the disadvantage of individuals. This is not so. Treasury estimates show that the tax reform and relief provisions of the 1969 Act, the ADR regulations and the 1971 Act in combination have had the following effect:

For the four calendar years 1969-1972 they will have—

Increased corporate income taxes by an aggregate of \$4.9 billion;

Decreased individual income taxes by an aggregate of \$18.9 billion; and

Decreased excise taxes on automobiles and telephones, mostly affecting individuals, by \$3.5 billion.

For the current calendar year 1972 they will have—

Decreased corporate income taxes by \$0.4 billion;

Decreased individual income taxes by \$12.0 billion;

Decreased excise taxes by \$2.6 billion.

For the 12-year span from 1969 through 1980, assuming economic growth, they will have—

Decreased corporate income taxes by an aggregate of \$8.1 billion, an average of \$0.7 billion a year;

Decreased individual income taxes by an aggregate of \$140.7 billion, an average of about \$11.7 billion a year;

Decreased excise taxes by \$19.7 billion, an average of about \$1.6 billion a year.

Thus it cannot properly be said that the benefits of the 1969-1971 changes have favored corporations as against individuals. Substantially all the reductions have gone to individuals.

I think it interesting to observe that the general reductions in the individual income tax levels made periodically in the past decade (1964, 1969 and 1971) have had the overall effect of keeping the effective federal individual income tax level at about 10.6 percent of total adjusted personal income, roughly the level which it has averaged for the past 15 years. (It has varied from a low of 10.0 percent in 1965 to a high of 11.6 percent in 1969, averaging just below 10.9 percent). Had these reductions not been made, the effective income tax rate would today have risen to 14.7 percent of total personal income, almost a third higher than had previously existed. This would have occurred because of the operation of our progressive income tax structure on the increasing personal incomes that have resulted from inflation and rising standards of living and education. The tax reductions have counterbalanced these factors, leaving the net effective rate roughly the same.

In considering the fairness of the changes made since the beginning of 1969 it is particularly important to note how the individual income tax reductions they produced have been distributed among the different income classes. This is shown in the table below:

EFFECT ON INDIVIDUAL INCOME TAX LIABILITY OF TAX REFORM ACT OF 1969, ADR AND THE REVENUE ACT OF 1971—FULL-YEAR EFFECT AT CALENDAR YEAR 1971 LEVELS OF INCOME

Adjusted gross income class	Tax under 1968 law <sup>1</sup> (millions)	Tax under 1972 law (millions)	Change under 1972 law from 1968 law	
			Amount (millions)	Percent
\$0 to \$3,000.....	\$1,469	\$265	-\$1,204	-82.0
\$3,000 to \$5,000.....	3,488	1,995	-1,493	-42.8
\$5,000 to \$7,000.....	5,543	4,025	-1,518	-27.4
\$7,000 to \$10,000.....	12,263	10,112	-2,151	-17.5
\$10,000 to \$15,000.....	22,065	19,202	-2,863	-13.0
\$15,000 to \$20,000.....	15,287	13,891	-1,396	-9.1
\$20,000 to \$50,000.....	19,375	18,377	-998	-5.2
\$50,000 to \$100,000.....	7,344	7,217	-127	-1.7
\$100,000 and over.....	7,131	7,658	+\$527	+7.4
Total.....	93,965	82,743	-11,222	-11.9

<sup>1</sup> Excluding surcharge.

Note: Figures are rounded and will not necessarily add to totals.

Source: Office of the Secretary of the Treasury, Apr. 26, 1972, Office of Tax Analysis.

Taking into account all the changes for these three years, we find from this table



that the income tax burden has been reduced in all of the income classes below the level of \$100,000. The greatest percentage reduction of tax liability is 82 percent in the zero to \$3,000 income class; and taxes have been reduced in gradually decreasing percentages in each higher income class to the \$50,000 to \$100,000 income level, where the reduction is only 1.7 percent.

But the 1969-1971 changes have increased the tax liability of the income class above \$100,000 by 7.4 percent.

Thus in these three years from 1969 to date the greatest percentage reductions have been made in the low income groups, substantial reductions have been made in the middle income groups and yet significant increases have been made in the income levels above \$100,000. These results reflect major achievements in eliminating previous inequities and producing a fairer system.

The large decreases in tax on the low income groups occurred primarily because of the President's 1969 recommendation to Congress of the Low Income Allowance to remove from the federal income tax rolls substantially all persons below the poverty levels. This principle was adopted and has been followed and updated in the 1971 Act. Thus for 1972 and subsequent years single persons earning less than \$2,050 will pay no federal income tax nor will a family of four pay tax if it earns less than \$4,300. I think this principle is a major step forward in achieving equity in the federal income tax structure.

#### PERSONS WITH HIGH ADJUSTED GROSS INCOME

Much has been said recently about the fact that about 100 individuals in the United States in 1970 had "adjusted gross incomes" above \$200,000 without paying any tax. Some have argued that this handful of cases shows that the system is unfair and that the rich do not pay taxes. I shall talk further about those few cases in a moment.

But I do not think we should let that group of individuals obscure the fact that, according to our preliminary data, there were in 1970 a total of some 15,300 persons in the country with adjusted gross incomes above \$200,000, and that some 15,200 of them paid an average federal individual income tax of \$177,000 each—a total of some \$2.7 billion.

This is an effective rate of 44.1 percent of their adjusted gross income and 59.5 percent of their taxable income.

From this it is perfectly clear that in general the rich are paying federal income taxes in large amounts. And they are paying more than they were in 1968 while other taxpayers are paying less.

Let me now refer to the cases of the few nontaxable persons with adjusted gross income above \$200,000. The statistical data now shows that there were 106 such persons. The number of these nontaxable persons was down from 300 in 1969. The adjusted gross income on these 106 returns was less than 17 percent of that on the 300 returns in 1969.

We have now done some further analysis of these returns and have classified them according to the five principal causes of nontaxability: foreign tax credit, deductions for taxes paid, deductions for charitable contributions, deductions for interest payments, and miscellaneous deductions.

As to the seven cases in which nontaxability was due primarily to the foreign tax credit, it is interesting to note that these seven taxpayers paid income tax to foreign countries of about \$1.5 million, an average of more than \$200,000 tax per taxpayer. This represented an effective foreign income tax rate of 62 percent of their adjusted gross income and 70 percent of their taxable income. It is clear that while these individuals were not required to pay U.S. income tax, they were subjected to heavy income taxes abroad.

Another group of 12 individuals whose adjusted gross income aggregated \$4.1 million, paid no 1970 federal income tax because their deductions for state and local taxes exceeded

\$4.1 million. Substantially all these deductions were for state income taxes. A review of these returns suggested that these individuals had large amounts of nonrecurring income in 1969 on which they paid substantial state income taxes in the spring of 1970, which were deductible on their 1970 federal income tax returns. To check out this hypothesis, we have now obtained data as to the 1969 federal income tax returns of 11 of these 12 individuals and have found that the 11 persons paid 1969 federal income tax totaling about \$18 million, an average of more than \$1.6 million of tax per individual. The fact that they paid no federal tax for 1970 after paying huge taxes for 1969 is simply a result of the cash basis of accounting which is used by most individuals, and the fact that the state taxes on their large 1969 income were paid in the spring of 1970. To change the tax laws to overcome this result for these dozen individuals would produce undue complexities and require additional expense for many thousands or millions of other taxpayers. This would not be worth the effort. No tax system can achieve perfection, certainly not without incredible complexities and expense.

Another 12 cases involved individuals with adjusted gross income of \$8.5 million whose principal deductions consisted of charitable contributions aggregating \$4.2 million. The 1969 Act terminated the "unlimited charitable contribution deduction" provision of prior law and set the contribution deduction limit at 50 percent of adjusted gross income. It was recognized that if charitably inclined individuals can deduct their contributions up to one-half of their adjusted gross income, there will necessarily be a few cases in which other deductions for interest, taxes, medical expense, etc., will exceed the other half of adjusted gross income and result in nontaxability.

In 55 of these cases interest paid was the principal deduction, aggregating \$17.3 million. But in these returns dividends and interest received aggregated \$16.5 million. In general, when interest is paid to borrow money needed to make investments on which dividends and interest income is received, the interest paid should be charged against the interest and dividends received and only the net profit should be reflected in adjusted gross income. If a man pays interest in his business, only the net profit goes into adjusted gross income. But for simplicity sake, the tax law for many years has said that where this occurs in an investment situation, the gross dividend and interest income is reflected in his adjusted gross income—and makes him appear on the surface to be in a high income category—while the offsetting interest expense that he incurs is classed as a personal deduction along with taxes, charitable contributions, casualty losses, alimony, etc. Possibly we should change the definition of "adjusted gross income" so that net investment income is treated like net business income.

There are, however, some cases in this group in which the interest paid exceeds the investment income by substantial amounts. In these cases, as well as some others, there are indications that the minimum tax may be due for 1970 and may be assessed on audit. For 1972 and subsequent years, investment interest paid that exceeds by more than \$25,000 the taxpayer's investment income may be disallowed as a deduction under the 1969 Tax Reform Act.

The final category consists of 20 cases in which the principal deduction was miscellaneous deductions, aggregating \$10.5 million. Of this total, more than \$5.5 million represents items described in the returns generally as loss of securities pledged to secure loans, losses on guarantees of loans, and payments in settlement of litigation. Another \$2.2 million of miscellaneous deductions represents an aggregate of accounting, bookkeep-

ing and professional fees, and investment counsel and management fees. If these items are properly deductible—and this can only be determined after audit—it is because they represent expenses of earning business or investment income and may indicate that we should change the definition of "adjusted gross income" to drop these people out of the high income category.

To illustrate, consider one of the returns that reported as the only income more than \$400,000 of gambling gains and reported an equal amount as gambling losses under miscellaneous deductions, for a net income of zero. This return, too, will be audited; but if the return stands up under audit, we might consider levying an amusement tax, but the income tax is supposed to apply only to the successful gamblers.

Now I do not mean to imply from this review of the 106 cases that there is not a constant need for vigilance and improvement in the tax laws. Most assuredly there is a definite need. I mean only to indicate that there is relatively little guidance to be gained from these particular returns in relation to major issues of tax policy, and the attention that has been devoted to them is unwarranted and unwise.

#### REVENUE AND OTHER EFFECTS OF RECENT PROPOSALS

There have been a number of proposals and bills introduced in the Congress to change the tax laws. Some of these deserve serious consideration. But many of them have been advanced with claims that by closing so-called "loopholes" in the tax law we can immediately raise vast sums of additional revenue. These claims, I submit, are quite exaggerated. Moreover, in many instances sudden tax changes made without substitution of other programs would damage the economy and endanger important social goals.

Let me illustrate. One of the proposals made in a number of the bills recently introduced in the Congress is to tax capital gains at death. It has been asserted that this will raise in the first year some \$2 to \$3 billion in revenue, and that this was recommended in 1968 by the then Treasury staff. While the previous staff headed by my distinguished predecessor, Stanley Surrey, did recommend taxing capital gains at death, it also recommended (as do most of the pending bills) that only the gains accruing after the enactment of the new law would be taxed. As a result there would be a relatively little revenue effect for some years to come.

Moreover, the previous Treasury staff proposals recommended that the revenue gains in future years from taxing capital gains at death be used to reduce the burden of the estate tax, so that the total tax burden on persons dying would not be increased but would be reallocated among them. All of this requires careful thought and attention and a balanced program. In any event, it is not likely to produce significant short-term revenue yields.

Consider the proposals made in some of the bills with respect to the taxation of interest on state and local obligations. One of these bills would permit state and local governments at their option to issue taxable securities, with some amount—ranging from 25 percent to 50 percent of the interest payments—to be reimbursed to the states by the federal government. There may well be merit in this proposal, and indeed a form of this proposal was contained in the 1969 House bill; but it is clear that it will not raise any net revenue for the federal government in the short term at least, since it would only apply to future issues. Moreover, any proposal would inevitably require an alternative subsidy, which also would prevent any substantial net revenue gain.

On the same subject, many of the proposed revisions of the minimum tax would include in the list of preferences subject to that tax interest on state and local bonds. The Con-

gress concluded in 1969 that this should not be done, and my impression was that this was a very firm conclusion. But even if it were done, it is unlikely that such a rule would be applied to existing obligations; and the shot-run revenue yield from including interest on future obligations under a minimum tax would be negligible.

Again, there are various proposals to limit the tax benefits accorded to real estate investments. In 1969 we cut back extensively on these benefits to the extent of almost \$1 billion in estimated long-run annual revenue yield, but we exempted from the new restrictions investments in housing. The housing exception was made because the Housing Act of 1968, which set as a goal the production of some 2½ million housing units a year, was built around the then existing income tax incentives for housing construction. We have recently exceeded the 2½ million housing unit goal for the first time in history, and it is a bright spot in the current economic recovery.

Granted that there are problems with respect to the tax treatment of housing, it would be unwise at this point to remove these tax incentives without having a new governmental program as a substitute. If changes are to be made, they require a careful evaluation of the effect of the 1969 Tax Reform Act in the nonhousing field and the development of carefully designed substitute housing programs. These are difficult and time-consuming matters.

There are further tax proposals to collect additional revenue by repealing the recently approved Asset Depreciation Range System and/or the Job Development Investment Credit. We have just been through a long period of analysis and debate on both ADR and the investment credit, and both were approved by the Congress.

Before these depreciation and investment credit changes were made in 1971, our Treasury estimates showed that our income tax laws made the capital cost of business equipment higher than that of any other major industrial nation in the Western World. The 1971 changes restored American business in this regard to a position somewhat more favorable than Canada, France and the Netherlands, but still behind West Germany, Japan, the United Kingdom and others of our principal competitors in the world markets.

Moreover, a recent Department of Commerce-SEC survey showed a very encouraging 10½ percent rise in business expenditures for plant and equipment for 1972 over 1971. An even more recent McGraw-Hill survey just released shows a 14 percent rise. These are most encouraging developments—another strong force in the economic recovery—and I think it is far too early to consider changing this successful policy agreed upon only last year after so much careful deliberation.

There are the usual round of proposals to reduce the tax incentives with respect to oil and gas. After a long series of debates in 1969, the Tax Reform Act increased the taxes on the oil and gas industry by more than \$600 million. With the energy shortage that is facing us and the dire need for a coordinated energy policy, we should be sure that we move cautiously and intelligently with a coordinated energy resource program.

Among the proposals for a quick increase in revenue yield is to change the minimum tax in various ways. One of the major minimum tax proposals is to eliminate the deduction for the regular income tax paid by the taxpayer in computing the amount subject to minimum tax. If the deduction for the regular income tax were eliminated, the minimum tax would simply be a tax on items of preference income, regardless of the amount of regular income tax which the taxpayer is paying on his nonpreference income. Neither the 1968 Treasury staff proposals for a minimum tax, nor our 1969 proposal for a

Limit on Tax Preferences (LTP) nor the current minimum tax law, would apply when the taxpayer has a relatively small proportion of tax preferences in relation to his total income.

To convert the minimum tax into a direct income tax on preference income without regard to nonpreference income would simply reduce the effect of tax incentives that the Congress has introduced in various parts of the tax law for purposes that it has deemed desirable. If those purposes are not desirable or the incentives are too great, they should be modified or eliminated, but there is no point in merely whittling them down by a complex separate tax on the allowed preferences. The point of the 1969 law and both sets of Treasury proposals was to impose an additional tax burden only when a taxpayer had so concentrated on taking advantage of the preferences that he was sheltering too high a proportion of his income. I would hope, therefore, that before any such transformation of the minimum tax would be made, it would be given thorough consideration. The issues are far too important for hasty action.

I believe these illustrations show that the claims that vast sums of immediate revenue can be raised from "loophole" closing are vastly exaggerated. Moreover, it shows, I believe, that in each important area there are serious problems that require calm, deliberative reflection; and that, in many instances, such as housing, extensive consideration would have to be given to substitute programs that in themselves would involve serious questions of equity and practicality. This was the lesson we learned in the lengthy study and debate that occurred in the development and passage of the Tax Reform Act of 1969. It is a lesson that I think stands us in good stead today.

There is one other lesson from the 1969 Act that I learned and I am sure you experts in the tax field, as well as the taxpayer public, will appreciate. That lesson is that we are in desperate need of simplifying the federal income tax law. I hope we can bend every effort toward that goal of simplification and eliminate attenuated distinctions and intricacies that confuse us all.

#### REGULATIONS UNDER THE 1969 ACT

It is with great pleasure that I report to you today that we have substantially completed the job of drafting and publishing in proposed form for comment the extensive regulations under the Tax Reform Act of 1969. We had divided the regulations work under the 1969 Act into 179 different projects. We have made an intensive drive to finish this work, realizing the importance to the public of knowing the positions the Treasury proposes to take on the many important questions of interpretation that are involved.

We have now published, or sent to the Federal Register for publication shortly, all but eight of these proposed regulations. Of the remaining eight, some had been deferred temporarily because they will not have practical effect until a future date (such as the tax on excess business holdings of private foundations); some are being withheld from publication until other related proposed regulations have been finalized (such as the disallowance of deductions for excess investment interest, which depends upon interpretations proposed under the minimum tax); and some are procedural or of limited application.

The only two regulations still to be proposed that I think will be of general interest are those relating to so-called "arbitrage bonds" issued by state and local governments and those under the new Section 385 that would establish guidelines for distinguished indebtedness from stock. The arbitrage bond regulations have reached their final stages, but we have held up publication until we

have had opportunity to confer further with representatives of state and local governments about some of the problems that are involved.

As to the regulations regarding the distinctions between indebtedness and stock, we have devoted considerable time and discussion to this difficult subject. But as you all know, we have gone almost 60 years without significant regulations in this area, and much as I would like to see that project brought to a conclusion, we have thought that other pressing matters deserve a higher priority.

It is difficult to appreciate the several hundred thousand man-hours of time devoted by talented and dedicated men and women in the government service that have been required to analyze the problems, assemble the necessary information, reach decisions on so many difficult issues, and draft and review all these many regulations. As a rough guess, I would estimate that the proposed regulations under the Tax Reform Act of 1969 cover at least 8,500 typewritten pages. No other country in the world makes an effort to publish extensive regulations of this kind. To have accomplished this task under the 1969 Act within a period of two and a third years is a record heretofore unmatched, and I am sure you will agree that the many persons on the staffs of the Commissioner and the Chief Counsel of the Internal Revenue Service and of the Treasury deserve the greatest praise for their untiring and dedicated work on these projects.

We are anxious to press onward to promulgating in final form all the regulations that have been proposed for public comment. We receive many helpful comments and criticisms, and review all of these before making final decisions. It is important that this process go forward to provide answers to the taxpayer public as soon as possible.

We must also proceed with regulations under the Revenue Act of 1971, which the President signed into law on December 10, 1971. We have already issued proposed regulations under the Job Development Investment Credit and the Asset Depreciation Range amendments made by the 1971 Act, published an extensive pamphlet regarding the new Domestic International Sales Corporation (DISC) and issued guidelines under the new provision for deduction or credit for political contributions. But there are numerous other provisions under the 1971 Act, such as the deduction for expenses of working mothers, for which regulations must be provided.

#### STATISTICAL DATA RE EFFECT OF 1969 ACT

It is also of great importance to obtain statistical data upon which to base judgments as to the effects which have flowed from the many tax reform provisions of the 1969 Act. Most of the 1969 Act reforms became effective as of January 1, 1970, although some of them go into effect gradually over a period of years. Thus the 1970 income tax returns provide the first statistical information that we can obtain about the practical effect of the 1969 reforms.

With respect to individual returns, this statistical data is obtained from transcripts made of a large sample of the approximately 75 million individual income tax returns. The data from the transcripts is then fed into a computer, and the first preliminary runs from the computer became available toward the end of last November. We now anticipate that the complete statistical report on 1970 individual returns will be available by mid-July and that printed copies will be publicly available about two months later.

It is also quite important to obtain statistical data regarding the effect of the 1969 Act on corporations. Because of the time required to prepare the voluminous returns of major corporations, most of them file estimated returns on March 15 and obtain ex-



tensions of time to September 15 for filing their final detailed returns. Hence the process of extracting the statistical data from 1970 calendar year corporation returns could not start until after September 15, 1971, and it is a much more complex task than is involved for individual returns.

We expect the preliminary report from the corporate data to become available in August. Tables from the final 1970 corporate report will become available beginning in October.

With all the extensive changes made by the 1969 Tax Reform Act, I think we should carefully review the individual and corporate data from the 1970 returns before we embark upon another round of individual and corporate tax reform. This data should be available in time for action in 1973, but it will not be available in time for action by Congress this year. Moreover, we should finish the process of finalizing the regulations under the 1969 Act this year in order that necessary and desirable legislative changes can be made intelligently.

#### A NEW TAX REFORM PROPOSAL

I thought I should tell you today about a deep-seated division of opinion within the Treasury, heretofore unrevealed, regarding an important tax reform proposal. I had ordered that there be no internal memoranda written about it that might be leaked or subpoenaed, and until now the entire subject has been dealt with by magnetic tapes that self-destruct.

For some time I have been looking for a simplified, equitable tax revision program. There is considerable research to indicate that, in general, tall people have a great economic advantage over short people and are far more successful as leaders in the business and political world. I have maintained, therefore, that the tax law should provide compensation for the inequities thrust upon the short people of the world.

I would draw the line at a height of 5 feet 6 inches and provide half rates of tax for those below that level and the regular rates for those above. Because of the notch problem that might be involved at the dividing line, I would be willing to consider a sliding scale between 5 feet 6 inches and 6 feet.

This proposal is easily administered by an objective standard and provides in my judgment a high degree of equity and fairness in the tax structure. I must confess, however, that all those over 5 feet 6 inches in the Treasury—and this represents a high percentage of the male personnel—are opposed to my proposal. My research, however, discloses that most of the ladies in the Treasury will qualify and strongly support the proposal.

Because of this division I have become a charter member of an organization to sponsor the proposal. It will probably be known as the Association of Short People—or ASP's. The motto will be "Ad Astra per ASPera."

We expect that there will be immediately created a competing organization to be known as the Association of Long People—or ALP's. But standing firmly on our platform, we expect to look the ALP's right in the eye.

To administer this system the ASP's are advocating the restoration of the old Form 1040-A so that we can once again have the short form and the long form tax return.

I have been asked what I would do about a joint return of a tall husband and a short wife (or the few vice versa). But I only deal with tax policy, and this seems to me an administrative matter that should be easily handled by the able Commissioner of Internal Revenue.

I hope you will forgive me for ending my discussion of this most serious subject on a note of levity. I have tried to retain a sense of humor and proportion throughout my

more than three years in office. In particular, I have tried to bear constantly in mind the words of the President in his Inaugural Address on January 20, 1969, when he advised us:

"To lower our voices would be a simple thing.

"We cannot learn from one another until we stop shouting at one another—until we speak quietly enough so that our words can be heard as well as our voices."

#### MATT REESE, POLITICAL CONSULTANT

Mr. BAYH. Mr. President, I invite the attention of Senators to the article published in the Wall Street Journal of March 23 concerning a good friend of many of us, one whose name became synonymous with political organization. The man is Matt Reese.

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:

A MODERN MACHINE: HOW SAVVY MATT REESE, A POLITICAL CONSULTANT, GETS OUT WINNING VOTE

(By Dennis Farney)

ST. LOUIS.—Matt Reese shoves open the door, uncoils his six-foot, six-inch frame and hoists his 340 pounds out of the car. Then, like some great dirigible, he floats across the frigid plaza, coattails flapping in the wind.

The effect is electric. Newspaper photographers maneuver for position. Mr. Reese shakes a hand, booms out a hello, laughs a great belly laugh.

"The best and highest-priced professional registration and voter-turnout man, anywhere"—a detractor's assessment of the celebrated political campaign consultant—has jetted half-way across the country this cold morning, catapulting himself from a quiet home in suburban Washington to the tumult of a political rally to plan strategy with a man who'd like to be the next governor of Missouri. It is Mr. Reese's lot in life to be continually moving into hectic, disjointed scenes like this. And he loves it. Matt Reese thrives on tumult.

"It's chaos!" he explains happily when asked what it is about politics that intrigues him so. "I've found I have a talent for putting a bit of order to it, working through other people, not by myself. And it gives me a feeling of creativity." A little later, asked to conjure up his ideal candidate, he names Sargent Shriver. Old Sarge, he explains, is a superb campaigner. "And talk about chaos! He could please the biggest nut in the world!"

A 58-14 RECORD

This is the 79th campaign, all for Democrats or nonpartisan candidates, for the 44-year-old West Virginian who first captured national attention in 1960 as director of volunteers for John F. Kennedy in West Virginia's crucial primary. Later, working for the Democratic National Committee, he directed a national drive that registered one to two million new voters—a feat that election chronicler Theodore H. White would later describe as "nearly incredible." Since turning to consulting in 1966, he has rolled up a 58-14 won-lost record, working for everyone from Robert Kennedy to candidates for city and county offices.

Mr. Reese has flown here to confer with gubernatorial hopeful Joe Teasdale, the 36-year-old prosecutor of Jackson County (Kansas City). Mr. Teasdale is an underdog in the August primary, with little organized support and a campaign apparatus built around friends and family. So his showing will de-

pend heavily on how successfully Mr. Reese employs his consulting specialty: building an "Instant Organization" and deploying it for maximum impact.

This emphasis on grassroots organization makes Mr. Reese all but unique among political campaign consultants and puts him at the opposite pole from the TV consultants and their techniques of mass persuasion. Some people think the TV men and their "media campaign" have rendered his kind of organizing almost obsolete; Mr. Reese would like to write a book for such people. He'd call it "Up the Boob Tube."

#### TV CAN'T GRAB YOUR ELBOW

"We've got to the point where we've over-emphasized the mass media," he argues. "I do think that the image end is probably more important than the organization end, and I don't like to take a candidate unless he can take TV and use it. But at the same time, I've seen many campaigns depend upon the tube and flounder."

A good organization, to Mr. Reese, is a warm, living, intensely human thing. "The tube is impersonal," he growls. "It doesn't make you a part of anything. An organization makes you a part, gives you satisfaction." The tube can reach a lot of people. But only an organization can seek out the voter man-to-man and say, "Come on (Mr. Reese turns abruptly and grabs his companion by the elbow) you want to, don't you?"

Mr. Reese's job in every campaign is to set priorities for the investment of four scarce resources: time, money, manpower and talent. And central to his method is the concept of "targeting," a semi-computerized analysis of past voting patterns to identify individual precincts—and even individual households—offering maximum potential.

Essentially, targeting identifies "high performance" precincts where intensive get-out-the-vote efforts will yield maximum dividends, and it ranks them in priority order. (When Mr. Reese is working for a Democrat, these are precincts that go solidly Democratic in election after election.) Targeting also identifies precincts where the most "persuadable" voters live, and it ranks these in priority order. (These are precincts where voters are shifting party loyalties over the long run or splitting their tickets in individual elections.)

#### HARD-CORE AND SOFT-CORE

Ideally, Mr. Reese's next step is to pore through public records showing the elections in which each registered voter actually voted. This identifies two basic types of voters: "Hard core," who vote regularly, and "soft core," who need motivation. When combined with the precinct rankings, this breakdown enables Mr. Reese to pinpoint his campaign to the individual household.

In the "high performance" precincts where almost everybody is predisposed in favor of Mr. Reese's candidate, Mr. Reese zeroes in on "soft-core" voters on Election Day and prods them to the polls. In the "persuadable" precincts, he goes after "hard core" voters—who are almost certainly going to vote for someone—and urges them to vote for his man. He downplays the hard-core voters in the predisposed precincts (they're presumed in the bag already) and the soft-core voters in the persuadable precincts (it's too hard to motivate a man both to vote and to vote your way).

Having isolated his targets, Mr. Reese reaches them through a grass-roots organization he builds from scratch. He hires a bank of telephone operators to saturate the target precincts with calls. The voters most favorably inclined to the Reese candidate are recruited as "block captains." The other favorable and undecided voters the operators turn up become the targets of an interlocking effort: more calls, direct-mail appeals and repeated visits from the block captains themselves.

It is a curious amalgam: intense personal contact within target areas impersonally selected; the organizational techniques of the old machine, but refined and linked to the computer. Once the big urban machines supplied this kind of block-by-block campaign infrastructure almost routinely. Now candidates pay Mr. Reese to do it, because the big machines have pretty well broken down.

"Why is Matt Reese in a political campaign? Why?" asks Mr. Reese, who often repeats himself for rhetorical impact. "Because there is no organization that is effective any more. We help candidates build an organization."

Being compared to the old machines doesn't offend Mr. Reese, although his technique of recruiting thousands of idealistic campaign volunteers is antithetical to the "old politics." He unabashedly admires the machine as an organization, if not for the government it produced. Consider Frank (I Am the Law) Hague, he says enthusiastically. Boss Hague ran Jersey City from 1917 to 1947, and Mr. Reese is taken by the way he would send his block workers to the gym before each campaign. Why? Because there are a lot of three-story walkups in Jersey City, and a block worker had to be in shape to climb them. It was the careful detail work of a professional.

"Frank Hague didn't come out one morning and say 'I am the boss,'" Mr. Reese explains, his voice rising in excitement and his gray locks tumbling around his ears. "He got there by doing the things necessary to be done, by paying attention to the principle of personal contact."

Mr. Reese pauses. "I don't know why I have to holler," he says thoughtfully. "I can't talk without getting passionate." But, he brightens, "I'm a Leo, and that explains everything." This astrological accident is Mr. Reese's standard explanation for everything from his natural exuberance to his style (aggressive) of playing poker.

#### A CHARACTER FAULT

Mr. Reese has recruited more than 400,000 block captains and Election Day captains to date, and he spends much of his time motivating these mercurial people—extravagantly praising them, only rarely yelling at them. "If I do, it's usually an act," he says "because I rarely get angry." He grins. "Character fault, I guess."

Those volunteers have helped produce an impressive string of victories. In 1966, shoring up the Democratic Party organization in four urban counties, Mr. Reese helped Robert Docking win the governorship of traditionally Republican Kansas. That same year he engineered the drive of a reform-minded group (including Mr. Teasdale) that wrenched control of Jackson County, Mo., from remnants of the old Pendergast machine.

In 1967, he went to work for then-Mayor James H. J. Tate of Philadelphia, whose renomination was imperiled because the local party organization had turned against him. Mr. Reese simply substituted his own organization: 10,054 block captains and a battery of telephone operators capable of making 18,000 calls a day. The mayor won the primary by nearly a 2-to-1 margin and went on to win the general election.

In 1968, Mr. Reese helped Robert Kennedy win the Indiana and South Dakota primaries and Sen. Birch Bayh survive a tough reelection fight. In Missouri's senatorial race, he worked for liberal Thomas Eagleton who unseated a veteran in the primary and won in November.

In 1970, working for Indiana Sen. Vance Hartke (as well as for politicians in California, Texas, Rhode Island and other states), he helped hold an expected Hartke loss of 25,000 to 30,000 votes in the Republican bastion of Marion County (Indianapolis)

to fewer than 12,000. Mr. Hartke won the statewide election, though it is being contested.

#### SOME HUMBLING EXPERIENCES

"You know," Mr. Reese reminisces, "I won seven of my first eight campaigns. I was convinced I could take this thing anywhere I wanted to—I could elect any dog that came down the pike. I was really arrogant." Then came some humbling experiences.

Among them is New Jersey's 1969 gubernatorial race, where Mr. Reese organized several key counties for Robert Meyner, an ex-governor trying for a comeback. Mr. Meyner was swamped. "It was," says Mr. Reese, "like trying to bail out the Queen Mary with a tin pail."

And one Reese victory, helping get Thomas J. Whelan reelected mayor of Jersey City in 1969, has proved an embarrassment. In 1971 Mr. Whelan was sentenced to 15 years in prison for extortion and conspiracy; last month he drew an additional five-year sentence, to run concurrently, for income-tax evasion. "When I worked for him, I thought he was a fine man," Mr. Reese says. "A jury said otherwise, and, of course, if I had known that I wouldn't have worked for him."

Among his projects so far this year, Mr. Reese is working in two other gubernatorial races, one senatorial and three congressional campaigns. Although he doesn't disclose these clients, he is willing to talk generally about his fees, which vary according to the type of campaign he joins and the services he provides.

"You can hire me at \$600 a day plus expenses, and the biggest fee excluding expenses we (his firm, Matt Reese & Associates) have ever had was \$62,000 for a statewide campaign," he says. His firm's fee for a congressional race can run anywhere from \$10,000 to \$20,000, plus expenses, he says. Mr. Teasdale, his candidate here in Missouri, is a friend and not overly endowed with campaign contributions. So, says Mr. Reese, lapsing into his West Virginia idiom, "he's getting a 'cousin price.'"

As Mr. Reese jets back and forth across the country, he's battling not only his clients' opponents, but also a theory. The theory: changes in the American electorate are undermining the Reese type of approach.

#### "TRULY OUTSTANDING"

Consultant Walter DeVries, whose recent book, "The Ticket-Splitter," supplies additional evidence that the American voter is abandoning old party loyalties and exercising increasing independence, is inclined to believe the theory. "When you've got 54% of the people splitting their tickets, it's pretty hard to run a campaign based on party ties, which is essentially what an organizational campaign is," he argues. "Today, I think the bulk of the (campaign) money should be spent trying to communicate with people. That means TV and direct mail."

On the other hand, a number of "media candidates" went bust in 1970, and there seems to be a renewed respect for organization this year. The Nixon campaign reportedly will emphasize it more heavily than in 1968. And Democratic National Chairman Lawrence F. O'Brien, himself the author of the classic "O'Brien Manual" of organization, believes "there's still no discernible substitute for a very carefully organized registration and get-out-the-vote effort." He calls Mr. Reese "truly outstanding" in both areas.

Others agree. "The best guy in the business" of organization, declares Mike Rowan, an ebullient media expert with the Washington consulting firm of Joseph Neapolitan Associates Inc. Mr. Rowan (along with Mr. DeVries) believes the Reese techniques fall off in effectiveness if spread beyond compact geographical areas (a mayoralty or congressional race, for example), or if applied to races where the undecided vote is high or party loyalties weak. But Mr. Reese is "dy-

namite," Mr. Rowan concludes, and "definitely here to stay."

Mr. Reese certainly hopes so, but he isn't taking it for granted. He ticks off competitors while awaiting his flight out here, his big voice filling the air and his great bulk sprawling in a purple chair in the Washington airport. No doubt about it, he announces at the end, "Old Dad's gotta hustle."

He's hustling now, a day after his arrival here, as he lumbers down a hall and into a crowded motel conference room. Seventeen others crowd in with him, the air turns blue with cigaret smoke, and the ventilation system proves to be broken down. Basic decisions have to be made amid a welter of competing ideas. It is, in short, Matt Reese's kind of situation: Chaos.

#### WHOA! WHOA!

Mr. Reese hulks over the table, drinking ice water and booming out crisp directives: "All right . . . let's get it down. Who's going to do it? Who's going to be responsible?" Later, when the conversation lurches off the track, he will bring it back with a roar: "Now-now-now—Whoa! Whoa!" But right now his concern is the candidate himself.

On Mr. Reese's advice, Mr. Teasdale has been biking across Missouri to garner publicity and voter recognition. Now he's tired and irritable, worried about a grueling campaign. He glowers at the aide who has committed him to a morning-to-night round of coffees just before a big TV debate. "You're packing me in again," he bristles, "and that's what I don't want to do."

"Hell, you're the candidate," the aide retorts.

"I'm going to be a dead candidate," Mr. Teasdale mutters.

"You can't take a tired candidate into a debate," interjects Mr. Reese, exasperated and anxious to cut short a developing argument. "Cancel the coffees," he ordered.

"But-but-but," Mr. Reese stutters in agitation, his voice rising and his hand thumping the table, "you can't have a schedule if every time a butterfly flies by, you cancel. . . . You can't make a pattern of this." Even though he ordered it, the cancellation has clearly violated a fundamental tenet of his professional code. "You can't cancel out coffees," he lectures the room. "You can't cancel out something where you're obligating people."

#### "HE LOVES THOSE HANDS"

The candidate leaves, and Mr. Reese goes to work on a campaign schedule—a good tight schedule, he insists. "I think I know this man well enough," he says. "If you cut out the frustration, he'll go. He loves those hands, he loves those hands."

Later he conducts a primer on organization-building. Mr. Reese already has launched the Teasdale campaign on a massive telephone canvass of some 10,000 Missouri "community leaders." Now he outlines a blitz of most of Missouri counties: Teasdale workers go in and recruit county campaign workers, Mr. Reese fires up the workers at a statewide "workshop," the workers get specific targets to achieve. And all the while, campaign headquarters spurs them on with a barrage of computerized letters.

By now the meeting has lasted nearly four hours. Mr. Reese is fanning himself with a paper, and some of his listeners have gone glassy-eyed in the smoke. "Argue with me," Mr. Reese pleads. "God didn't tell me everything." Nobody argues. Reese fans himself and surveys the table.

"I have," he begins, "50 items to go . . ."

#### WORKINGMAN'S BILL OF RIGHTS

Mr. GAMBRELL, Mr. President, on Thursday, April 20, of this year, I proposed and published in Washington a bill of rights for the American workingman.



In an appearance before the Atlanta Legal Secretaries Association on April 29, I elaborated on the bill of rights. I ask unanimous consent to have printed in the RECORD the text of my remarks to this group as well as my workingman's bill of rights.

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

#### THE ATLANTA LEGAL SECRETARIES ASSOCIATION

On Thursday, April 20 of this year, I proposed and published in Washington a bill of rights for the American working man.

The working man's bill of rights expresses in common sense terms the rights of American working people who have supported and defended the American system. The bill of rights demands respect for their labor, and respect for the things they believe in, such as patriotism, equal opportunity, equal taxation, law and order, and the right to be heard. The working man's rights are expressed in terms of the responsibilities of citizenship, rather than in terms of the privileges.

This statement of the rights of working men and women has been formulated from my experiences, and from listening to disappointed and frustrated citizens on my "listening tours" throughout Georgia and in other parts of the country.

In publishing this statement of the working man's rights, I am seeking to focus attention on average Americans and their concerns. By their support of the American system, they have earned the right to receive special attention from those who serve them.

During the upcoming senatorial campaign in Georgia, I expect to talk about the working man's rights and to propose specific solutions for the problems that concern them most. I will challenge other candidates in this campaign to join me in giving American working people the recognition they deserve.

I have sent copies of the working man's bill of rights to each of the major candidates for the Democratic presidential nomination, as well as to President Nixon, urging them to support this proposal as a means of recognition and national commitment to American working people. If this Nation is to survive, and in fact if any of these candidates are to be elected, it will only be through the support and efforts of the American working man.

The Democratic Party's presidential primary campaigns in Florida, Wisconsin, Pennsylvania and elsewhere have dramatically displayed a confidence gap between American working people on one hand, and American political leaders and the press on the other. The results of these campaigns demonstrate that the so-called "leading candidates" have been out of touch with the people on the issues that concern the people most. Candidates such as George Wallace and George McGovern, whom the press and political experts discounted, have become the men to beat.

Specific issues may vary from State to State, but it is clear that the public has no use for established politicians, and that a feeling of being used and abused is prevalent among average Americans.

The political analysts, and the public opinion experts, like to refer to working people as the "silent majority," and the national press likes to think they are Democrats who are "liberal", and anxious for changes. This is because most of the Democrats with whom the press feels comfortable, enjoy tinkering with society and the economy. But make no mistake about it, the working people of this country, even the poor ones, are "conservative." They look for strong governmental action to protect their status and their opportunities. But, as a group in society, they are not interested in radical changes, economi-

cally, morally, politically, or socially. In fact, they take pride and comfort in the security of the status which they have. Threats to undermine what they have fought, sweated, and died to hold on to are not welcome.

For some time, the American working man has blindly trusted his leaders to serve him, and he has fallen for the myth about progress for the average American working man.

But what had been only a "pinch", has now become a throbbing pain, and the pain has become too great for him to ignore.

His pocket book has been eroded by taxes and inflation, his moral values have been eroded by permissiveness, his communities have been destroyed by social manipulation, and his sons have been killed and maimed in misdirected warfare.

At the same time, he gets court-martialed while the generals get more medals. His children are bused, while the snobs who support busing send their children to private schools. He lives on take-home pay while the rich have subsidies and tax-free income, and on top of all of that, the smut peddlers, dope peddlers, and rapists are set free on his children by courts that he has paid for.

Talk about pollution of the air and water!

And what is more, he can see that the leaders, political, intellectual, business, military, and trade union, who have conducted this fiasco are still in place, rich, comfortable, and established, full of new so-called "programs" for more of the same, and not only do the bosses keep driving him for more work, blood, and taxes, but they want to exclude him from their participation in the political life of the country. It is popular with the elite commentators to contemptuously refer to him as "Archie Bunker", a face on "the Civic Club Circuit", a hard hat, a blue collar, a red neck, or even a racist.

When a spokesman comes along who begins to express some of his deeply felt views, the top leaders he help elect to head the Democratic party tell him he is not welcome at the National Convention. He can sleep on the beach. He is not invited to the fund-raising banquet. There is no room at the inn. Why, he is so maligned by the established powers that no so-called respectable politician wants to be identified with him. Well, the feeling is mutual.

He is tired of establishment leadership. He wants one of his own boys, who has sweated and bled a little with him, lately, one who knows how to get the hay down where the goats are.

Politically, he is out for the best deal he can get. Many life-long democrats among this group no longer see the Republican party as the only enemy of the American working man. They feel as unwelcome among the "intellectual snobs" as they would among the "robber barons." They may even cast a protest vote for a candidate who supposedly "can't win." They are becoming more and more the "independents" of today's political spectrum.

In substance, American working people are fed up with established leadership.

They know that the sweat of American working men and women has supported the American system, and that their blood has defended it. In this political year, they are entitled to have those running for office recognize their concerns, and to commit themselves to protect their interest.

It is for this purpose that I have proposed a bill of rights for the American working man. It is a commitment by me, and any others who will join me, to honor America's working people and the things they believe in.

The working man's bill of rights states that the American system should guarantee to the working man who supports it the following rights:

First, the right to have a voice in running the system—that is the right to speak out, to be heard, and to get action.

Second, the right to be free of abuse and

neglect by those in power—bureaucrats entrusted by the people with power over their lives should not be arrogant or insensitive, and should not manipulate working people for political purposes.

Third, the right to have others share in supporting the system—a favored few should not be exempted from taxation and military service, while the working man and his earnings are heavily burdened with supporting the American system.

Fourth, the right to live and work in dignity—the working man should be respected for supporting himself, his family and his government through honest labor, and his economic security should be protected.

Fifth, the right to equal opportunity—equal access to education, employment and business opportunities should be available under free enterprise and freedom of choice.

Sixth, the right to have law and order—the freedoms and opportunities of the American people are based on equal justice under law.

Seventh, the right to be protected in religious and moral values—community morality is a cornerstone of the American system and it should be protected against those who have no moral values.

Eighth, the right to be respected for their patriotism—American working people do not hesitate to stand up for America, and they should be honored for doing their patriotic duty.

Ninth, the right to be free of free-loading—the earnings of working people should not be squandered through subsidies, giveaways, extravagance and waste, either at home or abroad.

Tenth, the right to be free of brainwashing by the national press—the press should see that the working man's voice is heard, along with those self-styled "experts" whose views the press prefer. Freedom of the press is a responsibility, as well as a privilege.

These are the concerns of average American people, and this is "the message" which they want to send to Washington.

Now you might ask, who are the American working people who have these rights?

They are a broad mixture of American citizens of all ages, who, because of their station in life, their opportunities, and their education, are not free to shape the political, economic or social directions of the country. Yet, they are concerned about our country. They are concerned about its future as a place in which they and their children can live and work. They are black as well as white, urban as well as rural, many relatively wealthy, as well as the relatively poor. They include men and women, white collar and blue collar, young and old.

Characteristically, they work for a living: They are patriotic: They believe in fair treatment for others: They have a sense of community: They believe in personal responsibility: And they have a strong religious faith.

In summary, they are hardworking, God-fearing, patriotic, tax paying, self-reliant Americans who have been taught to do their duty, and to be respectful of authority, and they expect those entrusted with power to run things right.

These are the working people whose concerns I have sought to express in the "working man's Bill of Rights". I am telling them that I have heard their message, and that I am passing it on at the national level.

I expect to keep talking about the working man and his rights, during the political campaigns this summer and fall. Hopefully, this discussion will develop a positive program for the solution of many of the problems which have been troubling our country. The themes which run through the working man's Bill of Rights are "All-American". They are themes upon which American working people from all sections of the country can agree. They are the themes upon

which this great Nation was built, and upon which we can rebuild for the future.

#### THE WORKING MAN'S BILL OF RIGHTS

The American system should guarantee to the working man who supports it the following rights:

The right to have a voice in running the system—American working people should not be excluded from managing the system. They have the right to speak out and be heard. The working man of this country supports and defends the system, and is entitled to control it, because institutions which exist under the system are the servants of the people. Remedies for the concerns of the working man should be convenient and prompt, and reforms of the system should be easy.

The right to be free of abuse and neglect by those in power—persons entrusted with power have special responsibilities to the working people. They must protect working people, as well as leave them alone. Bureaucrats should avoid treating working people as statistics to be manipulated for political purposes. They should handle the people's business with clean hands. Those who are arrogant or insensitive to the people they serve should be quickly removed from office.

The right to have others share in supporting the system—neither tax dodging nor draft dodging should be permitted. People with accumulated wealth should not be favored and exempted, while the working man and his earnings are heavily burdened with supporting the system. Every citizen has an obligation to serve in the defense of the country and to pay his fair share in taxes.

The right to live and work in dignity—the American working man should be respected for supporting himself, his family and his government through honest labor. His personal worth as a contributing citizen should be recognized and his security both now and in future years should not be degraded by economic mismanagement.

The right to equal opportunity—the American working man is entitled to share in the prosperity produced by a fair economic system. A productive economy will be the result of free enterprise and freedom of choice by the working man. Access to opportunities in education, employment and business should be available on an equal basis without arbitrary interference by monopolies, unfair economic controls or discrimination.

The right to have law and order—Law and order must be preserved. This is the foundation upon which the freedoms and opportunities of the working man are based. The system should provide for one standard of justice to be applied without regard to class, race, or station in life among those who support the system. Laws and the officers who enforce them are entitled to respect, and legal technicalities should not be permitted to cripple effective law enforcement.

The right to be protected in religious and moral values—Personal and family morality should be protected against permissiveness and disrespect. Every American community is sustained by the religious and moral values of its people. Religious worship should not only be tolerated, but should be respected and upheld.

The right to be respected for their patriotism—Honor should be the reward of working people who have tried to do their patriotic duty. They are committed to a strong national defense system and are prepared to stand up for America. They have every reason to be proud of themselves and their country, and should not be ridiculed for their patriotism or made scapegoats for mismanagement by higher-ups.

The right to be free of free loading—The earnings of working people should not be squandered through subsidies, give-a-ways, extravagance and waste. The American work-

ing man is compassionate, but his generosity should not be taken for granted by those capable of supporting themselves. Charity should not be extended to freeloaders . . . at home or abroad.

The right to be free of brainwashing by the national press—The press should not scorn or ignore the concerns of the working people and should see that the working man's voice is heard. Freedom of the press, air waves, and mail service obligates the media to serve the working people and not cater to special interest groups and power structures. The press is obligated to publish the truth. The American working man does not need to be spoon fed by self-styled "experts" who feed him only what they want him to know.

#### THE ALASKA PIPELINE

Mr. PACKWOOD. Mr. President, the American people are near the end of their rope if all indications regarding the Alaska pipeline are correct—May 4 will end the 30-day waiting period following the filing of the Interior Department's environmental impact statement. It is assumed by many that the ax will then fall.

Perhaps the biggest tragedy in this whole matter is not the pipeline itself, but the total disregard for public debate during this 30-day period. Under force of NEPA Interior prepared and filed the required environmental statement, but the law stopped there, and so Interior stopped there. All any concerned individual had to do to review the statement was to fork over \$42.50 and then settle down to read the voluminous document. From the weight of the statement alone, one can only assume the reader would then be thoroughly apprised of the environmental impact. Unfortunately, since public participation ended there, the concerned American would then consider his duty finished. What a shame.

Where are our leaders to speak out for the public? Many of them are in Congress. Many of us in the Senate have urged the Interior Department and the White House to assess the public feeling on this issue, and allow for the democratic process of public hearings. Numerous Members on the House side have made similar requests.

Mr. President, I have not read the environmental impact statement. I consider it an affront to ask \$42.50 for the privilege of finding out what the experts in the Department of the Interior say will be the environmental impact. This is an age when such information should be made readily available, and opportunity for public debate encouraged.

Perhaps the best statement in this regard was made in an editorial of The Christian Science Monitor, published yesterday. I ask unanimous consent that the editorial be printed at this point in the RECORD.

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

#### OF PEOPLE AND PIPELINES

May 4 marks the end of the 30-day period following publication of the Interior Department's nine-volume report on the proposed trans-Alaska pipeline. At that point Secretary of Interior Rogers Morton can grant Alyeska Pipeline Service Company the

right to go ahead with the disputed project—subject, of course, to court approval.

Presumably the 30-day period was intended to allow a time for public appraisal and debate over contents of the voluminous report. Unfortunately, there has been no such debate. And for a very practical reason. No public hearings have been called, despite repeated requests from conservationists and congressmen. And only seven copies have been made available without cost to the public in six cities across the entire "lower 48" states. Groups, libraries, or interested individuals wishing their own complete sets must buy them, by mail, at \$42.50 a set.

Clearly the department has not tried to encourage hearings or informed debate. On March 20 Undersecretary William Pecora stated that "a public hearing would be a circus" and would "interfere with a more thoughtful and rational analysis of this complex document." Apart from being a slap in the face of the democratic process, this statement raises the question of how much "thoughtful and rational analysis" the Interior Department has itself given to the study.

We refer to the number of environmental dangers which the first six volumes spell out, contrary to Interior Department efforts in the past to brush such issues aside; and to discrepancies in the final three volumes, devoted to economic and defense questions.

Among the environmental questions raised is the "almost certain" occurrence of "one or more large earthquakes" in the pipeline route between Prudhoe Bay and Valdez, which could "damage—even rupture—the proposed pipeline." Also, the failure of efforts to prove that tundra torn up by construction can be revegetated; the threatened loss of caribou, grizzly bears, birds, and other wildlife from loss of habitat, spilling of toxic substances on forage, and disrupted migration patterns; and possible catastrophic salmon fishery losses from oil spillage and siltation of rivers.

Questions also arise regarding an alternate and less ecologically hurtful route through Canada, particularly since the study finds that a gas pipeline through Canada would be an "essential element" of the proposed pipeline project. Backers of the trans-Alaska route have objected that this might take another two years, extending U.S. fuel oil shortages. But Canada has pledged to supply enough oil to meet American needs for that length of time, if the oil pipeline were built through its territory.

Dozens of other significant questions can and should be raised, to which the department should be answerable. But without public hearings, who can put the questions? And who can be held responsible for answering them?

Far from being a "circus," public hearings are the very essence of the democratic process. And that is a treasure that outweighs all the oil in Alaska.

Mr. PACKWOOD. Mr. President, this followed by 1 day a summary of the history in this matter written by Peter C. Stuart. I ask that the article be printed in the RECORD at this point.

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

#### ALASKA PIPELINE APPROVAL EXPECTED SOON, UNLESS . . .

(By Peter C. Stuart)

WASHINGTON.—One day soon Interior Secretary Rogers C. B. Morton is expected to step to a cluster of microphones, perch a pair of half-lens spectacles on his nose, and announce federal approval of the controversial Alaska oil pipeline.

His action will uncock the project's first commodity—not oil, but a bewildering stream of statistics: a four-foot pipeline to carry



2 million barrels of oil per day heated at 145 degrees for 789 miles across Alaska at a cost of \$2.7 billion.

But only two statistics probably mean much to most Americans:

1.7 cents. That's how much the pipeline could theoretically reduce the price of oil per gallon, the Interior Department speculates in its environmental study (nine volumes weighing 25 pounds, to cite two more statistics). In Washington, it could cut a family's annual heating bill (for the average 1,400 gallons of fuel oil) by \$23.80.

Such potential savings in the late 1970's may evaporate, however, under what the Interior Department calls the "mechanisms of the oil import quota system."

The real pocketbook value of the pipeline for oil customers thus may avert price hikes. "Without that supply," warns an American Petroleum Institute spokesman, "It's logical to assume prices will go up."

235 million acres. That's the amount of land—larger than Texas—which American public will own in Alaska when current land negotiations are completed. It's an irreplaceable treasure both forbidding and fragile.

This "last American frontier" contains the loftiest mountains in North America; more than twice the coastline of the lower 48 states; glaciers the size of Belgium, and wild-life species long ago driven from the rest of the United States—mostly encased in super-delicate tundra and permafrost.

The pipeline, most agree, will be a prominent intruder. It will cross 350 rivers and streams, three mountain ranges, one known earthquake fault (skirting two others), and unnumbered caribou migration paths. "The largest remaining wilderness in the United States would be cut in half," the Sierra Club states with numbing simplicity, "and its character forever changed."

#### UNSATISFIED NEEDS

Choosing between these two conflicting concerns—energy vs. environment—has vexed two interior secretaries. But both Walter J. Hickel (himself an Alaskan) and his successor, Mr. Morton, have leaned heavily toward the energy arguments.

Speaking to the oilmen of the National Petroleum Council earlier this year, Secretary Morton talked urgently of "the enormous backlog of unsatisfied needs that can only be met by increasing higher levels of energy and of productivity."

Unlike Britain's recent oil discoveries in the North Sea, the Alaskan strikes inspire no dreams of national petroleum self-sufficiency. But with 25 percent of all known American reserves, they promise to lessen reliance on oil imports and allow more time to develop other resources, such as shale.

The government's thinly disguised desire to permit the pipeline has been frustrated chiefly by a 1969 environmental-rights law—appropriately nicknamed, like the Colt revolver in the old American West, "The Great Equalizer."

#### WAITING PERIOD EXPIRING

But the "equalizer" now is running out of ammunition. An environmental impact study, required by the law, has been wrung from the Interior Department by a lawsuit pressed by three national environmental groups. And the 45-day waiting period expires May 5.

Secretary Morton is completing a round of consultations with White House officials (including the reluctant Council on Environmental Quality), affected Cabinet secretaries, congressmen, and scientists.

An aide candidly concedes that the imminent pipeline decision could be "no" only under two circumstances:

1. "Unexpected calamities," such as a major earthquake on the Pacific Coast or a disastrous oil spill, which would remind

Americans of similar dangers associated with the pipeline.

2. "If the Canadians could pull a rabbit from their hat." That is, if financing and routing could be speedily arranged for an alternate oil pipeline through Canada.

#### CANADA WILLING

This late-blooming Canadian compromise has evidently been rejected by Washington.

While three times longer than the Alaskan route, a 2,500-mile pipeline through Canada's Mackenzie River Valley to Chicago (alongside an already-planned gas pipeline) would cost roughly the same.

It would be "dramatically less hazardous to the environment," the Environmental Defense Fund concludes from the Interior Department's own study, because a Canadian line would cross fewer earthquake zones, traverse less-vulnerable permafrost and eliminate the ocean-spillage threat posed by shipping the oil from the Alaska pipeline terminus at Valdez to West Coast ports.

Substituting the Canadian route would delay the slow-moving project two to three more years. The Canadian Government, however, offers to take up the temporary slack by exporting more oil to its southern neighbor.

But even one of the Canadian pipeline's staunchest advocates, Rep. Les Aspin (D) of Wisconsin, pessimistically admits: "The only circumstances under which I can see the administration deciding against the Alaska pipeline is if the White House feels that approving it would hurt Mr. Nixon politically."

Mr. PACKWOOD. Mr. President, while I have raised my voice frequently in this matter, I ask unanimous consent that my latest letter to the President be printed in the RECORD.

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

U.S. SENATE,

Washington, D.C., April 28, 1972.

Hon. RICHARD M. NIXON,

President of the United States,

The White House, Washington, D.C.

DEAR MR. PRESIDENT: I have in the past contacted my good friends, Russ Train and Bill Ruckelshaus and Rogers Morton, regarding the seriousness of the proposed Alaskan pipeline, and the need for hearings on the environmental impact statement. Only this week, I have a lengthy response from Rog Morton indicating there will be no such hearings.

This is no longer an issue carried by those of us in Congress who have a natural conservation bent, but we find ourselves joined by others who are deeply concerned about the public reaction both here and in Canada. As you know, Canada has expressed its fear about tanker activity along its coast, and has offered to supply the United States with oil beyond a two-year period. Should not we consider fully the Canadian offer, and allow public hearings on the environmental impact statement before proceeding with any approval? The West Coast has reason to fear oil spills.

Those of us in the Senate and the House who have contacted the Administration on this matter are justly reflecting the feelings of their respective constituencies. I join again with my colleagues, Senators CASE, BUCKLEY and GRIFFIN, as well as the many others in Congress, in urging hearings on the environmental impact statement.

Sincerely,

BOB PACKWOOD.

Mr. PACKWOOD. Mr. President, an AP report in this morning's Washington Post states that Senators from the Midwestern and Eastern States have joined in an appeal to the White House. 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:

#### REPUBLICANS URGE HALT ON ALASKA OIL PIPELINE

Led by Senate Republican whip Robert P. Griffin of Michigan, 12 Midwestern and Eastern Republican senators yesterday urged the Nixon administration to withhold any go-ahead signal for the proposed Alaska oil pipeline.

They asked instead that the administration examine the merits of an alternate oil and gas system that would cross Canada into the American Midwest.

The senators called on Secretary of the Interior Rogers C. B. Morton "to delay any decision on the pipeline until the newly feasible alternative of a trans-Canada pipeline can be given close study, as has now been given the trans-Alaskan proposal."

They said a cross-Canada route holds economic, environmental and national security advantages over the Alaskan route.

"In view of the publicly stated willingness of the Canadian government to cooperate in the construction of a trans-Canada pipeline, and the ultimate advantages—economic, environmental, and security—which would accrue to both countries, we believe this alternative should be given more serious consideration than appears to have been the case so far," the senators said.

Mr. PACKWOOD. Mr. President, in a leaflet entitled "Pipeline Alert," The Wilderness Society has summarized why public hearings are desirable. I ask unanimous consent that the section entitled "Why Public Hearings Are Needed" be printed at this point in the RECORD.

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

#### WHY PUBLIC HEARINGS ARE NEEDED

Actually, the impact statement itself is one of the best arguments for public hearings. One of the strongest impressions one gets reading through it is of the number of unsolved problems which still exist—problems that the statement openly recognizes and for which it has no answers. These problems relate to untried and untested engineering methods, incomplete environmental research, deficient land-use control and planning, and other matters of critical importance.

Many important aspects of the proposed Prudhoe Bay-to-Valdez pipeline are described for the first time in the statement. Without hearings, the many interested scientists not involved in government or oil company research will have no meaningful opportunity to comment on this new material. Or, if they do, their communications can be safely filed away and ignored.

Here are some other reasons why public hearings are needed:

#### GAS TRANSPORTATION SYSTEMS

The department says "it seems clear that a single gas line will be built through Canada to the United States markets." (Economic Analysis, Vol. I, p. C-22.) It says such a transportation system is an "essential" element (Vol. I, p. 50) of any oil pipeline system and states that "less environmental cost would result from a single [gas and oil] transport corridor than from two separate corridors" (Vol. I, p. 273). But no effort has been made to evaluate these savings in environmental cost and, on March 20 a department spokesman said, "We are completing such an analysis from the economic point of view only." Further, impact analysis is limited (Vol. I, p. 175) because the "absence of any firm gas transportation proposal by

the owner companies limits the amount of descriptive information available." (Vol. 1, p. 74.) Apparently Interior didn't even ask the oil companies for information on Canadian pipeline plans—despite the intensive studies going on in Canada.

Congressman Les Aspin of Wisconsin points out why the Interior Department hasn't received an application for an Alaska-Canada pipeline. "The same oil companies which dominate the Alyeska (trans-Alaska pipeline) consortium also dominate the Mackenzie Valley Pipe Line Co., and they are hardly likely to submit an application in competition with themselves." However, it's important to note that as recently as March 29 the Canadian government reiterated its longstanding interest in having the oil pipeline go through Canada rather than having tankers carrying oil from Valdez past and through Canadian coastal waters to the west coast of the United States.

#### ALTERNATIVE OIL PIPELINE THROUGH CANADA

Acknowledging that potential gas pipeline routes through Canada are also attractive oil pipeline routes, the report notes that the Canadian routes avoid the maximum earthquake threats, eliminate impacts and hazards to west coast marine areas, and have no greater terrestrial impact in many significant respects in spite of their greater overland lengths. (Vol. 5, p. 238.)

The report states that an oil pipeline through the Mackenzie Valley of Canada would be "an equally efficient [economic] alternative" to the trans-Alaska route (Economic Analysis, Vol. I, p. 1) but also admits it did not consider the additional economies of building an oil pipeline through the same corridor as the gas line. (Economic Analysis, Vol. I, p. C-23.) Obviously, with such economies considered, the Mackenzie alternative would not be "equally" but "more" efficient. This gross error must not be allowed to stand!

#### MARINE TRANSPORTATION SYSTEM

Volume 3 (449 pages) contains extensive descriptive material on the marine environment and tanker transport of oil between Alaska and west coast ports. The evaluation of oil tanker traffic indicates unavoidable adverse effects from chronic oil pollution in port areas, from intentional ballast treatment discharge at Port Valdez, and from accidental discharge by collision or by negligence. Estimates of accidental discharge are as high as 140,000 barrels a year, but "the impacts of oil upon various biological systems cannot be predicted in a quantitative manner." (Vol. 4, p. 196.)

Elsewhere the report (Vol. 4, p. 608) says an "irreversible commitment of some marine biotic resources would occur in Valdez Arm as a result of chronic oil pollution." But the actual area or extent can't be predicted. Even so, "permanent and far-reaching effects upon certain forms of plankton would occur," causing a "general decrease in primary productivity, which would in turn affect other organisms of the ecosystem, such as salmon, herring, razor clams, mures, auklets and other species of birds, fish and shellfish."

But all this was known before the statement was written. Is this kind of solid, substantial and detailed information on which decision-makers can render a sober and objective judgment? With no more than this to go on, how could they know we would gain more than we lost by proceeding with the pipeline-tanker transportation system?

#### PIPELINE BREAKS AND CONTINGENCY PLANS

The statement acknowledges that a "no-spill performance" would be "unlikely." (Vol. 1, Summary.) It goes on to say that even under emergency shutdown procedures as much as 64,000 barrels (2.6 million gallons) of oil could escape from a pipeline break (Vol. 1, p. 23); and that "minor leaks are practically undetectable" (Vol. 4, p. 11). A

"minor leak" turns out to be anything less than 750 barrels (31,500 gallons) a day (Vol. 4, p. 135). In spite of this, the effectiveness of surveillance, monitoring and cleanup procedures has not been fully discussed.

What effect would a pipeline break have on the environment and ecology? Throughout the report there is an unwillingness to quantify the damage. But occasionally one stumbles on a shocker like this: "For example, a significant spill into the upper Gulkana River during the peak of the salmon run would likely cause fishery damages of catastrophic proportions." (Vol. 4, p. 135.) And this is only part of the story, for as one can find in Volume 3, page 311, the Gulkana flows into the Copper River, which supports one of the greatest birdlife concentrations on earth. (Here lies one of the more irritating aspects of the impact statement; you have to search through the massive text and piece together many of its implications—one of the reasons public hearings are so necessary.)

Despite all these dire implications, the recently announced Interior Department engineering stipulations fail to require Alyeska to submit its contingency plans to the government before the construction permit is granted!

#### THE ALTERNATIVE OF DEFERRAL

Much of this voluminous statement consists of advocacy rather than a careful weighing of alternatives open to the U.S. government. Excluding Volume 6 (comments and attachments) and the three-volume economic and security statement, some 1,850 pages—77 percent of the first five volumes—are devoted to the environmental impact of granting the permit. Fewer than five pages—two-tenths of one percent—deal with the alternative of deferring the project. (Vol. 1, p. 258; Vol. 5, p. 1 and pp. 8-10.)

Yet the paragraphs devoted to deferral note these advantages: (a) an opportunity for studies of "innovative pipeline technology," (b) "operation of a pilot plant for ballast treatment," (c) "installation and operation of a large-scale hot oil pipeline experiment" in relation to permafrost terrain, (d) "pipeline leak detection research," (e) "more exact definition of the gas transportation system that would be proposed," and (f) more definitive studies of marine and arctic ecosystems.

Mr. PACKWOOD. Mr. President, it is my strong hope as I appeal to the administration from the Senate Chamber that they will join with us in the Senate and the House, with the Canadians, and with the millions of Americans who have contacted congressional offices, and open public hearings. This is the American way.

#### A LETTER FROM CAM RANH BAY

Mr. EAGLETON. Mr. President, as we debate the pros and cons of legislation affecting our involvement in Vietnam, we too often overlook the effect this war has on the personal lives of those military men who are assigned the impossible task of trying to assure the success of a misguided policy.

We can read newspapers and official reports from Vietnam—we can see the pictures of maimed bodies and battered babies—we debate endlessly our opposition or defense of the war—and yet despite our exposure, we manage to anesthetize ourselves from the countless human beings, Americans and Asians, who suffer from this interminable conflict.

I shall place in the Record today a

letter from an Air Force sergeant stationed at our base at Cam Ranh Bay. The letter illustrates in succinct personal terms the grief this war has caused in one man's life. It indicates the growing frustration and failure of our continuing presence in Southeast Asia in the name of "Vietnamization."

President Nixon has justified so much in recent weeks on the grounds that our troops must be protected. But what protection does our policy afford? This letter tells us that in the face of enemy attacks our soldiers must use mattresses for bunkers; that 50 M-16 rifles are available for use by 180 soldiers; that ARVN forces cannot secure even the previously invincible Cam Ranh Bay. Our troops, in short, feel like sitting ducks on a pond.

Now is the time to end this senseless war and the unnecessary human suffering it causes. This sergeant at Cam Ranh Bay has asked, "Why can't we come home now?" I do not know the answer to that question. Perhaps the White House does.

Mr. President, I ask unanimous consent that the entire letter be printed in the Record. I have excluded the author's name to protect his privacy and his career in the Air Force.

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

Hon. THOMAS EAGLETON:

Sir, I have never written to one of my states representatives before but I feel due to the situation that now I must.

I am a member of the United States Air Force and have been for over ten years. At present I am stationed at Cam Ranh Bay Air Base, Vietnam. I have been here for eight and one half months.

Before arriving here I was informed that this base was the most secure in Vietnam. Not only did this please me but my wife was deeply relieved or as much as possible. Then when I arrived I was told that this base, on the average took more hits per month than any base in Vietnam. We were told one thing in the states while the facts were just the other way around. And I know now what they meant. Since I have been here the ammo dump has been blown twice and we've had numerous rocket attacks and sapper assaults.

Now, that the base is phasing down for close out, things are getting even worse. We are getting more rocket and sapper attacks than ever. And our security is something else. Just the other night, the V.C. hit the Army base here and killed 4 and wounded 18 while they were asleep in their bunks. The ARVN have been placed around the base for our security. Some security. Since the ARVN took over the V.C. have blown our ammo dump, hit us with rockets, shot one man on guard duty in addition to the Army incident mentioned earlier.

Our personal protection is a real winner. They tell us to get under our bunks when we come under attack. No bunkers, just a mattress and ply wood walls. I don't consider that much protection from 122mm rockets. We have also been told that there is a chance we might come under a mass ground assault. So what do we do? We turn almost all our weapons in to be shipped out. We have about 180 guys in my Sqd. now and only 50 M16 rifles to go around.

Our target date to leave here is in May. But now we have been placed on hold. They even took some guys off the plane last week who were on their way home. And now no one is leaving. Yet we continue to close. We have no aircraft as they have been turned over to the VNAF and are not even on this



base anymore. Our gym has been closed, hobby shops, chapel and next week the theater closes. But they tell us to stay busy when not on duty. Still the club stays open and they never run out of booze and that's about all there is left to do.

In the meantime we are sitting like ducks on a pond. Perfect targets for the V.C. and they are starting to open up. I'm drafting this letter on the morning of 13 April. Just two hours ago we took 9 122 rockets. And they tell us tonight it could be even worse. I don't mind telling anyone that I am scared. All I want is to go home and be with my family. My wife is almost a nervous wreck. Every time she hears that we have been hit she sends an inquiry through the Red Cross to find out if I'm alright. The News she hears is never right and since mail takes four or five days she has no way of knowing what's going on.

I can't understand why we can't leave here now. What difference does a few thousand dollars worth of material make when its compared to the billions of dollars we have spent here already. And what about all the lives that have been lost? Haven't we lost enough already? Why do we stay here and lose more everyday. Our mission here at Cam Ranh is gone but here we stay. For what? I did not want to come over here and had I known what it was going to be like before hand I would have done everything in my power to keep from coming. If I thought there was any chance that I would have to come back here or any place like this, then my Air Force career would just have to go down the drain. If there was any way that I could leave here now I would not wait one second.

I believe I know why the younger generation feels like they do about this war. They are being asked to support a war that we become involved in while most were still in grade school. I too am against this war. I hope that we never let our great country become entangled in a situation such as this ever again. I would ask you to ask yourself this one question. HAS IT BEEN WORTH THE PRICE WE HAVE PAID?

My wife and 6 year old daughter are waiting for me in Missouri. We have plans to add one more to our family next year. We are both from the Joplin area. And right now all we care about is my getting home as soon as possible. We could all be headed home tomorrow but we won't and every day we stay the chances are someone won't be going home at all.

This letter is not meant to lodge a complaint or request a favor. It is intended only to express my opinion, feelings and a few facts as I see them. Also to ask one last question. Why can't we come home now?

I thank you for your efforts on behalf of our great country and state. Also for the time you spend reading this letter.

#### THE PRESIDENT'S BUDGET

Mr. McGOVERN. Mr. President, the Phoenix Peace Center has prepared a thoughtful study of the President's budget which I think deserves the careful consideration of all Americans. The study documents the fact that the proposed budget for the coming fiscal year will not bring us one step closer to the new priorities that most Americans want.

It discusses the fallacies that are involved in the claim that our investment in human resources now exceeds our investment in war. It discusses the true costs of the war in Indochina. It discusses some of the facts that tend to be ignored.

I ask unanimous consent that the re-

port of the Phoenix Peace Center on the President's budget be printed in the RECORD.

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

#### THE PRESIDENT'S BUDGET FUDGET

(Prepared by John Kincaid, director, the Phoenix Peace Center)

Is the President's budget for real?

When he presented his \$246.3 billion fiscal 1973 budget to Congress, President Nixon said: "The highest priority of my administration is to bring about an era of peace and prosperity." In saying this, Mr. Nixon—who rates himself "a deeply committed pacifist"—escalated his peace language. First, it was a "generation" of peace, then a "century", and now an "era" as if to suggest the millennium is next.

As citizens and taxpayers who wish to invest in life, we believe that the President's budgetary message is misleading and that serious questions must be raised by the public before Congress again disregards our opinions.

#### IS THE BUDGET PACIFIC?

Once again the Pentagon is slated to receive the lion's share. The President has asked for an increase in war expenditures equaling about \$1 billion this coming year and \$6.3 billion in new spending spread over several fiscal years. This amounts to \$85.4 billion for war, and if Congress approves, will be the largest military budget since the end of World War II.

This prompted Senator Proxmire, chairman of the Joint Economic Committee, to say: "What the President has done is to take the so-called 'peace dividend' and give it to the Pentagon."

Under the section "Strategy For Peace" the President listed only programs to increase and streamline our military forces. As Max Frankel of *The New York Times* commented: "The years of saving on military expenditures are over."

#### IS THE BUDGET HUMANE?

In the message, the President proudly announced that under his budget "human resources spending will be 45% of the 1973 budget, while defense programs will be 32%." However, further analysis shows clearly that Mr. Nixon is still asking us to hand over at least 60 cents of every tax dollar for war—past, present and future. Why the discrepancy?

SANE (318 Massachusetts Avenue, N.W., Washington, D.C. 20002) has kindly provided us with the following analysis that explains the difference.

"President Nixon's assertion that defense spending is now lower than spending on 'human resources' can be made only by including government trust funds such as Social Security and the Highway Trust Fund as part of the federal budget. These trust funds were set up years ago to provide specific benefits, and are financed by separate taxes. Congress cannot dispose of the contents of the trust funds. They should rightfully be considered as separate cookie jars, not as part of the federal pie. (The trust funds were not included in the federal budget until 1968).

"The Nixon Administration also misleads the public by its failure to acknowledge in their proper place two items which belong under the costs of past wars: veterans payments and the interest on the national debt (most of which is war-incurred). The first is placed in the Nixon budget under 'human resources.' The second is listed separately.

"When the trust funds are set aside and veterans payments and the interest on the national debt are placed under the costs of past wars, the budget submitted a year ago

by the President for Fiscal 1972 looked like this:

[In percent]

Military programs: Defense, AEC, military assistance, Selective Service.....	44
Costs of past wars: Veterans and interest on national debt.....	17
Military-related programs.....	61
Human resources: Education, manpower, health, and income security.....	17
Physical resources: (Agriculture, rural development, natural resources, commerce, transportation, housing, community development).....	11
All other: International affairs and finance, space, general government, revenue-sharing, non-military pay increases, contingencies).....	11

These figures were compiled by the Legislative Reference Service of the Library of Congress at the request of Senator Mark Hatfield. They show that human and physical resources combined were slated by the President to receive only 28% of the funds voted by Congress, against 44% for the military and another 17% to pay off the costs of past wars.

Using the same process, the proposed Fiscal 1973 budget looks approximately like this:

[In percent]

Military programs.....	42
Costs of past wars.....	18
Military-related programs.....	60
Human resources.....	19
Physical resources.....	11
All other.....	10

"Thus, when the trust funds are removed and the various budget items are placed where they belong, we see that in the past year the cost of current military programs has gone down 2% and the cost of past wars has increased 1%. This amounts to a net decrease of 1% in military-related programs, an insignificant difference. Moreover, the increase in human resources from 17% in Fiscal 1972 to 19% in Fiscal 1973 is barely visible."

Hence, as SANE concludes: "In terms of national priorities, the Fiscal 1973 budget is more of the same."

#### IS THE BUDGET FULL OF PROSPERITY AND EMPLOYMENT?

Even though government officials are admitting that the jobless rate will only decline from 6.1% to 5% by the end of 1972, the President's message calls for "full employment without inflation and without war, a condition we have not experienced in this generation." To achieve this the President calls for a "\$6.3 billion increase in budget authority" to beef up the Pentagon's dead-end capitalism and deficits for 1972 and 1973 totaling \$64.3 billion!

However, as many economists have pointed out, including Louis B. Lundborg, chairman of the board of the Bank of America, "the war in Vietnam has seriously distorted the American economy, has inflamed inflationary pressures, has drained resources that are desperately needed to overcome serious domestic problems confronting our country, and has dampened the rate of growth in profits on both a before and after tax basis."

Continuing his testimony before the Senate Committee on Foreign Relations, Mr. Lundborg noted: "The expenditures related to the Vietnam war, added to the near full employment economy that existed in mid-1965, generated severe inflationary pressures. Consumer prices began increasing rapidly as the Federal deficit grew. While there is room for a wide range of opinion covering proper tax policies during this period, especially over the timing and magnitude of tax increases, and the proper role of monetary policy, the basic cause of the inflationary forces was a

sharp increase in Federal spending associated with the escalation of the conflict in Vietnam."

"The Report Of The Steering Committee Of The Congressional Committee For A Vote On The War" said flatly: "The answer to inflation is to end the war." The Report noted that:

"Telephone service is declining due to a lack of men, material and adequate research and development.

"Food prices are going up 5% every year.

In some areas, the price of a house has gone up 25% in two years.

The cost of going out to the movies or to dinner has doubled in the big cities in the last five years."

The Report also pointed out that while, in 1969, the Defense Department provided some \$21,666.67 for ammunition to shoot at each Viet Cong and North Vietnamese soldier, whether they hit him or not, the Administration provided only \$44 for the education of each American child. Do you wonder why our cities are decaying with pollution, crime, overcrowding, and unemployment? In 1970 the military share of Federal income tax revenue from New York City was \$6 billion, larger than the city's budget!

"Every hour the United States spends \$2 million on the Indochina war. These are some of the programs that are not receiving necessary funds because of the war effort and all of which could be financed out of war expenditures in a two year period:

"Provision of public libraries for 12 million Americans who have no access to libraries.

"Construction of 296,000 new elementary classrooms.

"Four years of training for 125,000 nurses and 50,000 doctors.

"Provision and equipment of 600,000 hospital beds.

"Capital spending program for mass transportation systems amounting to \$10 billion over 10 years.

"Federal grants for urban renewal of \$14 billion over 10 years.

"Provision of the Federal government contribution of \$13 billion to end air and water pollution."

The President must have been standing on his head when he prepared the 1973 budget. His priorities are, to say the least, inverted. For example, the total proposed budget of about \$2.5 billion for the Environmental Protection Agency is about two-thirds less than the \$6.3 billion increase the Defense Department will receive on its already bloated share. The \$2.5 billion request for EPA is the same as last year and of this, about \$2 billion is already slated for the Federal share of new sewage facilities, leaving only about \$500 million for other programs. Despite continued injustices against the real Americans, The Bureau of Indian Affairs is slated for only a \$102 million increase over its present \$419,531,000.

These inverted priorities are grossly negligent of the human and ecological needs of America today. Once again, like previous Administrations, by pouring the lion's share into the military sector, the President and Congress, if it approves, will continue distorting and skewing the economy away from the kinds of domestic, civilian programs that might bring full employment, better health, education and mass transit, and perhaps end poverty, pollution and crime. As SANE has pointed out, "it is unnecessary to increase military spending (or build space shuttles) in order to create new jobs and lower the unemployment rate."

"Several recent studies have concluded that spending on domestic priorities is just as good, if not better, at generating jobs as defense and space spending. The U.S. Arms Control and Disarmament Agency's *Adjustments of the U.S. Economy to Reductions in Military Spending* (ed. by Bernard

Udis, 1970) suggests that civilian programs are just as effective at creating jobs as military spending. It emphasizes that 'there is nothing unique about the capacity of military spending to generate jobs.' Dr. James Scoville, Economics Prof. at the University of Illinois, has concluded in a chapter in the Urban Coalition's *Counterbudget* that: 'Reallocation of a fixed federal budget from high-cost (i.e., high outlays per job created) defense programs to lower-cost social welfare operations is sufficient to generate a modest increase in total employment. With an increased total budget, as proposed in this report, this effect would be somewhat greater.'"

#### IS THE BUDGET DESIGNED TO END THE WAR IN INDOCHINA?

Since the President refuses to separate Vietnam from other defense costs in his budget messages, it is more difficult to answer this question. However, the requested increase in military expenditures suggests that Secretary Laird was correct in his prediction that the Vietnam war costs would be about the same \$8 billion in the coming fiscal year. This is down slightly from the \$8.6 billion this year.

Judging from the magnitude of the continuing war under President Nixon, we can conclude, indirectly, that the budget does not assume an end to the war.

Although our boys are gradually coming home and American casualties have declined, the war is wiring up, not winding down, because computers, remote sensors, and bombs are replacing our men. The intensive "Electronic Battlefield" program is designed to maintain a level of defensive and offensive firepower equal to, if not greater than, the largest number of troops we have ever had in Indochina.

The Pentagon reported in January that more than 435,000 men have been killed in battle in Indochina since President Nixon entered the White House. This is 30,000 more than the 405,000 men killed in the last three years of Johnson's Administration.

President Nixon has already unleashed the majority of the more than 6.2 million tons of bombs dropped on Indochina—three times the tonnage we dropped in all of World War II! As of mid-1971, the monthly bombing under Mr. Nixon averages about 95,000 tons as opposed to approximately 60,000 tons under Mr. Johnson. According to Herbert Mitgang writing in *The New York Times* (Sept. 21, 1971): "The cost of one B-52 sortie in Southeast Asia today—for fuel and bombs alone—is between \$35,000 and \$45,000." Needless to say, this has resulted in a 30% increase in the number of POW's and MIA's since Mr. Nixon became President.

According to the Library of Congress' report: *Impact of the Vietnam War*: between early 1965 and early 1971, there were 1,050,000 civilian casualties in South Vietnam alone, including 325,000 killed, of whom 30% were children under age 13! In all of Indochina, as of August 1971, the average monthly civilian toll under President Nixon was 130,000 people as opposed to 95,000 people under President Johnson.

Finally, President Nixon has expanded the air war in Laos and opened a new front in Cambodia at the cost of some 1 million refugees in Laos and 1½ million in Cambodia. Furthermore, Senator Edward Kennedy's Subcommittee on Refugees has confirmed the charges made by Nguyen Van Tien, deputy chief of the PRG's Paris delegation, that South Vietnam is presently relocating hundreds of thousands of Vietnamese peasants from their homes in the northern provinces.

#### DOES THE BUDGET MEET YOUR NEEDS?

Only you can add up your taxes and make this decision. Our conclusion is that the proposed budget fails to meet the desperate

peacemaking and life-giving needs of our world and our nation today.

#### WHAT WILL YOU DO ABOUT THE BUDGET?

Congress must act. Please write now to your Congressmen and express your opinions. Press for an end of the war now!

Contribute and help the Phoenix Peace Center work for peace and purchase more copies of this report (50¢) for your friends and neighbors.

#### MILITARY BUDGETS AND SECURITY POLICY

(Statement by Seymour Melman, Co-Chairman of SANE and Professor of Industrial Engineering, Columbia University.)

Five different military budgets have been recently proposed for the United States:

(1) The Nixon budget for National Defense, \$85.4 billion.

(2) Senator McGovern's defense budget, \$54.8 billion.

(3) The Urban Coalition's *Counterbudget*, \$50.4 billion.

(4) The Brookings Institution's *Agenda for the Nation* budget, \$50 billion.

(5) Seymour Melman's proposed budget, \$29 billion.

These five budgets pay for the different military forces that are necessary to implement the national security policies that are preferred by each of the proponents.

President Nixon proposes a budget that is competent to pay for armed forces for operating a nuclear war, plus two conventional wars at the same time. One of the conventional wars is the war in Indochina to be continued. In addition, the Nixon program includes major new investments in aircraft, missiles, submarines and surface craft for adding to nuclear overkill forces. By mechanizing major parts of the non-nuclear armed forces, the Nixon Administration hopes to be able to operate conventional wars with fewer men in the uniformed services. The Nixon budget continues the strategy of using military power as an all-purpose political instrument and defines the security of the U.S. as equivalent to numerical preponderance of instruments of military power.

The McGovern budget is a major step away from the Nixon concept of security based on military power. The McGovern budget withholds additional funds for adding to overkill, terminates the Indochina War, withdraws half of U.S. troops from Europe, and reduces U.S. armed forces to 1.7 million, as against the Nixon plan of 2.5 million under arms. The difference of about \$30 billion between the Nixon and McGovern budget makes available the funds that would be required for implementing a true shift in national priorities toward emphasizing civilian, rather than military economy. The McGovern defense budget is the first step toward demilitarizing America.

The Urban Coalition's military budget in *Counterbudget* relies primarily on the elimination of mismanagement and waste in the operation of the Pentagon, ending of the war in Indochina, and elimination of obsolete weapons systems to accomplish a reduction in defense spending to \$50.4 billion.

The Brookings' budget of 1971 was based on a security policy similar to that of President Nixon's, but included allowance for substantial reductions in forces on grounds of economizing and making more efficient use of manpower.

The Melman budget defines forces and equipment adequate for three functions: nuclear deterrence; guarding the U.S.; and capability for participating in international peacekeeping. The forces for these functions are calculated at no more than 1 million men in a volunteer army.

We offer the following critique of the Nixon budget:

(1) It continues the Indochina war;

(2) It finances major additions to nuclear overkill. In 1971 the U.S. could deliver 4,600



nuclear warheads to foreign locations by intercontinental delivery vehicles. For the 175 Soviet cities of population of 100,000 or over this meant an overkill of 26 times. The Soviets, with a lesser nuclear force, 2,000 warheads, could "overkill" the 150 U.S. cities of 100,000 or more 13 times. This nuclear arms race has become absurd. People cannot be killed more than once. If the U.S. and U.S.S.R. were to exchange their nuclear forces would it make any military difference between these two countries?

(3) The Nixon budget prepares for more wars of intervention in the Vietnam fashion. It includes a continued emphasis on the Westmoreland program for the "electronic battlefield" which depends on mechanization for delivery of destructive power and requires fewer men per ton of ordnance delivered.

(4) The Nixon budget commits more than 8 million man-years for non-productive economic growth in the U.S., assuming \$10,000 as the cost of a man-year. This means 8 million man-years whose produce does not contribute to the quality of life nor to further production. The concentration of skilled manpower on economically non-productive work is the prime cause of the growing non-competitiveness of many U.S. industries and the collateral increase in unemployment and uninvested capital.

(5) The Nixon program includes no preparation whatsoever for conversion from military to civilian economy. Despite catastrophic unemployment conditions in many cities and regions, the Nixon Administration has declined to respond to any proposals for preparing the way for conversion of either enterprises or individuals to civilian economy.

(6) The Nixon military budget commits over \$400 per person in the U.S. to military power in the name of security. Actually, this priority diminishes the security of the American people; for in every nation the security of the modern state is a function not only of military position but also of the economic and social well-being of the population. The security of the American people is menaced today by the plague of hard drug addiction, the breakdown of community, and unemployment rates extending to 34.9% as among teenagers in the ghettos. The Nixon budget with its military priority offers no prospect of improvement of life for the 30 million Americans, white and black, who are still the disinherited of American society.

A set of practical steps could be taken by the federal government to improve American security, including:

(1) sharp reduction in the Pentagon budget along the lines proposed by Senator McGovern, as a first step;

(2) reduce sharply the irrationally large overkill forces;

(3) stop the Indochina War and bring American forces home;

(4) negotiate mutual force reductions with the U.S.S.R.;

(5) start withdrawal from the grossly over-extended military commitment system in 48 countries;

(6) use the savings from the McGovern defense budget to finance major job-creating activities, especially in the major metropolitan centers and civilian industrial areas of the United States. The agenda prepared by the Council of Economic Advisors in its 1969 Economic Report can be used as a first guide to a civilian priorities program.

#### WORKINGMAN'S BILL OF RIGHTS

Mr. GAMBRELL. Mr. President, since announcing the workingman's bill of rights on April 20, I have received considerable correspondence regarding it. I want to share one of these letters which came from George A. Heap, who is run-

ning as a Democrat for assemblyman to represent the 63d assembly district, California, which said:

Just thought you would like to have a copy of your "Workingman's Bill of Rights" which I have been and am now using in my current campaign—63 A.D., California, per attached enclosures. Excellent good thinking on your part and very timely. Hope you won't mind my use. Best regards and luck to you.

Mr. Heap had attached a piece of his own campaign literature on which he had reprinted the "Workingman's Bill of Rights," giving me credit for having proposed it.

Although I do not know Mr. Heap, I appreciate his endorsement of the workingman's bill of rights. I encourage every candidate for any public office in the United States to support the rights of the working people who support and defend the American system.

#### EMERGENCY FOOD AND MEDICAL SERVICES PROGRAM

Mr. EAGLETON. Mr. President, I want to commend the Appropriations Committee for including in the second supplemental appropriations bill for fiscal 1972 the sum of \$30 million for OEO's emergency food and medical services program.

The phasing out, now underway, of this valuable component of the effort to end hunger and malnutrition is in flagrant disregard of the expressed will of Congress.

With the submission of its budget requests for fiscal 1972, the administration made known its intention to end the emergency food and medical services program, and asked for no new funds other than \$3.5 million to continue projects serving Indians and migrants.

Twice in the past year Congress has indicated its disagreement with that judgment and its intention that the program be continued.

S. 2007, the OEO bill later vetoed by the President, earmarked \$62.5 million for EFMS for fiscal years 1972 and 1973.

In a previous appropriations act Congress directed that \$52.7 million be used for EFMS in the current fiscal year.

Despite these clear indications of congressional support, the emergency food and medical services program is now being phased out. The number of projects supported by EFMS funds has been reduced from over 700 to about 400 since the beginning of the fiscal year. Unless the administration's course is reversed, the number of projects will be down to 150 by July 1 and to virtually zero by fall.

Mr. President, the emergency food and medical services program has been one of the most effective and popular of all OEO programs, funding projects and activities which meet a real need and for which no other funds are available.

In St. Louis, the supplemental food program for pregnant women, new mothers, and infants provides nutritionally enriched foods to as many as 12,000 persons each month. The food is made available by the Department of Agriculture, but EFMS is the only source of

Federal funding for the handling and distribution of the food. The St. Louis Human Development Corporation's EFMS contract expires on June 30.

Funding for the supplemental food program in Kansas City will terminate later this year.

In northwest Missouri, EFMS funds have been used primarily to expand participation in, and improve the effectiveness of, the commodity distribution program. Activities have included outreach to locate eligible individuals, assistance in the certification process, delivery of food to those without transportation, and an education program relative to the proper handling and storage of the donated foods.

The Missouri Valley Human Resources Development Corp. in central Missouri has implemented a demonstration school breakfast program. The State department of education provides 15 cents for each breakfast served. EFMS funds are used to match this contribution and to pay the personnel costs.

The program of the Delta Area Economic Opportunity Corp. in the Bootheel includes delivery service to the handicapped, and education in nutrition, money management, and budget buying.

In west central Missouri a successful effort was undertaken in cooperation with the county governments to establish a family food assistance program in the six counties that were without one in 1969. A supplemental food program has issued vouchers to such high-risk groups as the elderly, children, and expectant and nursing mothers to enable them to purchase the fresh vegetables, fresh fruits, fresh milk, and meat that are not available through the commodity distribution program. Other activities have included assistance to local school administrations in expanding their school lunch programs, and technical advice and assistance in the establishment of food production cooperatives.

These are only a few of the activities that have been made possible in Missouri by the emergency food and medical services program. Unless the phaseout of this program is reversed within the next few months, funding for these activities will be terminated.

Last week the Senate Labor and Public Welfare Committee approved S. 3010, extending the Economic Opportunity Act for 3 years. This bill authorizes an appropriation of up to \$62.5 million for EFMS for each of fiscal years 1973 and 1974. It specifically mandates the expenditure of \$30 million for this program in each of these years.

Hopefully, the administration will now understand that Congress intends to see the emergency food and medical services program continued. The \$30 million included in the second supplemental appropriations bill will permit the refunding of many worthwhile projects that should be continued but would otherwise be terminated this summer.

Mr. President, I ask unanimous consent to have printed in the RECORD a statement on the appropriation of funds for the emergency food and medical services program by the distinguished

Senator from South Dakota (Mr. McGovern).

The PRESIDING OFFICER. Without objection, it is so ordered.

#### STATEMENT BY SENATOR MCGOVERN

As Chairman of the Select Committee on Nutrition and Human Needs, I want to support particularly strongly the amendment introduced by Senator Magnuson to provide an additional \$30 million for the Emergency Food and Medical Services Program (administered by the OEO). Many of you will recall that the Program began as a response to the early evidence of hunger in America, resulting directly from an amendment to the Economic Opportunity Act introduced by my colleague from Mississippi, Senator Stennis. Many will also not need to be reminded that the problems which prompted the creation of this program persist with a terrible resiliency. The Select Committee on Nutrition and Human Needs continues to document that fact even now, fully five years later.

Over the years, this relatively small, relatively inexpensive program has accomplished much. From its grantees we have learned new ways of reaching the elderly who are in need of food assistance; we have enjoyed the Supplemental Food Program which provides specially nutritious foods to a particularly vulnerable group—pregnant women and young children; we have had access to nutrition-related research; and we have seen new ways to monitor our school lunch program developed. In every area of federal food assistance we find the small grants of the EFMS supporting new initiatives, enabling the development of improved program operation, securing broader program participation among the hungry poor.

More than once I have joined with my colleagues in supporting this program with funds and with continued authority. But in recent months I have also found myself—again more than once—taking positive actions designed to assure that the funds and the authority granted to the program would in fact be used. I would hope that our acceptance of Senator Magnuson's amendment would leave no doubt that the Congress intends that this program continue with full support. Just last week the Senate Labor and Public Welfare Committee approved the extension of the Economic Opportunity Act including an authorization for EFMS of \$62.5 million for each of the next two fiscal years, and a mandate that at least \$30 million be expended on the program.

Monday's action underscores, the repeated, consistent, actions by the Senate in support of this program. The Senate conferees will have still another opportunity to reiterate this support when they meet with members of the House later this week. It is my hope that that conference will accept the Senate provision and that the EFMS may get on with the business of enabling food assistance programs to better do their job.

#### SCIENTIFIC POLICIES OF THE NATION

Mr. MCGOVERN. Mr. President, the Bulletin of the Atomic Scientists was established 25 years ago by a group of scientists who were concerned about the broad implications of scientific discoveries. It has continued to raise the vital questions about the uses and applications of science—and about the steps we must take if we are to put our knowledge to constructive and not destructive uses.

I was, therefore, pleased to respond to a questionnaire submitted to me by the

Bulletin—a questionnaire that raised crucial questions about the scientific policies of the Nation. I ask unanimous consent that the questionnaire and my replies be printed in the RECORD.

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

#### BULLETIN OF ATOMIC SCIENTISTS QUESTIONNAIRE

(Senator George McGovern response dated Mar. 24, 1972)

(1) President Nixon has recently established a new program to provide federal support to technologies needed to solve domestic problems. Do you favor the federal government supporting science research for these technologies? What technologies would you emphasize?

I strongly support federal funding to develop new technology for meeting civilian needs, both in the public and private sectors. The President's effort is commendable, but at the same time I do not believe it moves forcefully enough to either counter potential obstacles or to grasp the full opportunities.

I have been proposing legislation since 1963 to help facilitate the transfer of excess military resources to civilian research, development and production. Certainly that includes scientific and technical manpower. In the public sector the most important element in a successful conversion program is to translate the need for new technology into effective demand through expanded funding of civilian research and development and through a commitment to apply new technology as it becomes available. In addition, I believe the United States should help underwrite "conversion internships" for scientific and technical personnel in private industry, to stimulate better technology in commercial fields while avoiding the enormous waste involved in the enforced idleness of highly-trained manpower released from defense and space programs.

Another series of problems is posed by the dispersal of government scientific and technological activities throughout almost all agencies of the federal government. Funds tend to be allocated on the basis of bureaucratic competition instead of according to a conscious priority choice. Those which do not have established backers tend to be neglected, and appropriations are wasted in needless duplication. S. 1184, which I am cosponsoring in the Senate, would confront these difficulties by establishing a cabinet-level Department of Science and Technology, with jurisdiction over all federal research and development activities including those of NASA, the AEC, the NSF, and the Department of Defense. I would undertake the reorganization as President.

The most pressing priorities for civilian research and development include pollution control technology and cheap, fast and convenient ground transportation systems. Equally important, though not requiring equal sums, are the development of new birth control technologies, new sources of energy, medical research, low-cost housing and housing rehabilitation.

(2) What sort of balance should be sought between our technological needs and our environmental concerns? Do we have to accept certain detriments to the environment to have the technological advances required by our society?

The question must, of course, be answered on a case by case basis. If the basic needs of human life—food, clothing, housing and the like—cannot be met without some environmental cost, then obviously we will choose in favor of meeting those needs and accepting the cost. The balance is shifted in cases where we are damaging the environment to

provide only slight improvements in human well-being. But in any case, it seems to me that we ought to concentrate on disproving the premise that technological advance and environmental protection are natural adversaries, by elevating environmental considerations when we choose among alternative uses of technical resources.

(3) What solutions do you see to alleviate the current energy crisis? What forms of nuclear power are you in favor of developing?

In preparation for the long term we should be fully committed now to explore the maximum potential of such possibilities as controlled fusion, solar energy, and safe and non-polluting breeder reactors. We can look for colossal demands for energy several decades hence in order to maintain a decent standard of living, in large part because raw materials, such as iron, are being exhausted and we are thus forced to use such energy-intensive substitutes as aluminum. Controlled fusion and solar energy both appear to offer the potential for large energy production with relatively minor environmental effects.

However, even with an increased federal commitment, these developments do not provide a short term answer. Energy consumption has been growing ten times as fast as population, and we are running dangerously short now. One response is to slow that growth rate, by discouraging the promotion of new minor uses for electricity. In addition, we should increase the federal effort to use fossil fuels more cleanly and efficiently, concentrating on methods to de-sulphurize coal and oil, to control sulphur oxide and nitrogen oxide emissions from fossil fuel plants, on new storage and transmission technologies, and on magnetohydrodynamics (MHD). I do not favor rushing ahead with the present generation of water-moderated U-235 reactors.

(4) Environmentalists are concerned about the possible hazards of nuclear reactors in the event that an accident should occur releasing radioactivity into the biosphere. In addition they stress that standards for radioactive emissions should be more strict. How do you answer their concern?

I share the environmentalist view that every effort must be made to assure that nuclear reactors are safe before they are installed. As indicated above, I do not think construction of reactors on a large scale is a major priority now. They will never supply more than a fraction of the need, in part because the supply of U-235 is limited. This, plus the fact that so little is known about the potential hazards of radioactive emissions, suggests that we can afford to be extremely cautious in going ahead with these installations.

(5) The Atomic Energy Commission has come under attack for its position as both regulator and promoter of nuclear energy. How would you resolve that seeming conflict?

I would remove promotional activities from the AEC's jurisdiction. Today's serious conflict between environmental protection and nuclear power plants can be traced at least in some degree to the AEC's haste in encouraging implementation of reactor technology, and in its enthusiasm for nuclear power generation as the answer to our energy needs, including overoptimism on the timing of the breeder reactor. Both experience and common sense support the conclusion that promotion and regulation cannot sit comfortably at the same table.

(6) With the continued development of nuclear power is the concomitant problem of storing nuclear waste. What do you recommend?

The priorities outlined above would abate this problem somewhat, but it nevertheless remains an important research need. I do not pretend to know the best answer now, although I have been interested in some of the possibilities mentioned, including the



sealing of wastes in glass-like solids to be buried deep in the earth.

(7) Many people would like the United States to back off and study the consequences of the new technologies being developed that use nuclear energy, for example, nuclear reactors and underground explosions to stimulate natural gas. Do you advocate a moratorium on this type of technology?

Until safety and environmental concerns have been satisfactorily answered—and until there is an undeniable need for going ahead—I think the proposed moratorium is a good idea.

(8) A segment of our population has lost confidence and trust in those controlling the development of new technologies in our country. How would you restore this?

The loss of confidence is an understandable and healthy reaction to our failure to adequately control one of the overwhelming forces shaping our lives. Michael Harrington's label, "The Accidental Century," is an instructive description of largely unplanned technological growth.

The proposed Department of Science and Technology can be the best response to this condition, because it will coordinate the government's scientific and technological activities with national priorities and thus allow conscious control, and particularly popular control, over the directions science pursues.

(9) What position would the space program hold in your administration? Would you promote the continued and increased support of space exploration?

I would support a reduced program for space exploration, designed primarily to consolidate and apply what we have learned thus far. I expect to oppose the space shuttle, and I generally do not believe that the potential incremental benefits from further manned flights warrant the large outlays required.

(10) What action would you take to halt the arms buildup between the United States and Russia? Are you in favor of continued construction and deployment of more sophisticated nuclear weapons to match or surpass the USSR stock?

We are already far ahead of the Soviet Union in deliverable warheads, and our forces are far in excess of those required to perform the essential deterrence mission. Contrary to the impressions left by Secretary Laird, the Soviet nuclear threat is substantially less ominous than it appeared last year and the year before. Under these circumstances we can well afford to freeze all further nuclear deployments pending the outcome of SALT.

For the longer term, the alternative national defense posture which I have outlined suggests that we should concentrate on buying what we need to meet realistic and foreseeable threats to our security, but that we should buy no more than that. I do not believe that such esoteric objectives as nuclear superiority have much meaning at a time when both the Soviet Union and the United States have the unquestioned capacity to destroy each other many times over; on the contrary, the pursuit of such goals has supplied most of the propulsion for the arms race which has damaged the security and swallowed the resources of both countries.

(11) Do you feel China, France, Great Britain and India ought to be involved in the arms limitations talks?

I would not favor suspending the talks with the Soviet Union until other nuclear parties could be brought in because at this late date such a step could endanger the prospects for an initial two-party agreement. However, I do believe such an agreement should be followed immediately by broadened talks to include both existing and potential nuclear powers.

(12) What approach do you favor in the

Strategic Arms Limitation Talks? How much should the United States be willing to bargain for an agreement?

The most fruitful limitation, and the one most easily policed, would be a halt to all new deployments on both sides. The implications of multiple warhead technology suggest that a simple quantitative missile limitation, with no attempt to prevent qualitative advances, will leave the most serious arms race problem almost entirely untouched.

Considering the specific weapons and the stakes involved, I think it has been a grave mistake to approach the talks as if they were an international poker game, and to build weapons as "bargaining chips" which will probably be unnecessary or inappropriate even if negotiations fail. For example, our own Poseidon and Minuteman III MIRV deployments have already sharply narrowed the options available to SALT negotiators, by rendering MIRV a nonnegotiable item in the absence of a total freeze. There was no demonstrable immediate need for either MIRV or the Safeguard ABM. And the real bargaining chips have been the opportunity costs of those weapons—the improved housing, transportation systems, nutritional programs, and other domestic needs we could have taken care of with the same money. These are the reasons why I reject the notion that the best way to end the arms race is to continue it, and why I favor a hold on all new deployments which cannot be justified by a realistic evaluation of the Soviet threat as it develops. In this context we should see the triad as a vehicle for stability rather than as an excuse for rising strategic budgets. Considering all three systems together, it allows us to wait to see if a counterforce threat against one or another element really does develop, so long as we have full confidence that such a threat would not endanger our ability to deter war with the remaining system or systems.

### POLISH CONSTITUTION DAY

Mr. PERCY. Mr. President, this week commemorative programs will take place all over the United States marking Polish Constitution Day, the national holiday of Poles still longing for freedom and independence. The continuing American interest in the welfare of the Polish people is symbolized by President Nixon's forthcoming trip to Poland.

At the time of its adoption, the Polish Constitution of 1791 was heralded all over the world as a great victory for freedom. Indeed, President George Washington wrote:

Poland appears to have made large and unexpected strides toward liberty—

And Edmond Burke, the English statesman, wrote at the time:

Humanity must rejoice and glory when it considers the change in Poland.

The tragedy of Polish history is that this freedom has not endured. Perhaps no people in modern times has suffered so much or so often or for so long.

Here in the United States many organizations work to serve the interests of Polonia and to keep alive the legitimate aspirations of the people of Poland. These organizations merit our praise and our support. I am especially pleased to be a friend of Aloysius Mazewski, a distinguished Illinoisan who is president of both the Polish American Congress and the Polish National Alliance.

We must continue in our efforts to sustain the concept of freedom for

Poland. The President's trip emphasizes our concern. We also are working to have the Thaddeus Kosciuszko home in Philadelphia designated as a national historic site, and we are going to establish ethnic heritage study programs which will bring to all Americans the brilliance of Polish traditions which have produced such geniuses as Kopernik, Chopin, Madame Curie, Kosciuszko, Pulaski, and Paderewski.

It is in this spirit that we rededicate ourselves to the cause of the Polish people and congratulate all Polish Americans on the occasion of Polish Constitution Day.

### NEEDLESS POLLUTION

Mr. FANNIN. Mr. President, during the past several years the ecology movement has attracted the attention of millions of people, especially the young. As in all zealous campaigns, there have been people who are deeply devoted to the cause, others who have taken advantage of the movement for their own personal gain, and those legions that have gone along because it was the in thing to do.

An editorial appearing in the April 18 edition of the State Press at Arizona State University notes that many of the people who are pointing the finger at industry are at the same time contributing to needless pollution themselves.

Mr. President, I ask unanimous consent that this thoughtful editorial by Bill Norman be printed in the RECORD.

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

ECOLOGY ARMIES RABID, RAMPANT WITH HYPOCRISY

(By Bill Norman)

In the past few years we have seen a nationwide ecology movement arise. College students in particular have evidenced growing concern over our deteriorating environment and have swelled the ranks of the anti-pollution army.

Polluters, from copper smelters to offshore oil rigs from chemical factories to jet aircraft, have felt the legal and economic pressures of the pollution-fighting machine. And coupled with environmental concern we have seen a mass exodus, on weekends, holidays and vacations, to nature in her primitive state.

In the West when school is out, students flock by the thousands to Parker on the Colorado, Rocky Point, Guaymas and Kino Bay. In the South they mass on Florida beaches, and at the festival communion of Woodstock half a million congregated in the New Jersey forest.

It is natural and good, I think, when one sees nature bespoiled about him, that he feel a desire to get away, to travel to places comparatively untouched, perhaps unseen, by other men. And his desire to be among kindred spirits in such an unspoiled place is not unnatural.

It is strange then, that those who cry the loudest to save the earth are those, who when they gather, are the dirtiest and sloppiest of the earth's creatures and those most likely to deface the land.

At one time we see them in the anti-pollution vanguard, decrying the filth in the air, the sludge that was water and the once-green things now twisted and dead.

But at a different time they personify hypocrisy.

See Woodstock when they had gone—square miles of rubbish alien to nature. A

once-beautiful forest glade reduced to a repository for trash.

At Parker, the river and its banks are an expanse of garbage. The summer soldiers cannot be bothered with ecology now. Their refuse is somehow different. Perhaps it has a personal quality to them. Someone else can pick it up.

Our friends will seldom be found far from their automobiles for, despite their ostensible love of the great outdoors, they find cars acceptable gadgets. It doesn't matter that cars are the major cause of pollution. The part-time ecology buff can easily make an exception in his own case.

I cannot deny that strong and vocal public disapproval of increasing damage to our environment has been responsible for strict pollution standards.

But when I hear a man expound on the necessity for ecological balance, only to watch the same man dump his trash about him without a second thought, I question his motives, I reject his claim to honesty, and I wonder, with he and his two-faced brethren, what chance we actually have of keeping nature natural.

#### THE 20TH ANNIVERSARY OF RADIO FREE EUROPE

Mr. PERCY. Mr. President, 20 years ago, Radio Free Europe began broadcasting to the people of Poland, Czechoslovakia, Hungary, Rumania, and Bulgaria, bringing news and viewpoints that were repressed in those countries.

The value of Radio Free Europe has been demonstrated over the intervening years as much by the efforts of the Communist governments to jam its signal, as by the cautious letters from grateful listeners in Eastern Europe.

Even though tensions have been reduced between East and West, the rulers of the countries of Eastern Europe still lack sufficient self-confidence in their power and popularity to permit a free and uncensored presentation of news for public consumption.

Hence, the thirst for objective news and commentary from non-Communist sources continues unabated, and that is why I pledge my own continuing efforts in support of further funding for Radio Free Europe.

#### LEAA FUNDS FOR ILLINOIS

Mr. PERCY. Mr. President, there have been recent reports in both the national press, and in the Illinois press, concerning the Law Enforcement Assistance Administration. The thrust of these reports has been that LEAA has been negligent in its duty to help fight crime at the local level. Of particular interest to me were the allegations that Illinois had not been receiving its fair share of Federal crime-fighting money.

Last Tuesday, in my office, I met with the director of the Illinois Department of Corrections, Peter Bensinger; the chairman of the Illinois Law Enforcement Commission, Arthur Bilek; and the Administrator of LEAA, Jerris Leonard. I discussed this whole problem with these men and also separately with Acting Attorney General Richard Kleindienst. The purpose was to clear the air of the rumors that have been circulating and get the facts. I would like to take this opportunity to set the record straight, for I

look upon it as a direct responsibility of mine, as a Republican Senator with a Republican administration to see to it that Illinois does receive its full fair share of benefit from Federal programs.

Statements have been made that Illinois received only \$8.5 million from LEAA last year, and that this represented a per capita expenditure of LEAA funds in Illinois of only 76 cents. This is not correct.

The record is clear. Last fiscal year, Illinois received a total of \$24,534,478. In fact, this represents a per capita expenditure of \$2.21, more than in either New York or California. What some critics have overlooked is that this money is put to the credit of the State of Illinois for a period of several years, to be drawn on like a bank account. How much is actually spent in a given year is an entirely different matter. But in fairness, it should be pointed out that Illinois has indeed been allotted its share of Federal crime-fighting money.

It has also been stated recently that of the money given to Illinois, Chicago, and Cook County have not been receiving their fair share and that they have gotten only 31 percent of this crime-fighting money. This also is without foundation.

By law, at least 75 percent of all action money given to a State must go to units of local government. Illinois has provided an average of 76 percent of these funds to units of local government.

In fiscal year 1969, Chicago and Cook County submitted very few requests for grants, and as a result received only 15 percent of the money that went to units of local government. However, in fiscal year 1970, they received 53 percent of that money; in fiscal year 1971, they received 59 percent, and in fiscal year 1972, 50 percent. Thus, Chicago and Cook County have received their fair share of the money that the Illinois Law Enforcement Commission has funneled into local units of government in the last 4 fiscal years.

But, even though this money has been set aside for Cook County and Chicago, they have not been spending it. Since fiscal year 1969, ILEC has made \$9 million available to the city of Chicago. Of that, only \$3 million has been spent. So in fact, Chicago has been getting its share of Illinois money. It is regrettable, however, that Chicago is not using that money to fight crime. Let me offer some specific examples of money that the city of Chicago requested and which was made available, but which was not spent:

On May 28, the city of Chicago was awarded \$115,121 to develop a system of intelligence based on microfilm. The city was advanced \$23,024, but never used the funds, and just recently they decided they did not want the project after all.

The city of Chicago also wanted to build an area 4 headquarters. ILEC made a flat award of \$1,700,000, and promised to grant another \$2.3 million when needed. This was approved in December of 1970; Chicago has not spent any of the money so far.

These are just two examples of how Chicago has been granted funds but has not used them.

The last item that needs to be clarified is the report that Illinois has had \$8.6 million taken away from it by LEAA. This is not accurate.

Illinois requested \$8.6 million in discretionary funds as the optimum amount of money that it could use to fund certain programs. This is the regular procedure used in grant applications. Though Illinois was never promised \$8.6 million or any specific amount, Illinois officials expected to receive a proportion of the discretionary funds by LEAA commensurate with the size of the State's population.

After this request was submitted, Illinois was informed that the total amount of money available to the States in discretionary funds was to be cut from \$48 to \$28 million. The other \$20 million was to be used to help fund the new high impact anticrime program in eight major cities, none of which are in Illinois.

At this point, the fear developed that Illinois would receive less than it might otherwise have in discretionary funds. However, LEAA and Acting Attorney General Kleindienst have assured me that the diversion of funds to the high impact anticrime program will not reduce the discretionary funds that will be made available to Illinois. State officials are now completing grant applications, and I have full confidence that these projects will be funded in the proportion to which Illinois is entitled.

To summarize: Illinois is not 41st in the Nation with regard to receipt of LEAA funds. LEAA money does not represent a 76-cent per capita expenditure in Illinois. In fact, Illinois has been near the top of the list of States receiving LEAA money, and the \$24 million given to Illinois last year comes out to \$2.21 per capita.

Chicago and Cook County have been consistently getting the money they have asked for to help in the local campaigns against crime. Unfortunately, a great deal of this money has been unused, as the city of Chicago has chosen not to spend it.

LEAA has not taken any money away from Illinois. I have been personally assured that Illinois will get every dollar it is entitled to and deserves.

I am pleased that with the help of the Department of Justice I am able to clear the air with these facts. I want to thank Peter Bensinger, Arthur Bilek, Jerris Leonard, and Acting Attorney General Kleindienst for their help in better enabling me to bring these facts to the attention of my Illinois constituents.

#### WELFARE COUNCIL OF CHICAGO POSITION ON WELFARE REFORM

Mr. PERCY. Mr. President, the Welfare Council of Metropolitan Chicago, now known as the Council for Community Services, is a private organization with a distinguished record of social service. Since its founding in 1914, the council has promoted the well-being of children, families, and the aged. Its involvement in community problems and planning, in leadership training, and in



voluntary civic action has been of immeasurable benefit to the people of the Chicago area.

Recently, the council has issued a position statement on welfare reform. I find the principles espoused by the council to be intelligent and realistic. Because of the Senate's current concern with welfare reform, I ask unanimous consent that the statement be printed in the RECORD.

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

**WELFARE COUNCIL OF METROPOLITAN CHICAGO  
POSITION STATEMENT**

The Welfare Council finds that the present welfare system is obsolete, inefficient and inadequate and that there is a compelling need for a new system. In this document, the Council addresses the issue delineating (1) the major principles which should act as the framework for a welfare system; and (2) policy pertaining to the major components of any welfare system. Discussion of a health care program has been omitted. The Council will issue a separate statement on health services for the needy at a future date.

This statement should be prefaced with two cautionary notes. One, our society will always have those persons who because of disability, age, illness, or other reasons beyond their control, are dependent and who cannot survive on their private resources. Our society has an obligation to meet these human needs. Two, no welfare program should be viewed as a panacea. The real problems of unemployment, inadequate education and vocational training, substandard housing, inadequate health care and facilities, social disorganization, discrimination, and other ills threatening society must be faced realistically. These barriers which serve to isolate the poor must be removed so that all persons receive a fair position in society.

**PART A**

We propose the following general principles as guidelines and criteria for a new program:

1. A guaranteed floor of income to poor families. A welfare system should insure that each American family would have an annual income sufficient to maintain at least a minimum adequate standard of living.

2. The inclusion of the working poor. A welfare system must include those individuals and families who have inadequate income, opportunity, and training as well as those individuals and families who have no income.

3. A requirement that recipients accept appropriate work or training when they are capable of doing so. If we accept the principle of a guaranteed floor of income, we can expect that each person capable of working has the responsibility to demonstrate his attempts to be self-sufficient.

4. The inclusion of work incentives. Substantial incentives should be developed to increase the advantages of working and the enjoyment of self-sufficiency and self-respect.

5. Uniform eligibility standards, uniform federal administration of the family and adult programs, and elimination of the assistance categories. It is necessary to have full federal administration, simplified administrative procedures, and a single set of new rules to replace the wide variations and inequities in the 54 separate state systems currently administering the federal public assistance program.

6. Expanded programs for work training, placement in private sector and public service jobs. Because the government's official economic policy has a direct effect upon the

availability of jobs (or unemployment), the federal government must also assume the responsibility to stimulate the job market particularly in the private sector.

7. Expanded developmental day care programs for low income families. High quality developmental day care programs must be made available to meet the needs of children from low-income families.

8. Fiscal assistance for states. The federal government should move quickly towards full assumption of welfare costs. Immediate steps should be taken to remove the burden of cash grants from the states and to enable the states to administer ancillary social services.

**PART B**

The Welfare Council takes the following positions regarding components of a welfare system:

**Eligibility**

**Coverage (Definition of Recipients)**

New programs should not be limited to families with at least one child or to persons who are aged, blind or disabled. Childless couples and individuals who are not aged, blind or disabled should be included in the total welfare system. At present, these persons are covered by the General Assistance Programs administered by the various states. These persons need a better welfare system for the same reasons that necessitate a new federal program for families.

**Resource Limitation**

Resource limitation should exempt, in addition to home, household, and personal items, at least \$2,000 in liquid assets, an automobile, and savings designated for the education of children. The latter two items should be discretionary depending upon each individual's situation. In many cases, mobility is an essential ingredient in freeing one's self and family from the poverty cycle. In addition, special provision should be made to encourage and protect family savings designated for the education of children, thereby avoiding punishment of those children whose parents display concern that they acquire the skills they will need to be more adequately self-sufficient.

**Method of Determination of Eligibility**

The Council has long advocated that applicants have the right to receive prompt determination of eligibility without extensive investigation. Eligibility by affidavit would eliminate massive paperwork by requiring the recipient to sign a statement that all documentary evidence is true. Affidavits can be verified by random audits similar to those done by the Internal Revenue Service. Extensive investigations not only waste administrative resources but also demean recipients by prying into their personal affairs through questioning of employers, neighbors, and landlords. At the present time, 20 states are using a simplified declaration method under directives from H.E.W. and experience to date indicates no increases in fraud or inaccurate grant payments.

**Benefits**

**Method for Determination of Benefits  
(Accounting Period)**

Budgets should be computed according to current need.<sup>1</sup> It is unrealistic to assume that past income has not been expended and that a family will save all income in excess of the payment levels because they anticipate going on welfare. The resource limitation suggested in Section 1.A above would effectively curtail any excess accumulation from other income periods. Methods of determining benefits based on other than current need would present an extreme hardship to those who are supporting their families by keeping tem-

porary jobs and securing piece-meal employment, those who must rely upon seasonal work, and those who are abruptly thrown out of employment due to economic fluctuations.

**Income Floor**

We urge that an "income floor" be established for all recipients (including those newly eligible). All applicants not required to register for work or training<sup>2</sup> and employable applicants who are unemployed, should receive a cash grant to bring them up to this floor. Employed applicants with earnings less than the floor should be given supplementary assistance as based on a scale which would reduce the assistance as earnings increase. Such a scale should be developed which would both guarantee all employed recipients a gross income level (combination assistance plus earned income) at least equal to the floor and at the same time, make it profitable to work. Therefore, the floor would not necessarily be a cut off point for assistance, nor would all employed recipients be given an equal grant. The grant should decrease as earnings increase and would, for example, result in a small grant to those whose total earnings come close to the floor.

**Income Floor—The Beginning Level**

At the outset of the new program, the floor should be set at no less than the current "poverty level."<sup>3</sup> This floor should be adjusted to reflect conditions in the various geographical areas and disparities in the cost of living in urban and rural areas.

**Income Floor—Annual Increases**

Annual increases should be provided to bring this floor from the "poverty level" up to the Bureau of Labor Statistics (BLS) minimum needs for Lower Standard Budget<sup>4</sup> level adjusted to reflect conditions in the various geographical areas and disparities in costs of living in urban and rural areas. Such a transition from the recommended beginning floor ("poverty level") to the more adequate and responsible floor ("BLS Lower Standard Budget") should be made gradually over a ten-year period. Thereafter, the floor should be increased to meet the Lower Standard Budget which is adjusted annually. In addition, the Internal Revenue Act should be revised to be consistent with the incentive purposes of this program.

**Mandatory State Supplementation to Maintain Present Benefit Levels**

The Council further urges that in those states where present payments plus food stamps exceed this new floor, the states should be required to supplement the grant to the existing payment level and the federal government should fund an increasing proportion of the supplementary grant so as to fully federalize the basic assistance grants after a five-year period.

**Employable Recipient—Freeze Level**

In order to support the implementation of the work requirement and to avoid undue hardship to families with a member who refused to accept suitable work or training, we recommend that all those able to work or participate in training (again, those defined as employable) who refuse to do so would receive only the poverty grant level adjusted only to reflect annual cost-of-living increases. Therefore, as all other recipients' grants are increased each year to reach the BLS Lower Standard Level, this group would be frozen at the beginning floor level.<sup>5</sup>

**Employable Recipient—Work Incentive**

The disincentives in the current program must be removed. (For example, provisions which discourage individuals from raising their income or hours of work due to potential loss of total eligibility for assistance.) Work incentives must be included with primary emphasis upon retention of a de-

<sup>1</sup>Footnotes at end of article.

ing portion of the basic grant as earned income increases. This would help create a greater interest in remaining in the labor force and thereby increase an interest in moving upward in the work society.

#### Emergency Grants

A cash emergency grant in addition to the basic benefit levels should remain available to recipients in certain situations. (For example, when living accommodations are destroyed by fire.) Such grants should not be recovered from the regular payments and should be available at any time.

Emergency grants are an essential component as emergencies will continue to occur, and the private health and welfare agencies are not equipped to meet demands for cash grants in addition to the already noteworthy role which such private agencies play in providing extensive social, educational, health and employment and other services to public aid recipients. Furthermore, a payback would cut into already inadequate monies available to provide a minimal diet, and recipients will resort to relying on other recipients, others in the community, and other (including illegal) methods to meet their crisis.

#### Method for Determining Continued Eligibility

A simplified method for determining continued eligibility should be instituted. Provisions which would call for a cessation of payments after a period of time despite continued need, unless a family goes through the entire application process again, would be punitive. Such provisions will not only place undue hardship upon the recipient and cause large numbers to lose their benefits, but also it will create an unnecessary administrative burden and expense. Periodical re-application would shift the burden of review to the client rather than the agency employee. Some burden should be placed upon the recipient to encourage self-respect and control over one's own financial and person affairs, however, a simple affidavit issued by the agency would be a more workable and adequate solution. Further, a more elaborate procedure would be superfluous if periodic reviews and random audits were conducted.

#### Work requirement and provisions

##### The Principle

We believe that for those who are able to work, employment and training is the only satisfactory solution to the problem of dependency. We accept, in principle, a work-training requirement for certain individuals because it necessarily follows the principle of guaranteed income floor. The right to public assistance and the obligation of the government to provide for the helpless becomes a conditional benefit for those able to work. If the government places a floor below each family's income, then each family with the ability to do so has the responsibility to demonstrate that it is attempting to be self-supportive and independent. However, we caution that compulsory work and training programs are potentially demeaning. First, compulsory programs should not function as a system by which a recipient "earns" welfare but as vehicles for obtaining meaningful work or training. Such programs, in particular, any public service jobs, should avoid the weaknesses of the work relief programs of the past. Second, the emphasis should be on encouraging productive and meaningful participation in the economy, not on compelling meaningless and marginal employment. Third, some motivation beyond losing eligibility for assistance has to exist for a person to have the incentive to work or participate in training. Emphasis should be placed upon the development of educational and training opportunities to teach fundamental habits, attitudes and skills which would increase the hard-core unemployed individual's satisfaction with and ability to deal with work.

#### The Program

Expanded programs of job placement in the private sector, to provide training and to create constructive public service employment should be developed. Recipients should be required to register for such a program (for placement in regular [private sector] employment, training or public service jobs) except those who are: 1) Elderly or disabled; 2) Mother or other individual caring for a child under sixteen; 3) Children under sixteen, and students; 4) Caretaker of an ill or disabled family member; and 5) A parent (or spouse) where the other parent (or spouse) has registered or accepted work or training.

A registrant should be offered a job located in the private sector which he must accept if appropriate. If necessary, he should accept an appropriate training program. The final recourse would be an appropriate public service job, preferably at the community level, which in essence designates the government as the employer of last resort. In addition, we urge that serious study be allocated to the possibility of providing tax incentives to those in the private sector who employ individuals from this employment and training program.

#### Mandatory Work Requirement for Mothers or Other Caretakers of Children

Mothers or other caretakers of children under 16 years of age should be afforded the option of either working (or participating in training) or caring for their children at home.

(1) **The Welfare of the Child.**—An arbitrary coercive work provision would be in complete disregard of the welfare of the child and could be damaging to both the child and family life. The needs of the child and the responsibility to develop his capacity to function adequately in society should override coercive participation in the labor force. Human development must be placed before mandatory participation in a labor market which foreseeably, for the unskilled mother, could lack job satisfaction and adequate wages.

(2) **Freedom of Choice.**—The choice of whether to care for the child or work should be the mother's even if the mother is not, by whatever standards, fully capable, or even if day care would seem to be advantageous to the child. The right to make such a decision should be the parents.

(3) **Caring for a Child or Children Should be Considered as Important a Function as Employment Outside the Home.**—In many cases, it would be more beneficial to society for a mother or father to provide for the care and needs of his or her own children rather than to work for example, at minimum wage for 40 hours or more a week for a little over \$3,000 a year at a location possibly an hour and a half away from home.

(4) **A Mandatory Work Requirement for Caretakers of Children Is Not Economically Sound.**—In many cases, the cost of day care training or job placement, or the creation of a public service job would far exceed the cost of maintaining the child in the home.

(5) **Mothers Would Volunteer for Work.**—Reliable studies indicate that poor mothers want to work and will voluntarily take advantage of help in getting jobs or training. In a 1967 Wisconsin study of AFDC mothers of pre-school children, it was found that 53.7% of the mothers interviewed wanted to go to work if adequate child care were available. Twenty-two per cent of those interviewed were already working, 25% had worked at some time while receiving AFDC, and about 8% had never worked but had tried to find jobs since coming on the program. There was no earned income incentive at the time of the study. High income incentives would undoubtedly increase the desire to work. The House Ways and Means Committee in its Report on Hearings on H.R. 1 cites substantial data on the trend

towards mothers voluntarily assuming support of their children. This date would suggest that a coercive work requirement for mothers of pre-school children is unnecessary. Under the WIN (Work Incentives) program, volunteers were plentiful. A joint labor HEW task force on WIN discovered that under-utilization of the program has been due to the ignorance of case workers and lack of outreach, plus insufficient child care and medical facilities, rather than to the intransigence of recipients.<sup>7</sup>

#### Protections Pertaining to the Work Requirement

The system must embody some provisions necessary for an equitable work provision. Any work program will have some basic problems, however, steps must be built in to minimize these. The following comments pertaining to both private sector and public service jobs and training programs.

(1) The recipient must be afforded the opportunity to challenge the suitability of work or training offered him. Definitions of suitable employment should be made clear and should include provisions regarding health, safety, risk, prior work, training and earnings, distance to be traveled and prospects of obtaining work more attuned to potential.

(2) The jobs offered the recipient in the private sector and those public service jobs should pay the federal minimum wage or the prevailing rate in the community for that particular job, whichever is higher. Exploitation of the poor is a risk in any compulsory work and/or training program. Employment that offers no real chance for the recipient to rise above or at least come up to the poverty level set by the federal government cannot be deemed as an incentive.

(3) A recipient should be allowed to refuse a job, when it would cause "undue hardship" to the family or individual, without losing benefits.

(4) No training should be undertaken unless the recipient is reasonably assured that work opportunities are available in the particular field. Compulsory training programs that do not realistically prepare a recipient for full employment opportunities at an adequate living wage are equally unrealistic.

(5) In addition, public service jobs can contribute significantly to reducing the number of employable persons who are unemployed, however, they should be full time jobs.

(6) Recipients should not be required to move to a different community for employment purposes.

#### Mandatory Medical, Vocational, Drug and Alcohol Rehabilitation

Vocational rehabilitation services for those who cannot accept work or training due to illness, physical disability, or age and treatment for those incapacitated due to illness, accident, drug or alcohol abuse should be provided on a voluntary basis. We question both the administrative feasibility of mandatory programs and the benefit which would accrue from forcing individuals to undergo rehabilitative and treatment services.

#### Priority in Referral to Work or Training

Priorities in work and training programs should be spelled out to include first, unemployed males with special emphasis towards regional unemployment trends and characteristics and the available labor market.

#### Administration

Poor administration can destroy any program and thereby decreases benefits and services to the recipient. Sound policies of coordination of all federal agencies involved should be established. Particular emphasis should be placed upon efficiency and the protection of the recipient. If it is necessary to operate a welfare system through more than one agency (e.g., Labor and H.E.W.) some protections must be built in to prevent the

Footnotes at end of article.



recipient from hardships caused by repeated re-determination of eligibility and reapplication. Because family status will tend to fluctuate in many cases (e.g. family breakup, temporary disability, childbirth, death), it is foreseeable that many families will shift back and forth between administering agencies.

#### Fair hearings

There are great differences between the protections afforded a person who has been deprived of a government benefit and one who is a criminal or civil defendant. Oftentimes the loss of a government benefit has much more an impact upon an individual's life. An adequate welfare system must have the following safeguards built in as recipient protections:

#### Termination of Benefits During Challenge

Hearings should not be after the fact—following any action denying, withholding or modifying benefits. Provision should be made to maintain benefits while the recipient contests the action. The Supreme Court in March, 1970, held that prior hearings are constitutionally compelled for termination for benefits.<sup>8</sup> Lower courts have held that this principle applies to other actions as well.

#### Payment of Expenses

Experience has indicated that nearly half of all AFDC determinations are reversed after hearings. The recipient should not be deprived from challenge and due process because of a lack of funds. Therefore, especially in the light of the high incidence of error on the part of the government, provisions should be included requiring the payment of reasonable expense incurred by the recipient in pursuing his claim.

#### Right to Counsel and Notification of Rules and Rights

Claimants right to representation of counsel must be explicit. Further, the administering agencies must notify both the various groups representing recipients of proposed rule regulation changes and all recipients of rights on a regular basis.

#### Representation of Claimants

The present policy of free choice of recipient representation in dealing with officials should be maintained. Restrictions must not be placed upon representatives who are not attorneys. Lay advocates have been extremely beneficial in the past in assisting recipients to understanding their rights.

#### Residency requirement

Residency requirements should not be allowed. Residency requirement statistics have illustrated that the experience in Illinois is that the needy do not move here to gain higher welfare payments.<sup>9</sup> Across the country there is little relationship between migration and the residency laws which the Supreme Court has found discriminate against one needy group as opposed to another solely because they are new arrivals in a state.<sup>10</sup> Welfare is intended for those who are re-settling in a new community in search for a new life through better employment and who are thereby in need of temporary assistance.

#### Advisory committees

Many recipients are extremely capable of providing input into the evaluation process and should be utilized for this purpose. This practice should be continued.

#### Child care

Adequate child care provisions must be made to accommodate those individuals who would be required to work or accept training and those who voluntarily accept training and work. The design for a child care component of the welfare system must address questions such as: How can child care contribute to family stability? What hardships does it place upon the child? What benefits does the family receive? Will this child care provision strengthen family life?

As stated above, child care services should be developed with the goal of contributing to child development and family stability and only secondarily in terms of making it possible for mothers to work.

The following guidelines must act as criteria for a child care design:

#### Guarantee of Parental Rights and Participation

(1) Parents must be guaranteed the right and opportunity of selecting services which their children may need.

(2) Parents must be involved in the development of programs which meet the needs of their children.

(3) Parents must have the opportunity of participating in child development training programs designed for the parent.

(4) Facilities should be located in close proximity to the home or place of work. Such centers should be easily accessible to parents and children.

(5) Families below a certain minimum income level should be provided free child care and others should pay according to ability.

#### Protection of Children's Rights

(1) Child care facilities should guarantee a child his safety and well being.

(2) Child care programs should be designed according to the developmental needs of each age level served.

(3) The program should provide opportunities for the child to grow to his maximum potential.

#### Minimum Program Standards

(1) Minimum educational health, recreation and social services should be included.

(2) The program should not be restricted to families on public assistance.

(3) The program should be available to mixed socio-economic groups in order to promote the social development of each child.

(4) There should be national standards designed to protect children's rights and meet his needs for social growth and development.

#### INTERPRETIVE NOTE

A position is a statement of principle, setting forth the position of the Board of Directors of the Welfare Council, against which to measure proposals pertaining to health or welfare programs and policy. Positions do not identify specific legislative proposals by name but do identify basic principles arrived at from an objective appraisal of needs.

This is the thirteenth position in the field of public welfare adopted by the Board since 1964, including a policy paper of July, 1971 addressing the Governor's Welfare Reform Message delivered in May of that year. This statement was written in a climate of considerable concern regarding a public aid fiscal crisis in the state; changes in the state program; and in a number of proposals before Congress addressing the welfare system, including a House passed version of the Administration's "welfare reform" proposals (H.R. 1). The statement was developed by a special Ad Hoc Committee consisting of members of the Council Board, the Committee on Public Policy and the Panel on Public Welfare. It was approved as amended by the Board on February 16, 1972.

#### FOOTNOTES

<sup>1</sup> H.R. 1, for example, presently before the Senate Finance Committee, provides that budgets be computed on a quarterly basis in order to determine the need for and amount of grant. Under this method, any income in excess of exempt income (that income which may be retained as a work incentive) received during the previous three quarters is to be deducted from benefits due the current quarter. A family not on assistance and suddenly thrown out of work which yields marginal wages could have to wait up to nine months before it is eligible for any payment, regardless of its ability to meet current needs.

<sup>2</sup> See Section 3.B for a definition of those who should be required to register for work or training.

<sup>3</sup> The poverty level, established annually by the O.E.O., is a guideline which defines the income level below which a family of a particular size would be considered to be poverty stricken. For a non-farm family of four, the poverty level was \$4,000 in November, 1971. (Cook County Office of Economic Opportunity. Revised OEO Income Poverty Guidelines, November, 1971.)

Although it is less recognized as a scientific and accurate standard, we are proposing it here for lack of an alternative and as an initial beginning point for the establishment of a national income floor.

<sup>4</sup> The BLS Lower Standard Budget Level for 1970 was \$6,960 for an urban family of four. (U.S. Department of Labor, Bureau of Labor Statistics. Three Standards of Living for an Urban Family of Four Persons, Spring, 1970. Supplement to Bulletin 1570-5.)

The Lower Standard Budget represents the lowest income needed for a family of a particular size to maintain minimum health, social and nutritional levels. For example, a housing allowance only for rent, use of public transportation and a low cost food plan are required under this budget.

<sup>5</sup> In effect, there would be two floors—one at the "poverty" level (for the employable recipient who refuses suitable work) and the other floor gradually progressing to the "BLS Lower" level over a ten-year period.

<sup>6</sup> At the Federal Minimum Wage (\$1.60 per hour) for 40 hours a week for 52 weeks, an individual would earn \$3,328. Work related expenses such as transportation, social security, taxes, sick leave, etc. would be deducted from this gross figure of course.

<sup>7</sup> H.R. 1: The Opportunities for Families Program and Family Assistance Program, Commentary by the Center on Social Welfare Policy and Law, Columbia University, June, 1971, page 8.

<sup>8</sup> *Goldberg v. Kelly*, 397 U.S. 254 (1970).

<sup>9</sup> Illinois Department of Public Aid, *Monthly Report*, March, 1971, p. 11-25 and *Monthly Report*, November, 1971, p. 20.

<sup>10</sup> *Shapiro v. Thompson*, 394 U.S. 618 (1969).

#### TAX REFORM: A SOUND PLAN TO TURN TALK INTO ACTION

Mr. CHURCH. Mr. President, during this election year there is much talk of tax reform. Recently, the Senator from Wisconsin (Mr. NELSON) and I, along with others Senators, joined in cosponsoring a bill which would turn that talk into substantive action. I am sorry that President Nixon has chosen to take the position that tax reform is not necessary. It is a position which I do not share, and I do not feel a majority of the American people share that feeling either.

Recently, the Idaho Daily Statesman, of Boise, Idaho, in an editorial entitled "Reform Plan Could Cut Idaho Property Tax in Half," discussed in some detail the tax reform legislation I have cosponsored. As I have said before, the Nixon administration should press for tax reform before it attempts to impose a nationwide sales tax on the American people. I ask unanimous consent that the article be printed in the RECORD.

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

[From the Idaho Statesman, Apr. 9, 1972]  
REFORM PLAN COULD CUT IDAHO PROPERTY TAX IN HALF

The tax reform bill co-sponsored by Sen. Frank Church of Idaho could replace most of

the \$58 million Idahoans now pay in school property taxes.

It would be replaced with revenue raised by closing "loopholes" in the federal income tax law. Altogether the proposed changes would add \$16 billion in revenue, which the sponsors propose to use to replace school property taxes.

President Nixon has suggested replacement of school property tax with federal revenue. He has been looking at a value added tax, a sort of national sales tax.

This idea has stirred strong opposition because a sales tax is regressive—falling heaviest on lower and middle income people.

The plan offered by Church and 11 other Democratic senators is an alternative which would raise the revenue from the individual and corporate income tax. (The other sponsors are Senators Nelson, Eagleton, Harris, Hart, Hughes, Humphrey, Kennedy, McGovern, Metcalf, Mondale and Tunney.)

If the \$16 billion were distributed to the states on a population basis, Idaho's share would be \$56 million. Idaho school property taxes in 1971 amounted to \$58.9 million—and more than half of the total property taxes of \$108 million.

The same formula would give Oregon \$198 million for property tax replacement.

Here is a summary of provisions as described by Sen. Gaylord Nelson of Wisconsin:

Although it will be strongly attacked by those with a vested interest in the present tax structure, this is not a radical program. It represents a compromise between what would be an ideal tax reform and what it may be possible to accomplish at this stage in history.

It does not close every loophole. Rather, it concentrates on those provisions which are most unfair, and on which there is widest agreement among the experts. It incorporates a number of the recommendations made by the Treasury Department in its comprehensive "Tax Reform Studies and Proposals of December 1968." It has benefited from the assistance and advice of some of our most eminent tax lawyers and economists.

One area that most of the tax experts agree is badly in need of reform is capital gains.

Under present law, the federal government taxes only 50 per cent of any increase in the value of property—such as real estate or corporate stock—held over six months. The other 50 per cent is tax-free.

This one provision removes about \$16 billion from federal taxation. It costs the Federal Treasury almost \$8 million a year in lost revenue.

Nothing could be more unfair. The average worker who must live off his hard-earned wages is taxed at regular income tax rates. But the rich man can invest his wealth, and then simply wait—without lifting a finger—until it has increased in value. At that point, 50 per cent of his gain goes tax-free.

Defenders of capital gains like to invoke the myth of the small investor who supposedly would be hard hit if this tax preference were to end.

In fact, only one taxpayer in 12 receives any capital gains. Only 5 per cent of those earning under \$10,000 receive any; and this group receives only a little over 1 per cent of the total tax giveaway. Meanwhile, 88 per cent goes to families earning over \$25,000. Over half goes to people earning over \$100,000.

But that is not the end of it. Many capital gains beneficiaries pay no tax at all. This is because no capital gains tax is due on property held until death.

Suppose a taxpayer bought \$5 million of stock in 1950. The company has flourished, and the stock is now worth \$15 million. If he sells the stock, the taxpayer pays the capital gains tax on the \$10 million increase in value. But if he holds the stock until he dies, neither he nor his heirs ever pays any capital gains tax on the \$10 million.

The best long-term solution to the capital

gains loophole is to treat these gains like other income. Indeed, I will shortly introduce legislation to do just this. The investor would pay tax on 50 per cent of the first \$10,000 of gains in any one year, but above that he would pay tax on the whole gain. This proposal will be introduced and considered separately from the tax reform package because it is a much more dramatic reform and is not as widely supported as the other provisions of this bill.

But the proposal here is not so broad. It closes the major loophole in the transfer of property at death. It provides that capital gains shall be taxed at death as proposed both by President Kennedy and by the Treasury Department in its comprehensive study of 1968. This alone would add \$2 billion to Federal revenues.

Another serious loophole is the oil depletion allowance. This allows oil men to receive 22 per cent of their income tax free.

In theory, the oil man gets the depletion allowance because his well is being "used up," in the same way that a businessman receives depreciation as his plant and machinery are wearing out.

There is one big difference, however. A businessman can claim depreciation on a machine up to the amount that it cost him. But the oil man can receive his depletion allowance year after year as long as the well is producing.

The result is hardly surprising. According to Treasury estimates, the cost of the average oil well was recovered 19 times in 1966. Meanwhile, the 20 top oil companies were making profits of \$4½ billion and paying taxes at the rate of only 8½ per cent.

There is no good reason why the oil industry should receive this special treatment. Indeed, the Consad study prepared for the Treasury in 1968 concluded that total elimination of percentage depletion would have a minimal effect on our oil reserves.

However, the Tax Reform Act of 1972 follows the more modest proposal made by President Truman in 1950: it would simply reduce percentage depletion to 15 per cent, thus saving the Treasury over \$400 million a year.

But not all the tax loopholes are as simple as capital gains and oil depletion. Some of them actually serve a social useful purpose.

Consider, for instance, the tax exemptions for state and local government bonds.

Because the interest from these bonds is tax free, investors are willing to buy them at lower interest rates. As a result, hard-pressed local governments can raise funds at a relatively low cost with a saving to the local taxpayer.

This is one loophole that appears to make sense.

But the appearance is misleading. In fact, this is an extremely wasteful way of helping state and local governments. And the beneficiaries of this waste—as usual—are the very rich.

Here is how it works. Suppose corporate bonds are paying 7 per cent, while tax-free local government bonds pay 4 per cent.

For the average wage-earner, his \$100 corporate bond yields him \$7. He pays \$1.30 in Federal taxes, but the remainder—\$5.70—is still more than the \$4 he could get from tax-exempt bonds. However, for the millionaire—in the 70 per cent tax bracket—the \$7 corporate bond dividend really means \$2.10 in income, because \$4.90 goes to the federal government in taxes. Obviously, he will prefer the \$4 dividend, tax-free.

In short, here is another tax give-away that benefits only the rich.

True, this provision saves local governments about \$1 billion in interest costs. But the Federal Treasury loses about \$2 billion in tax income. The difference is about \$1 billion, of which over 80 percent goes to the richest one per cent of the population.

The proposal in this bill allows local authorities the choice of continuing to issue tax

exempt bonds, or of issuing taxable bonds and having the federal government pay 50 per cent of the interest cost. Since the 50 per cent of the interest cost subsidy is worth much more than the lower interest cost resulting from the tax exemption, state and local governments will have a strong incentive to issue taxable bonds. At the same time, the new provision in no way violates their freedom of choice.

A similar proposal was passed by the House in 1969.

The effect of this change is to give an additional \$1 billion of Federal funds—now benefiting investors—to State and local governments. Indeed, combined with the \$16 billion that would be returned directly to State and local governments under my proposal, this in effect makes a total of \$17 billion that could be used to finance the local schools, or pay for property tax relief.

Numerous other tax changes are also needed.

We should substitute a \$150 credit for the \$750 personal exemption. At present, every taxpayer gets a \$750 deduction for each member of his family.

The problem is that this deduction is worth \$105 to the low-income taxpayer and \$525 to the man in the 70 per cent bracket. A \$150 credit would put everyone on the same footing, give a sizable tax cut to most lower- and middle-income families, and raise \$1.9 billion for the federal treasury.

We should repeal the accelerated depreciation system—ADR. Originally, we were told that this depreciation speed-up would help the economy because it would encourage businessmen to invest more, and this, in turn, would create jobs. But the ADR system has now been in effect over a year, and it is hard to find an economist who believes it has helped anyone but corporate stockholders. Meanwhile, it is costing the rest of us about \$3 billion a year.

We should close the real estate loophole. A rich investor can put up an apartment building, take accelerated depreciation on it, and use the depreciation to shelter from tax his other ordinary income, such as salary and dividends. Moreover, if he then sells the building at a profit, he can frequently receive favorable capital gains treatment on part of it. Changing these provisions will increase federal revenues by up to \$1 billion annually.

We should beef up the minimum tax adopted in the 1969 Tax Reform Act. This provision was supposed to end tax avoidance by the rich, by making even loophole income subject to a small tax. Unfortunately, the minimum tax has turned out to be a gentle "love tap" to the rich. This is because some income is not subject to the minimum tax; there are overgenerous exemptions; and the tax is only 10 per cent—about the average rate paid by the taxpayer earning \$12,000 a year. Changing these features will raise \$3 billion a year.

These eight proposals described so far will raise over \$11 billion a year in new Federal revenues. There are 47 other proposed changes in the Tax Reform Act of 1972. Together, these would raise well over \$5 billion a year, to bring the annual total for the whole bill to over \$16 billion.

The exact formula for distributing these funds within a state has yet to be worked out. Certainly, it should give relatively greater assistance to areas of major need.

#### J. EDGAR HOOVER

Mr. FANNIN. Mr. President, I was very saddened yesterday to learn of the death of one of the greatest men in America, J. Edgar Hoover.

He was a man of great character and strength, a magnificent leader whose devotion to duty inspired our people.



Under his direction the Federal Bureau of Investigation was built into an organization which was respected by all law-abiding Americans and feared by criminals.

J. Edgar Hoover was a man of intense loyalty to his country. He believed strongly in the principle of rule of law, and this spirit is a part of the tradition of the FBI.

Mr. President, Mr. Hoover restated his belief in the rule of law in the FBI Law Enforcement Bulletin which was dated May 1, 1972. In his message, Mr. Hoover stressed that:

Unless we honor and obey the rule of law, the tyranny of extremists may inevitably result.

I ask unanimous consent that the last message from the Director be printed in the RECORD.

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

MESSAGE FROM THE DIRECTOR—TO ALL LAW ENFORCEMENT OFFICIALS

MAY 1, 1972

Extremists of all stripes in our society ceaselessly attempt to discredit the rule of law as being biased and oppressive. They have no conception of—or purposely choose to ignore—its role and history. It is not surprising that these divisive elements concentrate their abuse on the law enforcement officer. Above all, he stands firmly in the path of mindless actions that would reduce our government of laws to mob rule or the whims of lawless men.

To permit such attempts to damage the reputation of our government by law is, of course, a necessary condition of democracy. While it must tolerate the lawfully expressed views of extremists, its citizens cannot through their own ignorance be entrapped with sympathy for bankrupt doctrines that would lay waste the foundations of their Nation.

In observing Law Day, USA, this May 1st, we have an opportunity to view our laws in their proper perspective and appreciate the role they have played in developing our Nation. This day is also a time to renew our obligation of support to law enforcement officers, 126 of whom selflessly gave their lives last year in upholding the law.

Our greatest democratic heritage is the rule of law. It is the foundation for and the guardian of the rights, liberties, and orderly progress we enjoy. It is also the soil that has nurtured the "American dream" implicit in the Declaration of Independence pledge to provide "... Life, Liberty, and the Pursuit of Happiness" for all our citizens.

The tests of time and challenge in our Nation's history have more than proven the majesty of the law. Were this not so, our country would not have endured its strife to now stand before the nations of the world as a model of freedom and accomplishment. This is not to say the law has always been right, but that it has been organized to ultimately seek justice. Recognition of its power for good is not merely the experience of our nearly two centuries of democratic government. The struggle to insure the right of the individual and his social organizations by written decree has roots which reach far back into antiquity. The authors of our Constitution were mindful of this legacy when they drafted that historic document.

Nor was the importance of a definitive rule of law lost to the general public of our infant Nation. Worn by the ravages of the Revolutionary War, our expectant forefathers appealed for and got amendments to the Constitution which formed the Bill of Rights—specific guarantees of law that re-

sponded to the heart of their grievances. Together the Constitution and the Bill of Rights gave birth to our rule of law and it is the flesh and blood of our Nation.

The law is dynamic because it responds to change as it did for those who argued for and received the Bill of Rights. And our Nation's history has been a chronicle of change. But the process of change in a democracy requires discipline and responsibility that will not unleash unrestrained forces that would rip the fabric of our freedoms. That fabric derives its strength through the warp and woof of laws that orderly guide the process of change by defining our individual and corporate duties. Change in our society would otherwise simply result from those who could impose their will on others without regard for the validity of their arguments or the rights of those who do not share their views.

Law Day honors an indispensable commitment of a free society: that democracy be dynamic but not self-destructive. If we do not value this commitment by both honoring and obeying the rule of law, the tyranny of extremists may inevitably result.

JOHN EDGAR HOOVER, Director.

#### AMERICAN PUBLIC SUPPORTS FUND CUTOFF

Mr. CHURCH. Mr. President, I invite attention to the most recent Gallup poll concerning U.S. military involvement in Indochina. According to Dr. Gallup's latest findings:

The American public gives overwhelming support to a bill now in Congress which would cut off all funds for the support of U.S. troops in Vietnam after December 31, provided North Vietnam agrees to release all U.S. prisoners. Seventy-one percent favor this bill, 23 percent are opposed and 6 percent are undecided.

The "bill" referred to here is the Case-Church amendment which is title VII of the Foreign Relations Authorization Act of 1972.

Before the Senate votes whether or not to strike the Case-Church provision from the pending bill, I hope that each Member take a close look at what the American people overwhelmingly favor—for Congress to use its power over the national purse-strings to secure the release of our prisoners of war, and bring our participation in this winless war to a close.

I ask unanimous consent that Dr. George Gallup's latest poll, the language of the Case-Church amendment, and the committee report explaining the provision's intent be printed in the RECORD.

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

[From the Salt Lake City Tribune, Apr. 25, 1972]

#### GALLUP POLL—AMERICANS DIVIDED ON RAIDS (By Dr. George Gallup)

PRINCETON, N.J.—The American people are sharply divided on the issue of the bombing of North Vietnam, with 47 percent in favor, 44 percent opposed and 9 percent undecided.

At the same time, the public gives overwhelming support to a bill now in Congress which would cut off all funds for the support of U.S. troops in Vietnam after Dec. 31, provided North Vietnam agrees to release all U.S. prisoners. Seventy-one percent favor this bill, 23 percent are opposed and 6 percent are undecided.

A close division of opinion is found regarding President Nixon's overall handling of

the Vietnam situation, with 48 percent expressing approval, 44 percent disapproval and 8 percent undecided.

These findings are based on a nationwide survey of 1,483 adults, 18 and older, who were interviewed in person last Saturday and Sunday.

#### TITLE VII—TERMINATION OF HOSTILITIES IN INDOCHINA

SEC. 701. Notwithstanding any other provision of law, none of the funds authorized or appropriated in this or any other Act may be expended or obligated after December 31, 1972, for the purpose of engaging United States forces, land, sea, or air, in hostilities in Indochina, subject to an agreement for the release of all prisoners of war held by the Government of North Vietnam and forces allied with such Government and an accounting for all Americans missing in action who have been held by or known to such Government or such forces.

#### FOREIGN RELATIONS AUTHORIZATION ACT OF 1972—S. 3526

##### TITLE VII. TERMINATION OF HOSTILITIES IN INDOCHINA

Section 701, hereafter referred to as the Case-Church amendment, would bring about a total withdrawal of all American military forces from Indochina, provide an inducement for the release of American prisoners of war and an accounting of those Americans missing in action, and reinforce Title VI of Public Law 92-156 (known as the Mansfield amendment). It is also designed to give the President's program of Vietnamization the best possible chance for success.

The Case-Church amendment utilizes Congress' power of the purse. It prohibits the expenditure or obligation of funds for the maintenance or support of United States military forces in or over North or South Vietnam, Cambodia, or Laos, on or after December 31, 1972. This means that, beyond this explicit date, the purse strings will be drawn shut and there will be no financing of American armed forces for the purpose of engaging any further in the war on the Indochina peninsula, once an agreement is reached for the release of U.S. prisoners of war now held by the Government of North Vietnam and forces allied with that Government as well as an accounting for all Americans missing in action who have been held or known to be held by the North Vietnamese or its allies. The Committee is convinced that the best way to get American prisoners home, other than through a negotiated settlement, is to bring all our troops, airmen and sailors home. That is the objective of this provision.

Case-Church, on the other hand, does not prohibit the furnishing of military assistance nor the maintenance of traditional Military Assistance Advisory Groups (MAAGs) in the countries of Indochina. U.S. monies and materiel can be provided the various governments of Indochina, but participation by U.S. personnel shall be limited to small numbers of technicians responsible for the distribution and end-use checking of said monies and materiel only. Advisers of any kind are barred from involvement throughout Indochina, as they are already in Cambodia by Section 7 of Public Law 91-652 (known as the Cooper-Church amendment). There shall also be the normal-diplomatic complement of military attaches.

The Case-Church provision, approved by a vote of 9-1, is the latest attempt by the Committee to bring about an orderly and rapid termination of our military involvement in the war in Indochina. It follows on the two Cooper-Church amendments which are now law. These bar the introduction of U.S. ground combat troops into Laos, Thailand, and Cambodia, plus American military advisers in Cambodia. It follows the repeal of the Gulf of Tonkin Resolution. It follows the Mansfield amendment which passed the

Senate three times last year and was enacted into law, setting a government policy to terminate U.S. military operations in Indochina by a date certain and withdrawing all our forces contingent upon the release of all American POWs. Another Cooper-Church amendment to end U.S. military involvement in Indochina was deleted from the Foreign Assistance Authorization bill by the Senate last October 28th by one vote.

The Case-Church provision is an example, too, of the Committee's efforts to restore the proper Constitutional balance between Congress and the Executive branch in matters of war and peace. In 1969, the Senate voted for the Commitments Resolution; on April 13, 1972, the Senate passed the War Powers bill, making explicit what the President can and cannot do vis-a-vis the Constitution in engaging the armed forces of the United States in hostilities.

The Committee believes that for American national interest to be served and for the President's policy of Vietnamization to succeed, America's allies in Indochina must be put to the test of defending themselves against hostile forces without U.S. military involvement and back-up support. Such a time is now, not five years or 20 years from now.

After so many years of U.S. participation in the Indochina war, it is the strong view of the Committee that the United States has fulfilled its commitment in arming and assisting as well as in engaging in combat for another country. In fact, the United States has done everything legitimately possible for South Vietnam to help it stand as a nation on its own two feet. If it is unable to do so now, neither the bombing of North Vietnam, the use of more devastating military tactics, or the continued presence of Americans will enable it to do so. If the South Vietnamese are to become self-reliant on the battlefield, then 1972 is the year for total American military withdrawal and for a total take-over of the war by the peoples of Indochina themselves.

#### CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

#### FOREIGN RELATIONS AUTHORIZATION ACT OF 1972

The PRESIDING OFFICER (Mr. CHILES). Under the previous order, the Chair lays before the Senate the unfinished business, which the clerk will state.

The assistant legislative clerk read as follows:

A bill (S. 3526) to provide authorizations for certain agencies conducting the foreign relations of the United States, and for other purposes.

The Senate resumed the consideration of the bill.

The PRESIDING OFFICER. The pending question is the amendment of the Senator from Mississippi (Mr. STENNIS), No. 1175.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. 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. ROBERT C. BYRD. Mr. President, I would hope that during the afternoon the Senate could proceed with debate on the pending question, which is on agreeing to the amendment of the Senator from Mississippi (Mr. STENNIS). In a moment I shall move to recess the Senate until 2 o'clock, in order that the Senators who are authors of the Church-Case language in the bill, Senator STENNIS and other Senators may be able to sit down and discuss a possible agreement with respect to a date and time for voting on the Stennis amendment. We will meet shortly for that purpose, and in view of that fact, and due to the additional fact that no Senators are presently on the floor other than the distinguished Senator from Mississippi and the assistant Republican leader at this point and no one seeks recognition as of this moment—

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

Mr. ROBERT C. BYRD. I yield.

Mr. STENNIS. Reserving the right to object, and I shall not try to prolong the session, I think the acting majority leader is correct, that there must be a conference here. As author of this amendment, I do not wish to unduly rush my colleagues at this point, but I think we could get at the issue here, have a reasonable debate, and vote, say, tomorrow afternoon or Friday morning. I would agree to either time. Of course, I realize others may have problems.

Turning to another point: I do want to have a chance to get the floor this afternoon to make a speech of reasonable length in support of the amendment. I assume that when the recess is over, this will still be the pending matter.

Mr. ROBERT C. BYRD. It will be.

Mr. STENNIS. I shall try to be here and ready at that time.

Mr. ROBERT C. BYRD. Does the Senator wish to be recognized at 2 o'clock?

Mr. STENNIS. Well, I would not request that now, but I shall be here and we can consider it then.

Mr. GRIFFIN. Mr. President, I am glad to hear the distinguished author of the pending amendment indicate his readiness to vote tomorrow or the next day. I simply want to indicate that as far as the leadership on this side of the aisle is concerned, that would be our position. I hope we can move to a vote.

Maybe there is no opposition to this amendment. I do not know. If there is, I am sure we would like to hear from the opponents pretty soon.

Mr. ROBERT C. BYRD. Mr. President, may I say for the leadership on this side of the aisle that as far as I am concerned there is no wish on my part to delay action on the pending amendment or on the pending bill, but I must respect the wishes of all Senators, and seek to find a middle ground, so that at some point in time we can vote on the pending amendment, allowing Senators ample time in which to be notified as to the date and hour for such a vote.

I would be very agreeable, personally, to setting the pending amendment aside some time during the afternoon if we cannot get a vote on it today or tomorrow, and proceed to the consideration of some other amendment on which we

might be able to get a vote, in the meantime, and thus make progress; but having discussed this with various Senators, I sense that it will not be possible to do so at this time.

So, in the interest of possibly working out such an agreement among the principal Senators concerned on both sides of the aisle and on both sides of the question, unless the able Senator from Michigan wishes me to yield, I shall now move for the recess.

Mr. President, directing my remarks now to the very distinguished Senator from Florida (Mr. CHILES), who now presides over the Chamber, I move that the Senate stand in recess until 2 p.m. today.

The motion was agreed to, and at 12:44 p.m., the Senate took a recess until 2 p.m.

The Senate reassembled at 2 p.m., when called to order by the Presiding Officer (Mr. WEICKER).

#### QUORUM CALL

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

The PRESIDING OFFICER (Mr. WEICKER). The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

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

#### AMENDMENT OF THE REVISED ORGANIC ACT OF THE VIRGIN ISLANDS

Mr. BURDICK. Mr. President, I ask unanimous consent that the Committee on Interior and Insular Affairs be discharged from the further consideration of S. 2030, and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER (Mr. WEICKER). Without objection, the bill will be stated by title.

The assistant legislative clerk read as follows: "To amend section 6(b) of the Revised Organic Act of the Virgin Islands relating to qualifications necessary for election as a member of the legislature."

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which was read the first time by title and the second time at length.

The bill was ordered to be engrossed for a third reading and was read the third time and passed.

Mr. BURDICK. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 735, H.R. 9545.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk proceeded to read as follows:

H.R. 9545, to amend the Revised Organic Act of the Virgin Islands to provide that the Legislature of the Virgin Islands shall



prescribe the minimum age for membership in the Legislature.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. BURDICK. Mr. President, I move that all after the enacting clause be stricken and that the language of S. 2030 be substituted therefor.

The motion was agreed to.

Mr. BURDICK. Mr. President, the language of my bill is identical to that which the Legislature of the Virgin Islands requested the Congress to approve, and I believe it is incumbent upon the Congress to comply with the wishes of the elected representatives of the people of the Virgin Islands. The Organic Act, which my bill would amend, is to this territory what a constitution is to each of the States. The customary method of prescribing the age requirements for public service is found in the State constitutions. Therefore, to set this age requirement in the Organic Act is consistent with what is done in the States.

I am hopeful that the House of Representatives will agree with the language which represents the wishes of the Virgin Islands Legislature.

The PRESIDING OFFICER. 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. 9545) was read the third time and passed.

Mr. BURDICK. Mr. President, I ask unanimous consent that the title of H.R. 9545 be appropriately amended.

The PRESIDING OFFICER. Without objection, it is so ordered.

The title was amended so as to read: "To amend section 6(b) of the Revised Organic Act of the Virgin Islands relating to qualifications necessary for election as a member of the legislature."

Mr. BURDICK. Mr. President, I ask unanimous consent that S. 2030 be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### QUORUM CALL

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

The PRESIDING OFFICER. Without objection, it is so ordered.

#### QUORUM CALL

Mr. BURDICK. 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. ROBERT C. BYRD. Mr. President,

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

The PRESIDING OFFICER. Without objection, it is so ordered.

#### TEN-MINUTE RECESS

Mr. ROBERT C. BYRD. Mr. President, I move that the Senate stand in recess for 10 minutes.

The motion was agreed to; and at 2:25 p.m. the Senate took a recess until 2:35 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. WEICKER).

#### QUORUM CALL

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

The PRESIDING OFFICER. Without objection, it is so ordered.

#### ORDER FOR RECOGNITION OF SENATOR BUCKLEY TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on tomorrow, following the remarks of the distinguished Senator from Mississippi, the distinguished Senator from New York (Mr. BUCKLEY) be recognized for not to exceed 15 minutes.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

#### FOREIGN RELATIONS AUTHORIZATION ACT OF 1972

The Senate resumed the consideration of the bill (S. 3526) to provide authorizations for certain agencies conducting the foreign relations of the United States, and for other purposes.

Mr. STENNIS. Mr. President, what is the pending order of business before the Senate?

The PRESIDING OFFICER. The pending question is the amendment of the Senator from Mississippi (Mr. STENNIS) to strike out section 701 on page 30 of the bill, S. 3526.

Mr. STENNIS. I thank the Chair. In the printed bill, I believe it is on page 38.

The PRESIDING OFFICER. The Senator from Mississippi is correct.

Mr. STENNIS. Mr. President, the purpose of this amendment is to strike out all the language of section 701, which is all on page 38 of the printed bill that is now before the Senate, S. 3526. I ask unanimous consent that the text of that section be printed at this point in the RECORD.

There being no objection, the text of section 701 was ordered to be printed in the RECORD, as follows:

#### TITLE VII—TERMINATION OF HOSTILITIES IN INDOCHINA

SEC. 701. Notwithstanding any other provision of law, none of the funds authorized

or appropriated in this or any other Act may be expended or obligated after December 31, 1972, for the purpose of engaging United States forces, land, sea, or air, in hostilities in Indochina, subject to an agreement for the release of all prisoners of war held by the Government of North Vietnam and forces allied with such Government and an accounting for all Americans missing in action who have been held by or known to such Government or such forces.

Mr. STENNIS. Mr. President, this is the so-called war amendment, or the so-called withdrawal amendment. The substance of the amendment is that no funds authorized or appropriated in this or any other act may be expended or obligated after December 31, 1972, for the purpose of engaging U.S. forces—land, sea, or air—in hostilities in Indochina, subject to an agreement for the release of all POW's and an accounting of those missing in action, and so forth.

I have been drawn into this debate and have offered this amendment because I saw that with the presentation of this amendment, this early in the session—a similar one having been offered and debated last year extensively on the military procurement bill—this was the first test, the first debate, and that I would be confronted with similar amendments when the military procurement bill came before the Senate. I felt that I might just as well try to prepare for and meet this issue now, as best I can, rather than wait until the later debates.

I hope we can get a voting agreement soon. I am not trying to press anyone, but I hope we can get a unanimous-consent agreement soon, so that, after reasonable debate, we may vote this amendment up or down. To that end, we have had conferences, and the floor leaders will explain that to the Senate later. There is no agreement now, but I am just expressing my hope. If other Senators desire to do so, debate could occur today, tomorrow, and Friday, and I would be willing to vote as early as Friday of this week.

Mr. President, this matter now has a special significance, because I consider that the battle that is going on now in South Vietnam—and I am not discrediting the South Vietnamese Army one bit beyond the naked facts—is not being won. The war is not being won, but the battle is being won by the North Vietnamese. There is no doubt about that. We hope by the hour that the situation will change.

But it is now being lost, and that is in spite of the air cover that we are giving—and we are giving all that can be given. That is what I am told, and I believe it is the fact. We are giving all the air cover in this battle, wherever it may be ranging north of Hue, that can be brought in under the circumstances, when it is not precluded by cloudy weather.

This is by no means a lost battle, but there is a crisis there now of the greatest kind. It is almost 30 days since the crossing of the DMZ, and the North Vietnamese have been steadily overcoming the resistance they have met, and they were met with considerable resistance. A great amount of valuable and creditable fighting has been put up by the South Vietnamese, but so far the battle is going the

way I have described. Within the next few days—it might be 7 days or less, or it might be 2 or 3 weeks; I am not a military expert, but one can see what is coming—it is going to develop rapidly to a crucial point with reference to the city of Hue, a very important area and a critical part of this war. South Vietnam, fortunately, has some of its finest troops there, and I am sure that they will fight with great credit.

The issue has been joined, and for the next 10 days, 2 weeks, 3 weeks, or 4 weeks, the battle is going to ebb and flow and continue in a critical situation. As that battle continues, if it goes against the South Vietnamese, it will be very difficult for them without our assistance from ground troops—in my opinion—to recover from the crushing blows. Nothing is further from my mind than that we could now, or should now, send back in our ground troops. I do not think the President has anything like that in mind, based on what he said many times to the American people.

In round numbers, we have about 68,000 troops remaining in the country—not all around Hue—but in South Vietnam. These are U.S. troops in American uniforms. That figure is not classified. There is no secret about it. They are there. They could not all be taken out in 24 or 48 hours. They are there. We are responsible for them, as we are responsible for the prisoners of war. The 68,000 troops are there and they represent the flag.

That is a part of the picture. I emphasize that we have been providing all the air support in these battles that could be provided. We had it there and we have used it. It helped a great deal.

I emphasize, too, that we hope the North Vietnamese can be stopped. I think there is a chance that the North Vietnamese will be successfully challenged. But then, they may not be. I warn now that—if the North Vietnamese are not stopped—the American people will go through weeks of travail and they will be deeply concerned. They will be, if it comes to the worst, humiliated to a degree. I know that the American people want to get out of the war. I want to get out. Every other Senator here does. But if we scratch beneath the surface of the American people, we will find that they do not want to be driven out. They do not want, like a whipped dog, to have to leave the scrap he has been into.

We are facing a tragic situation. The American people do not want all our sacrifices and loss of life to go down the drain. I am sure that this is not the purpose of those Senators who support section 701. But I believe that this provision of this law, if approved by the Senate, will tend—will help—to bring about a situation whereby those sacrifices could go down the drain, or be made worse.

I do not believe the American people want that to happen. They do not want it to happen now in the weeks of this crucial battle and in the feeling now prevalent in the Senate. For that reason alone, I think we should establish a barrier here, to stop, look, and listen, and strike this amendment from the bill.

If Senators want to bring it up in some other form, at some other time, that would be a different matter. But the crucial weeks are here, just as certain as night follows day.

What else is happening, at the same time, during the same weeks that this battle will be raging?

The SALT talks are coming to a head. They have been in progress for 3 years. We have been trying to get some kind of starting point—just a starting point, some kind of agreement with Soviet Russia with reference to limiting these terrible nuclear powered weapons—so-called atomic weapons, and others—just some kind of start.

I verily believe that, this time, we will get something. I do not know what it will be. I do not know how far it will go, but I think it will be enough to be called a start. I believe the American people generally will approve, if we get in the neighborhood of what I think we have the chance to get, after all these years of deliberation, by our capable representatives led by Ambassador Smith and engaged in, to an extent, by the President and others. That deliberation has been going on. We are right down to the crucial point. It will come to a head within 3 or 4 weeks, for better or worse. I think it will be for the better. It will be something that will come to the floor of the Senate for debate, and on which a decision will have to be made, unless something happens to scuttle it.

What else is happening during these next 3 or 4 weeks that the battle is going on in North Vietnam? The SALT talks in Moscow have come to a head, and President Nixon is going to be on his way to Moscow to deal with the heads of state there. President Nixon is a man like everyone else, but he is the Chief Executive of this Nation. He is the man that the people of this country have chosen, under the Constitution, to exercise the Executive power of the Government. There may be another President after the election in November, but he is the only one we have now. He is the only one that has the power—the same man who has been making all the preparations and has gotten this thing this far.

What are we going to do to him under these circumstances? The battle is being waged in the far Pacific. The agreements on the SALT talks are on the verge of being won—maybe—in Western Europe. The Chief Executive is going over there—for what?—to represent the American people.

But we are going to tie his hands and pull his feet out from under him?

Do not be misled. That is what section 701 will do. It will tell the President, it will tell others, especially the enemy—everywhere—that we are not going to let our President have a dime of money after December 31 for operations in all of Indochina unless certain things happen.

The committee report says, and I am sure they are honest about it, that they are trying to help President Nixon on Vietnamization with this withdrawal provision. As I said, with all deference, this is a new way to help a person, by tying his hands and taking his feet out from under him.

I do not believe that it will happen. I do not believe the majority of the Members of this body will vote for section 701. If it does, however, I can say that nothing like it has happened in this Nation, or even come near happening, since that unfortunate war of more than a century ago, in Lincoln's time. My people were on the other side then. But we have studied that history a little more closely than some. The same effort was made then to tie President Lincoln's hands, to restrain and restrict him. It all came to naught, but the Senate was going to help him get a peace.

Mr. President, if they had prevailed, he would have been stopped in his tracks and the Union would not have been saved in that war. It might have been saved later in some way, I do not know. I cannot pass on that matter. However, I know about the history well enough to know that if that group had prevailed then—and they were sincere and they were patriotic, no doubt about that—the purpose, the saving of the Union, would not have prevailed. Some other result would have happened. No one knows what it would have been or where it would have left us.

So far as the President of the United States is concerned, the Constitution puts responsibility on him. He is prepared. He is primed both with respect both to the Pacific and the Soviet Union.

Let us keep the responsibility on him. That is my doctrine with reference to any chief executive, to keep the responsibility on him. At times we have to stand up here and take votes that we do not like to take. That is so that the Nation can survive and have an executive head with power to function and the support of the Congress. Whether I particularly believe that these steps should be taken or not, we have a responsibility here.

I have no word for a President on a personal basis, Mr. Nixon or anyone else. However, I tell the Senate that we are flirting with dangerous facts here. We are playing with fire.

The bill has a section that, if agreed to, can create doubt and uncertainty in the minds of our adversaries on both sides of the world and confound our friends. So, I urge and warn against it. I do not want the war to continue. I want our prisoners of war to come home, just as everyone else does. But I think the timing of this matter is certainly just as bad as it could be. And those who might not agree with me on the merits of the facts I have related and my conclusions, I challenge their minds and their patriotism to consider the timeliness of this provision.

I submit that it is totally wrong. I submit that the timing of the provision is wrong.

I leave a second thought with the Senate. I know that there is considerable sentiment in favor of approving section 701. I believe that this body is still a great body. We should say that this is not the time.

I hope that there will not be a close vote. I believe this is one time that we will have to buckle up our belts and say that we are going to stand firm, although we do not like the situation. We will say that to the American people.



ple, also. We must tell them the truth about this and the reasons why we make that clear.

I have no doubt at all as to what their stand will be.

This thing over there in South Vietnam gets worse and worse. Battles are lost, one after the other. I think that the American people will have to go through a period of travail and bereavement and disappointment and evaluations such as this generation has never had to do before.

They can stand it if we give them the facts. I hope, Mr. President, that the bill will pass, but only after deletion of section 701. We will have a full debate and everyone will have a chance. I am sure that we will have a full debate. I submit this matter now to the judgment, and the conscience, and the spirit, and the dedication of the Members of this body, and I trust that they will examine and reexamine all the facts.

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

Mr. STENNIS. I yield.

Mr. GOLDWATER. Mr. President, I compliment the Senator for his usual foresight and his usual logic in opposing section 701. I admit that this body has the power to do this. It would be a dreadful mistake to do this at this time. It has been tried before unsuccessfully, and I think it was wisely rejected at that time. I can understand the desire to end the war as well as anyone else in the United States. I can understand the desire to get our prisoners of war back and to confirm our missing-in-action figures as well as anyone else in the United States.

I agree with the Senator from Mississippi that it would be an utter disaster if we were to pass section 701, particularly at this time when the President is about to embark on a trip to Moscow, stronger, I might say, than any other President of the United States has ever been when he went abroad. That is mainly because he had the plain guts to react to Hanoi in the way that it should have been reacted to. It is strange, but I feel very unhappy that I have not heard anyone in this body who is opposed to the war recognize the fact that the enemy is now Hanoi and North Vietnam and recognize the fact that the Soviets are now openly supplying the enemy in the North.

I have a resolution to back the President. It has not been acted on. I have an amendment that will reexpress this resolution. And I will offer it at the proper time.

I think that we have come to a pretty sad pass in our long history of determination and courage when we even hear talk about the United States being pulled out of something against the will and desire of the President. We can argue as to whether the President is right or wrong. However, the power given him by the Constitution is his. It is not ours.

We can cut off the funds. However, I think before we do that we ought to realize how we will look in the eyes of people around the world. I know that there are some in this body who will say: "We do not care how we will look in the eyes of people around the world." Mr.

President, we had better start caring, because this world is a different world than it was 2 or 3 years ago. The world is no longer a world of two superpowers. There are now five superpowers. And others are coming along every day. We no longer have an umbrella over the Pacific, because we foolishly gave away Okinawa. We will no longer see Japan become a superpower, because we reneged there in our responsibility.

I suggest that we should have a full debate on this matter and have both sides express their views. I hope that the Senate will, not by a narrow margin but resoundingly, reject section 701.

We have 68,000 men left in Vietnam. They have to be protected. This attack made against North Vietnam by our Air Force was not against the enemy, per se. It was made to support our men and to protect the lives of 68,000 Americans who are in very vulnerable positions.

In my opinion, Danang would be the most difficult place to defend on the whole global map. We are faced there now with Communist guns and mortars. The only restraint has been their fear that attacking Danang would bring the full power of the U.S. Navy and airpower against cities of the North.

We have Camranh Bay where we have large concentrations of people, and it is very difficult to defend and evacuate, as would be Danang.

I do not want to be one-millionth responsible for having pulled back the support that our Air Force and our airpower can give in protecting these 68,000 men who are over there. I think the President used the only judgment he could have used. I dare say that every President we have known in modern times would have done precisely what he did.

I do not want to see us in this body give an indication to the world that the Senate of the United States has suddenly decided that we are going to turn tail and eventually say no to those with whom we have been friendly all around the world, that we are going to abrogate our treaties, and become an isolated country once again.

In conclusion let me say that if this ever happens I think I can safely draw a ring around the year when world war III will start, a war that will make World War II look like a Sunday outing of a Cub Scout troop.

I thank the Senator from Mississippi for his usual courage in presenting this amendment. It will not be easy to stand on this floor and, in essence, sound like we are defending war, but we are defending the integrity and dignity of the United States, and we are defending the Constitution and our President, and some may not like it but he was elected by the American people. I do not want to see this power destroyed or tampered with, unless it be by an amendment put to the people of America, and not a measure in this body decided by 100 people who are elected for 6 years, some lasting longer than that.

Mr. President, I intend to work actively against this section. I think it is a very dangerous mistake. I look forward to supporting my chairman in this matter.

Mr. STENNIS. I thank the Senator very much for his fine comments.

Mr. President, I yield to the Senator from Michigan.

Mr. GRIFFIN. Mr. President, I thank the distinguished author of the pending amendment, the Chairman of the Committee on Armed Services. I wish to join in commending him for the very statesmanlike leadership he is providing and for the excellent statement he has made on the floor of the Senate today.

It is unfortunate, indeed, it is almost tragic, that the Senate is even compelled to debate section 701 of the bill at a time like this. The timing could not be more inappropriate, as the distinguished Senator from Mississippi has already pointed out. The situation on the battlefield is critical. The situation as far as negotiations are concerned is critical.

It is very difficult for this Senator to see how even the debate, let alone adoption of the language contained in section 701, could have any effect other than to make it more difficult for the President of the United States to achieve peace.

Mr. President, this section would have the effect—and, of course, I certainly do not ascribe any such purposes to the authors of the section—of demonstrating to the enemy and to the outside world a division within the United States Senate; and it will have the effect of undercutting the ability of the President of the United States to negotiate a peace agreement. I cannot understand for the life of me why we would want to do that at this time.

The proposed section 701 is not likely to become law. I know there may be some who think otherwise, but I do not see how it could become law. If section 701 is retained and the bill passes the Senate, it would still have to be approved by the House and thereafter signed by the President. I wonder how many people really think this provision 701 is going to become the law of the land.

Obviously, if it is not going to become the law of the land, it cannot end the war and it cannot cut off any funds. The only effect it could have by its adoption here on the floor of the Senate would be to encourage the enemy, to discourage the South Vietnamese forces as they fight valiantly for their survival, and to undercut the ability of the President of the United States at the bargaining table.

I realize that those are not the motives or purposes of those in this body who have proposed section 701 but that is the effect, as I see it. Accordingly, it will be very unfortunate, indeed tragic, if the amendment of the Senator from Mississippi, to strike out section 701, is not agreed to.

It is not as though the President of the United States had left some doubt in the minds of the people about his course of action, about his purposes, with respect to Vietnam. He announced just recently that another 20,000 U.S. ground forces will be withdrawn. I do not think anyone doubts his credibility. He has performed on each one of the promises that he has made concerning the withdrawal of troops. He has said that no U.S. ground forces are now committed to the ground battle over there and that none will be; and I think most people believe him.

As the Senator from Mississippi has said, the next 3 or 4 weeks are very cru-

cial as far as the battle is concerned; the will of the people of South Vietnam is an important factor in how the battle may turn out. The next 3 or 4 weeks are important with respect to what may or may not happen at the negotiating table.

It is altogether possible that the South Vietnamese forces may not be able to make it; they may lose, even with our support. It is altogether possible that the President of the United States may not be able to negotiate a settlement.

Why in the world does the Senate want to be responsible for that failure if events should turn out that way? Why would Senators want a vote endorsing section 701 to contribute to such a result? If the Senate votes down the Stennis amendment, and in effect approves the Church-Case provision, it certainly would not be unreasonable to say that the Senate—and the Congress to the extent that the rest of the Congress might follow the leadership of the Senate—could and would be held responsible in the eyes of the people and in history for that failure.

At present, the responsibility rests on the President of the United States; he has assumed that responsibility and he has sought to exercise it. Not only that, but there is reason to believe the majority of the American people have confidence in him; they realize he has problems, but they know he is doing the very best he can, and they support him.

So, I fervently hope that the Senate in this very difficult hour will rise to the occasion and to its high responsibility by adopting the amendment offered by the Senator from Mississippi.

Mr. STENNIS. Mr. President, I certainly thank the able acting minority leader. I have listened to his logic before on grave matters, and he certainly has sized up the situation that we are confronted with here now.

If this bill should become law, it would be something that could not be ignored, because it would cut off the money provided in all other acts that have been passed in prior years. It is inconceivable that any President would sign a bill like this, much less the present President. But if it should become law in some way, by overriding a veto or something of that kind, it would certainly be the most binding provision that could be written into law to cut off appropriations, and it is self-operating. You do not have to put this in motion if it ever becomes law—it operates itself.

I want to refer briefly to the remarks of the Senator from Arizona, too, and what he said about the SALT talks. I have been here almost as long as we have had nuclear bombs. The atomic bomb was developed a couple of years before I came here, but, since I have come, there has never been a more critical time or effort to get some kind of arms limitation agreement that would be at least a start with the Soviet Union on this important matter, and one that up until now has been insoluble. There has been no solution for it.

So I just wonder how the Soviets would feel in their minds, and how the President would feel in his mind, if he had to sit down in conference with them on this matter if this amendment had passed even the Senate, much less passed

the House, and had become law. If it had passed the Senate, I think in the back of their minds the Soviets would be looking upon him in semicontempt, as having had an expression from the Senate that would take away his power from the important field of the trouble in the Pacific area.

So I hope that there would be not even a close vote on this matter. I submit that we ought to adopt this amendment, the sole purpose of which is to strike out section 701, which is all the language of page 38 of S. 3526 now before the Senate.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Mississippi.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER. Without objection, it is so ordered.

#### ORDER FOR RECOGNITION OF SENATOR WEICKER TOMORROW

Mr. ROBERT C. BYRD. I ask unanimous consent that on tomorrow, following the remarks of the distinguished Senator from New York (Mr. BUCKLEY), the distinguished Senator from Connecticut (Mr. WEICKER) be recognized for not to exceed 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### QUORUM CALL

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER. Without objection, it is so ordered.

#### MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Hackney, one of its reading clerks, announced that the House had agreed to the amendments of the Senate to the amendments of the House to the bill (S. 2676) entitled "An Act to provide for the control of sickle cell anemia."

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 11417) entitled "An Act to amend the Rail Passenger Service Act of 1970 to provide financial assistance to the National Railroad Passenger Corp. for the purpose of purchasing railroad equipment, and for other purposes," requests a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. STAGGERS, Mr. JARMAN, Mr. DINGELL, Mr. SPRINGER, and Mr. DEVINE were ap-

pointed managers of the conference on the part of the House.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 14582) entitled "An act making supplemental appropriations for the fiscal year ending June 30, 1972, and for other purposes," agreed to the conference requested by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. MAHON, Mr. WHITTEN, Mr. ROONEY of New York, Mr. PASSMAN, Mr. EVINS of Tennessee, Mr. BOLAND, Mr. NATCHER, Mr. FLOOD, Mr. STEED, Mrs. HANSEN of Washington, Mr. McFALL, Mr. BOW, Mr. JONAS, Mr. CEDERBERG, Mr. MICHEL, Mr. CONTE, Mr. SHRIVER, and Mr. McDADE were appointed managers of the conference on the part of the House.

The message also announced that the House had passed the following bills in which it requested the concurrence of the Senate:

H.R. 4494. An act for the relief of Mrs. Latife Hassan Mahmoud;

H.R. 11632. An act for the relief of Vincent J. Sindone; and

H.R. 10676. An act for the relief of Lester L. Stiteler.

#### HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred to the Committee on the Judiciary:

H.R. 4494. An act for the relief of Mrs. Latife Hassan Mahmoud;

H.R. 11632. An act for the relief of Vincent J. Sindone; and

H.R. 10676. An act for the relief of Lester L. Stiteler.

#### THE INDOCHINA WAR

Mr. KENNEDY. Mr. President, I wish to discuss today what is labeled in "National Security Study Memorandum No. 1"—the so-called Kissinger memorandum—one of the "lesser issues" of the Indochina war. I refer to the people problems of this war—the plight of more than 10 million war victims—or what the memorandum calls "war damage to the civilian population."

The television and newspapers remind us every hour of the day, that the war continues. The bombing goes on, the violence escalates—from both sides. More civilians become casualties or die. More children are maimed or orphaned. More refugees flee devastated villages and towns.

Inevitably, the situation of civilians in Vietnam is taking second place to the political issues at stake—and to the interests of those who have much to lose, or to gain, by the outcome of the battle. But the people of Quangtri, of An Loc, of Kotum, and of the hamlets and towns throughout the area also have interests. For many, it is mere survival, and so, as governments and negotiators—on both sides—posture and bicker and threaten and ignore their responsibilities for peace and the lives of millions, a regional crisis of people builds and builds—in South Vietnam, Laos, Cambodia, and North Vietnam as well.

Up to 500,000 civilians are on the move today in Vietnam. Thousands upon thousands are being injured or killed. And the



situations continues to deteriorate. This is all very familiar—only the latest chapter in a seemingly endless story of human suffering in Vietnam. This latest chapter finally underscores, dramatically and graphically, that what is called Vietnamization is not a plan for peace, but a plan for continuing war. It finally underscores the failure of the administration's policy, and the cosmetic approach our Government has used in defining hamlet security in Vietnam and success in pacification. Today, we do not hear about progress in pacification. We do not hear about security in the countryside. We do not hear all the statistical criteria of success in the countryside. This is not really because the North Vietnamese have launched a new offensive, which they have. Rather, to quote a 1970 report of the Subcommittee on Refugees, it is because Saigon has not had "the capacity or will to really serve the people and sustain the peace."

Our country cannot do for Saigon what it cannot do for itself, and we should have ceased pretending this fiction long ago, by ending the war.

Mr. President, we really do not comprehend the implications of the human costs of the Indochina war on the social fabric and traditions of the small countries directly involved. The Kissinger memorandum reminds us of this fact.

Under the subtitle of "Lesser Issues" we find this paragraph:

Every agency, except the military assistance command in Vietnam and the Joint Chiefs of Staff, agrees that the available data on war damage to the civilian population is inadequate. . . . C.I.A. concluded that even under the most generous interpretation of the available data . . . it must be admitted that the rural hamlets take a tremendous beating.

This section of the memorandum concludes by stating that the impact of the war on the civilian populations needs "further U.S. Government attention and analysis." That was in 1969.

But today, in 1972, the problem of war victims remains a "lesser issue"—and has yet to receive the "attention and analysis" recommended in the Kissinger memorandum.

In fact, by every possible measure—budgets, rules of engagement, long-term planning, and the official record of the present administration—the issue of war victims in Indochina is given less priority today than at any time since 1965. This would be bad enough if we were only dealing with the aftermath of war—if we had the peace long promised the American people. But each new day of war is adding heavily to the human toll, and putting more and more strain on existing relief programs.

Mr. President, since 1965, war-related civilian problems in South Vietnam, and all of Indochina, have been an item of primary concern to the Judiciary Subcommittee on Refugees, which I serve as chairman, our objective has been a continuing effort to document people problems in Indochina, and to upgrade official priority and concern for civilians suffering and for needed relief programs.

Field studies have been conducted. Numerous hearings and consultations have been held. Reports of findings and

recommendations have been issued. And to supplement these activities, the General Accounting Office—GAO—has periodically filed expert reports with the subcommittee—the latest series of reports updating the situation in South Vietnam, Laos, and Cambodia through the end of 1971. Let me say at this point, Mr. President, that the GAO teams, which have prepared the many reports since 1965, have made an important contribution and they deserve high tribute.

The most recent findings of the GAO are contained in a series of five reports. These reports document the "lesser issue" syndrome of this administration—and, in the main, these reports are a devastating commentary on the low priority our Government attaches to the care and protection of civilians in Indochina. I would like to summarize these reports by dealing first of all with South Vietnam, second with Laos, and third with Cambodia.

#### SOUTH VIETNAM

Vietnam faces a massive refugee and social welfare problem—the accumulation of years of neglect and continuing war. Despite all the official talk in recent years of progress in resettling refugees and success in pacification—the GAO reports document, at the end of last year, that one overwhelming fact remained unchanged: A vast segment of Vietnam's civilians was still not convinced that their villages were secure enough to live in, and they remained as refugees separated from their homes, their lands, and their regular source of livelihood. Moreover, many programs for war victims were in shambles, and our country remained saddled with the same dilemmas and the same problems of involvement which we were facing for several years.

Some discouraging findings of the GAO reports included the following:

That by the end of 1971 the Vietnam war had produced more than 6,000,000 refugees, more than a third of Vietnam's population;

That only about half of these refugees have ever received relief assistance;

That the monthly average of new refugees "generated" in 1971 "exceeded the average monthly level of the 2 previous years;"

That top U.S. officials have continued to support "forced relocations," despite very strong opposition to this discredited practice by their colleagues at the "working level;"

That "future relocation plans" includes the movement of 300,000 persons in 2 provinces of military region 1 during 1972;

That U.S. humanitarian assistance to war victims is given low priority; in 1971 it only ranked 7th in a list of 10 items considered important by aid;

That U.S. dollar assistance for GVN humanitarian programs is fast declining and will "be phased out by fiscal year 1974";

I might mention at this point, Mr. President, that in 1969 \$16 million was appropriated for the refugee program in Vietnam. In 1970 it was down to \$6.6 million. In 1972 it will be \$3.2 million. There are no requests for the following year.

The administration is very effective in terminating U.S. involvement as it applies to refugees, civilian programs, those programs which are directly related to human beings, health programs, and refugee programs; but we see, on the other hand, the easy escalation of our military involvement in the war.

In spite of these very limited funds for civilian programs, the fact remains that approximately two-thirds of the money has never even been expended by the South Vietnamese Government. So there has been only a trickle, in terms of support for the people of South Vietnam, particularly the refugees.

When we realize that there are approximately 700,000 orphans in Vietnam, 145,000 war widows registered, and nearly 200,000 both civilian and military, personnel who have lost arms or legs and have to wait a period of up to a year to receive prosthetic devices. When we know children ought to receive a change of prosthetic devices every 6 months in order that they do not grow up with twisted or maimed bodies, we wonder what the real basis of our interest is.

Are we supposed to be in South Vietnam because of our concern for the South Vietnamese, or is our interest really based more on the great power struggle in Southeast Asia?

How interesting it would be to provide a small cottage industry to provide prosthetic devices for maimed people, people who have lost arms and legs, many of them older people and children. What we are talking about is a few hundred thousand dollars, but even under the previous administration we were unable to develop much interest in this area. That lack of interest, tragically, has followed into the Nixon administration.

Today we see that, with 700,000 orphans, there is a \$1 million grant by AID for all the various orphanages in South Vietnam. There will be no support at all in terms of aid for war victims in 1973, and those people who have been maimed.

I think this is really a tragic situation in human terms when we see, night after night, the flow of refugees out of I Corps and realize the tremendous sufferings which they have experienced, and we see the virtual termination of our involvement in civilian problems that are already inadequately funded and supported.

The long-term planning for rehabilitation of war victims has all but been ignored. The fact is that President Johnson talked about the postwar period and how important it was to begin a program for health maintenance for the people in the whole Indochina peninsula.

Nothing was done to further that program. President Nixon has made a similar proposal. All we have to show for it is a study made by Columbia University, a very scant study, which was nevertheless worthwhile, but we have not come to grips with exploring different ways which we as a nation can effectively, through multinational channels, help aid human problems existing in the whole Indochina peninsula.

Certainly that planning ought to be done, particularly when we look back on our lack of planning in responding to humanitarian needs most recently in Bangladesh, and in the Nigeria-Biafra area, where 1 million, mostly children, perished for lack of food. A tremendous number perished in Bangladesh. Many of them did so because of violence, but many of them died because of the failure

of the Western Powers to respond to humanitarian needs. So we know the importance of future planning at the present time.

I continue with the reading of the conclusions of the GAO reports.

That long term planning for the rehabilitation of war victims has been all but ignored in studies "dealing with the comprehensive policies and programs on the postwar development of Vietnam"—these studies have been conducted at the "higher levels" of the U.S. Government and GVN;

That millions of dollars worth of U.S. P.L.-480 food commodities and other supplies have rotted in warehouses;

That pilferage and unauthorized distributions of U.S. commodities are common;

That numerous community centers constructed with U.S. counterpart funds "are not being utilized";

That up to 75% of the funds programmed for various categories of war victims are not being spent;

That "long delays" exist in recognizing and registering new refugees, and in making relief payments;

One of the tragic results is that there are camps which might have 10,000 to 15,000 refugees. They are held on the list and categorized as refugees one day, and then when the Government of South Vietnam reaches a certain ceiling in terms of refugees, they fill out a form and they are no longer refugees; they are "resettled." It is just in writing—it is just a bookkeeping change, without changing the substance of conditions for resettlement or a better livelihood. Of course, as a result of this change of category, many of the people have other kinds of assistance terminated, such as provisions for food.

That in some regions, more than 90% of refugee resettlement areas officially listed as "normalized" are in fact substandard;

That civilian war casualties continue at a very high level—some 3,508 per month, by official count, based on hospital admissions alone;

That official statistics on civilian war casualties are understated because of unreported data.

Official statistics on civilian war casualties are constantly understated because of unreported data. For instance, they never report any casualties that never get treated in any of the hospitals, and it is usually true, as we have seen in the course of our studies and visits in Vietnam, that rarely do you ever see, in the provincial hospitals, people who have been wounded in the critical portions of their bodies, their chests or heads, because they never survive and rarely make it to hospitals and, so, they are never listed as war casualties.

The statistics never include people who go to outside clinics and fail to get formally admitted to a hospital. They are not included in hospital statistics, nor are those treated privately in South Vietnam, or even civilians wounded and treated with the limited resources available to the other side.

So even the GAO figures are understated.

The GAO also found:

That, despite vast and growing need brought on by war, United States-supported health programs are being eliminated or drastically reduced;

That such eliminations and reductions are

having an adverse effect on the level of civilian health care, causing serious problems in such areas as health equipment maintenance, and are closing needed health facilities throughout the country; and finally,

That the inaccuracy of official records on the allocation and use of medical supplies is a major problem wasting thousands of dollars.

#### LAOS

As if the situation among the war victims in Vietnam is not enough, thousands of refugees and civilian casualties in Laos continue to document a shadowy war in which the purpose and degree of American participation are still being kept from the American people. The recent GAO reports on Laos document:

That "refugees" in Laos not only include civilians displaced by military conflict, but also military and paramilitary forces and their dependents;

That two-thirds of government territory has been lost to the enemy, thus making the successful resettlement of refugees, generally, "difficult";

That there is "no ready solution" to the problem of hill-tribe refugees, because there are no mountain areas in government territory large enough to support these people;

That official statistics on civilian war casualties remain "incomplete and of doubtful validity"; as in the case of Vietnam, the actual occurrences of civilian casualties are much higher than official statistics;

That hospital facilities are often overcrowded, congested, dirty and without adequate facilities;

That the mortality rate in some villages is often extremely high, up to 900% above the accepted "criterion" which requires "special remedial measures";

That "accidental bombings" continue;

That AID funds programed for war victims continued to be used for CIA activities—after a 1971 assurance to the subcommittee by AID Administrator John Hannah that the practice would be "terminated" on June 30, 1971;

That "steps" initiated by AID to eliminate management weaknesses documented in earlier GAO reports have "not resulted in any readily discernible differences in USAID/Laos policies and practices";

That AID incurs "excessive freight costs" in transporting commodities to Laos through Thailand—AID pays "a premium of about 43 percent" to a Thai Government entity, express transport organization; and

That commodities shipped within Laos are often "not accounted for at destination."

The GAO account clearly indicates the enormous pilferage and graft involved in many of these programs in Laos, much of it being "grafted" by Government troops.

#### CAMBODIA

Next was Cambodia. Mr. President, there are approximately 2 million people who are refugees in Cambodia today, and yet the United States fails to provide even one dollar of help and assistance for the refugees in Cambodia.

I can remember last year when we had administration officials before the committee to ask them about why we were not developing a program to help assist refugees in Cambodia. They said they have never received a request from the Cambodian Government for help and assistance.

Once again, we are prepared to send in military troops, American air support and American troops, whenever we feel it is in the military interest of the Government, but we fail to respond to the

humanitarian needs of the people in Cambodia, the some 2 million refugees.

All one has to do is consider the results of this failure of policy to see that there are hundreds of thousands of children, women, and old people who are suffering, many of them dying, because of the lack of any kind of effective program.

Inevitably, the familiar pattern of Vietnam and Laos has been repeated in Cambodia. Massive bombing and ground military operations over the last 2 years have produced countless civilian casualties—and a rising tide of refugees, who now swell the normal population of the cities and towns, or cram makeshift refugee camps.

A Refugee Subcommittee report of September 1970—after a field investigation by members of the staff—states the following:

The Cambodian Government did not anticipate any massive relief problems of the kind experienced in South Vietnam, and therefore was not engaging in any contingency planning. The Government would, of course, respond on an ad hoc basis should pockets of need arise. The Director (of the Commissariat for War Victims) suggested his optimism was based on the belief that the war in Cambodia would be a short one—especially if "we have more weapons to get our territory back." He called this the "pacification" of the countryside.

This official Cambodian view of the refugee situation was apparently shared, in large measure, by the U.S. Embassy in Phnom Penh. Although U.S. officials were obviously aware of the widespread displacement of people, there was little evidence to suggest they were much concerned about the situation, its tragic potential if the war in Cambodia continued, or the impact of U.S. military activities on the civilian population. In fact, on the latter point—especially on the rising number of U.S. air sorties over Cambodia and their target areas—officials all but pleaded ignorance of them, as did high level U.S. military personnel in Saigon.

The report goes on to say:

In early August the general view and attitudes of both Cambodia and U.S. officials in Phnom Penh were hauntingly familiar to earlier opinion out of Saigon and Vientiane. Needless to say, if such views and attitudes—and the conflict in Cambodia—continue, there is little doubt that human priorities will again get lost in the tide of war. Khmers will then pay a heavy toll in misery and death, which may very well exceed the toll being paid for many years by their neighbors in Indochina.

That judgment, Mr. President, was made in 1970. Today, after 2 years of heavy battle—which began with an American sponsored invasion from South Vietnam—a GAO report on Cambodia documents:

That it is the policy of the U.S. "to not become involved with the problems of civilian war victims in Cambodia";

That there are "no specific programs" for providing relief to war victims;

That between March 1970 and September 1971, official estimates put the number of refugees at more than 2,000,000;

That civilian casualties number in the thousands;

That, at the time of the GAO survey, refugees were "being generated as a direct result of combat activity involving Cambodian and/or South Vietnamese forces and of Allied air strikes"; and

That "lack of sufficient food rapidly was becoming serious".



I would say, Mr. President, on the creation of the refugees in Laos, we saw a direct relationship between the increase in bombing to the increase in refugees as well as civilian casualties. The one study that has been made was done by the Agency for International Development, AID in Laos. Their studies show that approximately 75 percent of all refugees were created by American military weaponry, and approximately 25 percent by the North Vietnamese. The overwhelming preponderance was by—

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

Mr. KENNEDY. I yield.

Mr. SAXBE. Is the Senator intimating that these refugees flooding the roads today are caused by American action?

Mr. KENNEDY. I would say that up to 2 weeks ago, the conclusion of our committee was that 75 percent of civilian war casualties as well as refugees, particularly in the area of Laos studied, were created by American military firepower. The one study that was done by our Government documents that, and we stand by that.

Second, I think we will see that a very heavy proportion of the refugees and civilian casualties will have been created by American firepower in the current situation.

Mr. SAXBE. Well, now, the Senator has talked about the refugees flooding the roads as shown in the recent pictures. Are we the ones mining the roads? Are we the ones responsible for this invasion of the last 3 weeks, that is creating the millions of refugees and the casualties?

It bothers me that nowhere in the Senator's statement has he in any way referred to the fact that this situation has been caused by North Vietnam. The Senator's entire statement tends to make it appear that America is flooding the roads with casualties and killing the old women and children.

It seems to me that it is quite obvious that what is happening since the North Vietnamese violated the cease-fire line and came through there is that they are concentrating on these hamlets; they are concentrating on the civilian population by mining the roads used only by the refugees.

We know what happened the last time they went into Hue. They murdered approximately 7,000 people. They seem to be getting ready to do the same thing.

I do not know how the Senator can blame these refugees on us all the time.

Mr. KENNEDY. If the Senator had been present during the earlier part of my statement, he would know that I indicated that the bombing goes on, the violence escalates from both sides. Obviously, all of us deplore the impact of violence, no matter which side creates it. I mentioned that, and I do not think the Senator was present during the earlier part of my comments.

Mr. SAXBE. I have read the statement.

Mr. KENNEDY. If the Senator will look at the first page, he will note that I said that "the bombing goes on and violence escalates on both sides."

When the Senator talks about the killings in Hue, all of us deplore that as

well as deploring the Phoenix program, which has been continued from the previous administration by this administration. It is a policy of assassination of the local infrastructure of the Viet Cong.

I think we ought to condemn all the violence and all those who support the creation of violence, whether it is the recent mining of roads by the North Vietnamese, or the kind of violence that has been done by the Viet Cong, or the violence of our Phoenix program, which was supported by the previous administration and has been continued by this administration. I do not think any of us are holding any kind of brief for any of this violence.

I think this is part of the broader question of when are we going to bring an end to all of the violence and bring an end to all of the killing. Quite obviously, that remains within our power. The quickest way to stop any kind of violence to the civilians in Vietnam is to end the war. I would be glad to debate that question. We can debate how best that can be done.

The point remains—and the American people ought to understand it—that at a time when the military war is being escalated, all kinds of help and assistance for the people in Vietnam is being cut out, and this administration has been a part of that—cutting back on the resources to aid the humanitarian problems in Southeast Asia. There is not 1 cent for 2 million refugees in Cambodia—not 1 penny—and not 1 cent recommended for next year for the 6 million refugees in South Vietnam. There was \$2.3 million this year, \$6 million the year before, and \$16 million 2 years ago.

We are all set to deescalate that aspect of the war, but we are not prepared to deescalate the other aspect of it. I think it is appropriate that we draw the attention of the American people to those who do not have the strong voices here to speak out about what is happening to the civilians. There are those who will speak out in terms of the military, and yet they say they are interested in the people of Southeast Asia.

Look at what has happened and look at the record, and this is just as broad an indictment of the record of the previous administration as it is of this administration, on programs that vitally affect the children, the women, the old people, the civilian casualties, and the refugees; and you find that they are on the bottom of the priority list of this administration as well as of the previous administration. No one can take any kind of solace in the fact that the previous administration was putting out approximately \$16 million for the refugees. That is the cost of approximately four of the jets that have been lost—perhaps a day's loss, or 10 days of sorties over Laos.

Nobody is defending the violence that is perpetrated upon the civilian population by the North Vietnamese offensive. I am not doing so.

Mr. President, I have briefly summarized some of the principal findings in the recent GAO reports. However, in light of the widespread public and congressional interest in the problems of Indochina war victims, I ask unanimous consent to have printed in the Record,

at the conclusion of my remarks, additional findings in the reports on Vietnam and Laos, and the full text of the report on Cambodia.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. KENNEDY. Mr. President, these reports and others tell us how Cambodia has gone the route of Vietnam, and how Laos traveled that same route of destruction and death years before. Yet the slaughter of innocents continues in Indochina. Each new day of war brings another day of human misery and suffering, and each day the statistics of death—both those recorded and those unseen—mount. And the people of Indochina, like the people of America, ask: How long?

It is time—it is past time—for our Nation to turn its policies around in Southeast Asia—to stop pretending that we can do from the air what we could not do from the ground, to stop the delusion that we can do for the South Vietnamese Government what it cannot do for itself, and to end the horrible spectacle of the greatest military power on earth bombing some of the smallest nations on earth.

Let us end this senseless slaughter.

Mr. President, I will just say finally that many Americans are constantly shocked, as I am, by what we see on television of the impact of this offensive, or aerial bombardment of the war generally in Indochina, and the impact it has had, and continues to have, on civilians.

The more tragic irony is the failure of this great Nation, during the period of this war—since we have seen pictures of women and children on the front pages of newspapers and on our television screens for years—to develop a program to help and assist these war victims. We develop great sympathy and great compassion when we see them on television and the pictures on the front pages of the newspapers. The tragedy is that we in Congress, and even the South Vietnamese Government, have failed to respond to these needs in a meaningful way.

I grew tired of listening—and this goes back through the mid-1960's—to administration officials who would say, "As this problem involves the South Vietnamese, we have to let the South Vietnamese run these programs; we have to let South Vietnam develop a civilian war casualty program, or to look out after orphans, or to look out after refugees; we have to let them do it." But when the time came to be making a military decision, we were all ready to take that responsibility into our own hands. I think that has been true from the beginning and it continues through today.

Why is it that the Air Force, for example, refuses to develop a set of rules—a manual of air warfare? The Navy does. The Army does. But the Air Force refuses to do it. They refuse to give instructions to the young men who are going out there—to make them sensitive and more cautious to civilian needs.

I wrote to the Secretary of Defense, asking him when they were coming out with better rules of engagement in civil-

ian populated areas. I asked him other questions about the impact of the war. We waited 8 months before we got a response and it was completely inadequate because they do not have the information. They are not getting it together. I think this has been true, as I have said repeatedly, not only of this but also previous administrations.

If we can try to suggest what we have to do in the future, obviously the first need is to end the violence by ending the war. I think, in the meantime, we should be planning a program for what this great Nation can do in consort with other nations, to insure a rebuilding process for the peoples who have suffered so much in so many ways on the Indochina peninsula.

#### EXHIBIT 1

#### CIVILIAN HEALTH AND WAR-RELATED CASUALTY PROGRAM IN VIETNAM—1 YEAR LATER

(Refugee Subcommittee's summary of the General Accounting Office report)

#### TREATMENT AND NUMBER OF CIVILIAN WAR-RELATED CASUALTIES

1. "One of the goals of United States assistance to Vietnam is to ease the suffering of civilians displaced or injured by the war; however, there is no special AID project in Vietnam solely for the care of civilian casualties."

2. "There continues to be no reliable measure of the total number of civilian war-related casualties in Vietnam." Official statistics are misleading and understated; for they "reflect only the admissions to Ministry of Health and U.S. military hospitals." They do not reflect civilian casualties treated as out-patients in these hospitals, those treated elsewhere, those not treated at all, and those who die.

3. Official statistics, based exclusively on Government of Vietnam and U.S. military hospitals, show some 234,235 civilian war casualties from the beginning of calendar year 1968 through August of 1971.

1968 (Tet)—87,522 admissions for a monthly average of 7,296.

1969—87,766 admissions for a monthly average of 5,647.

1970—50,882 admissions for a monthly average of 4,240.

1971 (8 months)—28,065 admissions for a monthly average of 3,508.

(NOTE: 1) the current GAO report does not reflect official statistics for 1967—48,724 admissions for a monthly average of 4,060. This increases the total official statistics on civilian war casualties to some 282,959 since figures were first compiled at the Subcommittee's request in 1967.

2) Contrary to official statistics, estimates of the Subcommittee on Refugee place the total number of civilian war casualties since early 1962 at more than 1,200,000—including at least 350,000 deaths. These estimates are based on repeated field studies by subcommittee personnel and reported data from official sources.)

4. Through 1970, Military Region 4 (delta area) reported the number of civilian casualties. Since early 1971, however, Military Region 1 (northern provinces) has "surpassed the delta region in the number of reported casualties."

5. "Most of the information on hospital admissions was compiled by USAID/VN from monthly reports received from U.S. advisors in the field. These reports contain statistical data only. There is no regular reporting to USAID/VN Public Health Division from the field on actual conditions at Ministry of Health hospitals; the adequacy of Vietnamese staffing; the adequacy of logistical support; and the progress made in preventive aid medicine, malaria control, and environmen-

tal health. This type of information was reported to USAID/VN prior to March 1971, but at that time the reporting requirement was reduced sharply to include only statistical data.

#### LEVEL OF FINANCIAL ASSISTANCE

1. "From fiscal year 1968 through fiscal year 1971, AID obligated over \$87 million to assist the Government of Vietnam in providing medical care to the civilian population of Vietnam. For fiscal year 1972, AID plans to provide \$14.1 million—a reduction from the \$20 million average of previous years."

2. "Department of Defense provided \$52.7 million in assistance to the civilian health program from fiscal year 1968 through fiscal year 1971. Over 40 percent of these funds have been spent by the Department of the Army for medical supplies and equipment under an agreement with AID." Although this is still in effect, the Army believes it "is no longer equitable" because "Army forces are not a significant contributing factor to (civilian) casualties . . ."

3. Reflecting a general trend within the Department of Defense, its Medical Civic Action Program and Military Provincial Health Assistance Program teams—which have been in operation since 1963 and 1965 respectively—are being discontinued this year.

4. Since 1968, the Government of Vietnam has spent some 14.8 billion piasters (\$125.6 million) for civilian health care. This includes some \$2 million worth of piasters provided from the United States—controlled local currency generated from other U.S. assistance programs. The amount of GVN funds used to support civilian health programs has increased since 1968. "The health programs share of the Government of Vietnam's civil budget, however, has not kept pace with other civilian programs' shares; the health programs share of the GVN's civil budget decreased from 7.6 in 1968 to 4.5 percent in 1971.

5. "Future reductions in U.S. financial assistance will place further burdens on the GVN civil budget. Also, financing of essential medical commodities and equipment, formerly provided by AID and the Department of Defense, will have come from GVN's foreign-exchange earnings unless other external sources of funds are obtained. Vietnam's foreign-exchange earnings are already insufficient to finance other essential imports. The shortage of foreign exchange will become more serious as further reductions are made in U.S. activities in Vietnam, a source of significant foreign-exchange earnings for GVN."

#### STAFFING AND MANPOWER

1. "On the basis of our review, we believe that the shortage of qualified medical personnel in Vietnam remains a serious problem . . ."

2. AID has decreased authorized health personnel by 56 percent since 1970 and plans to decrease them still further in future years.

3. The major factors contributing to a decline in US personnel are the reductions in AID's Vietnam budget and a Presidential directive to effect reduction wherever possible in overseas personnel.

4. "U.S. advisors generally agreed that the loss of (AID) medical personnel may have an adverse effect on the level of medical care in Vietnam, particularly in rural areas where Vietnamese medical personnel are scarce and where Ministry programs are not well established."

5. The U.S. military health program decreased from 25 teams totalling 194 assigned personnel in June 1970 to 11 teams totalling 45 assigned personnel in September, 1971. As noted above, this program will be eliminated this year probably by July.

6. Like the reduction in the AID health program, the elimination of military medical

programs will adversely effect civilian health in Vietnam. It will "reduce the level of care" because the GVN cannot "fill the gap."

7. Training Vietnamese medical personnel is a slow process. "The two medical schools in Vietnam are expected to graduate 226 physicians in 1971. With free-world assistance the schools are estimated to have the potential of graduating 250 physicians per year. At that rate it would take over 10 years to attain the World Health Organization's minimum standard for developing countries of one physician for 5,000 persons.

8. "In June 1971 there were 1,520 licensed physicians in Vietnam, or one for about every 12,000 persons; however, 1,130 physicians, or 74 percent, were in the Army."

#### MEDICAL FACILITIES

1. The GAO reports that "conditions had generally improved" over their last investigation in 1970. However, GAO also points out that requirements for medical equipment, personnel, and medicine at villages and hamlets where refugees reside will probably "become serious problems as U.S. financial assistance is reduced and U.S. advisors and third-country-national technicians are withdrawn."

2. "Health facilities, particularly those in rural areas, built in past years by GVN and the U.S., are now unused because of lack of staff." Such facilities are "prevalent throughout the country."

3. The GAO "noted instances where hospitals were under construction or had recently been completed but no provisions had been made for either staff or equipment. The United States has turned down requests to equip these hospitals."

4. "In our review of assistance to war victims in Vietnam, we noted numerous refugee sites and former refugee sites that needed health-care assistance. At 38 refugee sites—which contained about 140,000 persons—that we visited in Military regions 1, 2, 3, and 4, we found that many had health-care deficiencies: some had no health care facilities and others had health facilities but had no health personnel and/or no medicine. A survey, conducted by U.S. advisors in Military region 1 during 1970 and 1971, indicated that a number of the 252 temporary and resettlement sites surveyed lacked medical facilities and personnel."

5. GAO reports "that the shortage of manpower, facilities, and medicines can be only accentuated as the U.S. withdraws personnel and reduces its financial support."

6. Despite improved conditions in some medical facilities, the GAO still found hospitals where "drainage was bad", where toilets and showers were "inoperable", where conditions were "unsanitary", where there was a "lack of running water", where "wards were dirty and gloomy", etc.

7. GAO reports that U.S. officials "believe that when U.S. support is withdrawn after fiscal year 1972, equipment maintenance will become a widespread and major problem."

8. "From May 1970, 12 DOD hospitals had ceased operations in Vietnam. Of these 12 hospitals, six were retained by the United States—two were mobile units and four were used for other purposes. The remaining six were offered to GVN; three were not considered suitable, and three were taken over and were being operated by the Vietnamese Army. The Ministry of Health has not received any hospital facilities from the U.S. military. We were informed that more U.S. hospitals probably will be turned over to GVN when the United States stops using them. The Ministry of Defense is interested in taking over four U.S. military hospitals having a total of 870 beds. The Ministry of Health also expressed interest in these four hospitals and in one other having 310 beds. Under existing turnover procedures, GVN Armed Forces have first priority on excess U.S. facilities."



9. The United States has been providing 86 percent of all medical and medical-related commodities used in the GVN Ministry of Health system. US commodity assistance will be reduced substantially this year, with no alternative source to fill the gap.

10. A similar situation exists in most phases of health care in Vietnam. In the case of maintenance of medical equipment, the GAO reports that the need for qualified personnel is "critical" and that the amount of equipment on hand in health facilities has increased "to a point beyond the repair capabilities of Vietnamese repair technicians." The GAO reports that "the overall level of medical equipment maintenance probably will deteriorate when U.S. assistance is withdrawn."

11. Regarding general medical supplies, GAO found "that the percent of active stock items for which a critical need existed—that is, either no stock was on hand or the stock on hand was less than enough to meet a thirty day demand—was 11.6 percent of stock items in fiscal year 1971 compared with 7.2 percent in fiscal year 1970." The situation is deteriorating.

12. On the other hand, there are many items in excess of the desired 6 month stock level. The value of excess items uncovered by the GAO was some \$1.7 million.

13. The GAO is critical of the "inaccuracy of records." For example, the GAO reports: "An error in records processing resulted in the needless destruction in January 1971 of one lot of penicillin solution costing \$11,800. The penicillin, which was on hand in October 1970, was entered erroneously on a destruction authorization form. USAID-VN logistics advisors and the Ministry's Director of Logistics did not notice the error and approved the destruction of the penicillin."

#### FOLLOW-UP REVIEW ON ASSISTANCE TO WAR VICTIMS IN VIETNAM

##### Summary of General Accounting Office report

##### PROGRAM MANAGEMENT

1. "The Government of Vietnam (GVN) provides assistance to war victims under a refugee relief and social welfare program which receives financial, commodity, and technical assistance from the United States. The program has, over the years, evolved from a program of assistance to persons displaced by the war (refugees) to a program intended to assist all persons who have suffered from the war (war victims)—refugees, widows, orphans, the physically disabled, the economically handicapped, and persons who have suffered personal injuries, loss of family members, or property damage."

2. The Ministry of Social Welfare is the primary GVN organization responsible for refugee relief and social welfare activities.

3. U.S. support for these activities is administered through the Civil Operations for Rural Development Support (CORDS) War Victims Directorate of the U.S. Mission in Saigon. CORDS reports to the U.S. Military Assistance Command, Vietnam.

4. As in prior years, GAO reports that "no formal list of priorities has been established for U.S. assistance activities in Vietnam . . . the allocation of available resources was considered by AID officials in Washington and Vietnam to be an indication of relative priorities. . . ." By this measure, assistance to war victims has a very low priority in a list of 10 AID projects programed in dollars. In fiscal year 1971, highway improvement led the list with \$52,500,000. Assistance to war victims was seventh on the list with some \$6,300,000.

5. Narrative reports on war victims are often inaccurate—statistical data has always been understated, etc., and continues to be "erroneous, misleading and confusing."

6. "The CORDS War Victim Directorate

was aware of the apparent deficiencies of the reports. Many instances of inaccurate and unreliable data had been brought to the attention of American advisors in the field. In some cases corrective actions had been taken, but, in numerous instances, repeated notices to field personnel had brought little results. Inaccurate and unreliable data continued to be reported."

##### LONG-RANGE PLANNING FOR THE REHABILITATION OF WAR VICTIMS

1. GAO states that "some progress has been made in meeting the immediate needs of war victims. . . . The many years of U.S. assistance have increased the GVN capability to deal with emergency relief. It has not effectively strengthened or developed, however, an essential GVN capability to deal with the long-term problems of war victims—rehabilitation and reconstruction."

2. "The United States has not developed long-range plans for dealing with the long-term human problems of refugees and other war victims who continue to suffer from social and economic disadvantages caused by the war. Also the U.S. has not made projections as to the magnitude of effort that would be required to meet the long-term needs of war victims."

3. "Future levels of U.S. commitments in the areas of reconstruction and rehabilitation are unknown. The proposed fiscal year 1973 Mission project budget submission calls for U.S. dollar commitments to be phased out by fiscal year 1974."

4. It appears that the GVN "would like to carry out a wide variety of programs" to rehabilitate war victims. GAO reports, however, that "it was difficult to make realistic plans without knowledge of the amounts or resources available, especially when external assistance was declining."

5. GAO notes that an October 1971 policy statement from the Department of State comments on meeting emergency refugee needs, but the GAO also observes that the policy statement ignores the massive long-term rehabilitation needs of Vietnam's war victims.

6. GAO also notes that "a 2-year study supported at the higher levels of the U.S. Government and GVN and dealing with comprehensive policies and programs on the post-war development in Vietnam recommended that the primary postwar objective should be the attainment of economic independence. No recommendation was made concerning overall objectives and policies for aiding all war victims."

7. The concentration on short-run emergency activities "evolved from a policy decision made by AID in 1969 to eliminate social welfare as a separate project."

8. Top AID officials feel that "problems of war victims would be solved by economic development." CORDS officials in the field, however, told GAO "that they did not subscribe to this position; instead they favor a separate program for humanitarian assistance. This, they feel, would give the human problems appropriate recognition and support."

9. "CORDS social development officials have advocated in the past that GVN and the U.S. should identify the problems of the immediate and long-term future that may be experienced by physically disabled war victims, displaced citizens suffering property losses, war widows, and orphans."

10. "One of the most comprehensive studies was conducted as early as 1967 by an AID-financed social welfare task force. The resulting report indicated that there were recognizable social welfare problems, both short term and long term. The task force made many recommendations including social development planning that would establish goals and objectives, set priorities, outline programs, and estimate personnel and financial needs. . . . The study, in general, was not acted on. . . ."

##### REFUGEE NUMBERS

1. At least 6,000,000 Vietnamese—more than a third of the population—have become refugees since 1965, according to official estimates.

2. Only 2,500,000 of the 6,000,000—little more than 40%—have been officially listed as having received emergency and temporary assistance. And only 3,200,000 of the 6,000,000—some 53%—have been officially listed as having received resettlement or return-to-village assistance.

3. Even though there was "an overall reduction in the scale of the military operation" throughout Vietnam in 1971, "the number of refugees generated and placed in GVN-controlled areas . . . exceeded the average monthly level of the 2 previous years."

4. Statistical summary of new refugees since 1969:

1969—115,000 for a monthly average of 9,750.

1970—135,000 for a monthly average of 11,250.

1971 (9 months)—120,484 for a monthly average of 13,387.

(NOTE: the figures above only represent the number of new refugees officially registered with the GVN for relief assistance. Based on the pattern of prior years, the actual number of new refugees is undoubtedly higher.)

##### FORCED RELOCATION OF MONTAGNARDS AND OTHERS

1. Over the years many relocations have occurred throughout Vietnam. The "forced relocations" of Montagnards and others in Military Region 2 are relatively recent examples.

2. From May 1970 through August 20, 1971, some 62,546 people were relocated in Military Region 2.

a. The relocations took place in the provinces of Pleiku, Binh Thuan, Darlac, Phu Bon, Dantum, Tuyen Duc, and Phe Yen.

b. The relocations were "termed the campaign 'Gathering the People.'"

c. "The reasons given for the relocations were (1) to bring the persons to more secure areas and (2) to deny support to the Viet Cong."

3. "A CORDS observer reported that many persons had been relocated against their wills—without adequate preparation and without the approval of the Central Pacification Development Council. Many of the Montagnards complained of being forced to leave behind their prized personal possessions, such as gongs, jars, and hardwood furniture. A Montagnard from Buon Kli B, located in Darlac province, told us that the GVN soldiers had killed some of their livestock and had stolen some of their personal possessions. We were told that many of the families had been moved—with only a few hours' notice—and that adequate transportation had not been provided. Most had been forced to walk either part of or all of the way to the relocation site."

4. CORDS officials at the working level "opposed these massive relocations." Top officials in CORDS "made no representations" to the GVN or anybody else to oppose the moves.

5. One CORDS official said that "the desire to publicize . . . the political propaganda that 95% of the population lives under GVN control is no justification for relocations." Another told GAO "that he was opposed to the relocations because they did not materially enhance the economic and physical security of the persons moved."

6. Conditions at relocation sites "were generally inadequate—"lack of water, food, relief supplies and farmland"—"a general lack of medical facilities"—"numerous deaths" because of exposure, malnutrition, etc.

7. For example, out of the 2,500 Montagnards "forcibly relocated" in January 1971 to a resettlement site at Plei De Groi

in Pleiku province, up to 300 had died in March.

8. "GVN officials promised the relocated people that land would be made available; however, this promise has not always been kept. In Buon Kil B, Darlac Province, the relocated Montagnards were promised land surrounding their relocation site; however, other Vietnamese have moved in and are farming at least three quarters of the promised land. In some cases the Montagnards are returning to their original fields, which in some instances involves walking between 2 and 6 miles. Although the Montagnards moved from their land for security reasons, other Vietnamese in some cases moved in to farm the Montagnards' land.

#### 9. Future relocation plans:

a. One plan, according to GAO, involves the moving of 300,000 persons in 1972 from Quang Nam and Quang Ngai provinces in Military Region 1.

b. One reason given for this possible relocation is "the 'embarrassing situation' in Military Region 1, where refugees frequently had little or no land to farm and were caught in the fighting still going on."

c. Another reason given is "the worsening unemployment situation."

d. Still another reason is "that the abandoned land could be turned into a free-fire zone to make it easier to fight the enemy."

e. GAO states that "such massive relocation imposes refugee problems which may exceed the ability of GVN to effectively handle required relief operations."

#### EMERGENCY ASSISTANCE TO NEW REFUGEES

1. "Long delays have occurred" in recognizing and registering refugees and in making payments.

2. "To be eligible for assistance, the refugee must live in a recognized GVN refugee site. Refugees living outside sites have not been recognized by GVN since the end of 1970."

3. Typical of the delays in recognizing refugees and in making payments, is a situation in Darlac province. Some 736 Montagnards were relocated in 1968. GAO reports that these refugees were not recognized as such, and "did not receive temporary assistance benefits until 1971."

4. In a June 1971 memorandum, a CORDS refugee advisor stated: "I cannot understand why the U.S. and the Vietnamese Governments spend so much on propaganda telling people about the 'good life' available to those who seek government protection, when in fact so little is actually done."

#### ASSISTANCE TO RESETTLED AND RETURN-TO-VILLAGE REFUGEES

1. Assistance suffers from a number of "deficiencies".

a. "Payments of resettlement and return-to-village benefits are not promptly made." Payments "were at much slower rates during the first 6 months of 1971 than during the same period in 1970. Moreover, fewer refugees were paid in 1971, even though the actual active caseload increased." In the 1970 period 183,000 out of 342,000 were paid. In the 1971 period 156,000 out of 409,000 were paid.

b. Commodities, such as roofing are "not provided when needed." Moreover, no emergency stocks are provided to the provinces, "although sufficient stocks for normal and emergency requirements" are on hand in Saigon.

c. Site development (wells, latrines, teachers and classrooms, medical facilities, water pumps, etc.) falls far below "development project criteria established by GVN to satisfy the needs of refugees in resettlement and return-to-village."

2. In 1971, about 539 million plasters were budgeted for resettlement and return-to-village site development. As of August 31, 1971 about 491 million had been allocated. But less than 26% of the allocation—about 127 million plasters—had been expended.

3. GAO states that another problem was the fact that sites "were stereotyped" and "were not designed to meet the specific needs of the refugees. For example, we observed that schools were built and that wells were dug; yet the one overriding need of most of the refugees had not been provided by the GVN—land to farm. Also, the construction of a dispensary is of little value without providing medicine and medical personnel and classrooms are useless without teachers. We found that such situations were prevalent in several of the sites we visited."

#### CONDITIONS AT REFUGEE SITES

1. GAO visited 38 representative sites in the 4 Military Regions in Vietnam.

2. GAO states that "on the basis of criteria established by GVN, many refugee sites needed facilities such as housing, classrooms, wells, medical facilities, medical services, and sanitation facilities. The most serious problem found at most of the sites visited was the lack of opportunity for self-support and/or economic potential."

3. "No where in Vietnam are the problems of assisting refugees noticeable than in Military Region 1 that comprises the 5 northernmost provinces in Vietnam."

a. A March 1971 CORDS survey reported an unemployment rate of 40%, little education and medical services, and insufficient security.

b. According to GAO, over 90% of the 252 sites covered by the CORDS Survey were officially "listed as being normalized, when, in fact, the survey showed that they did not meet GVN criteria."

c. GAO states that 450,000 refugees lived in the 252 sites surveyed. No one was being responsive to the needs of the refugees in these sites, "although the sites were in existence about 4 years."

#### ASSISTANCE TO OTHER WAR VICTIMS

1. In addition to refugees and civilian war casualties, there are war widows, orphans, the physically disabled, and war compensation claimants. In 1970 the GAO reported that "relatively low priority" was being attached to the problems of war widows et al. The GAO now reports that there has been "no change" in this priority—that only a pittance is being spent to meet the needs of these war victims, and that their numbers are rapidly on the increase.

2. The following statistical summary of other war victims is based on official GVN estimates as of September 1971. CORDS officials say these estimates are "of questionable validity". For example, the official U.S. estimates on the number of orphans runs over 700,000.

War victims	Civilian	Military	Total
War widows.....	69,000	75,800	144,800
Orphans.....	107,000	303,300	410,000
Physically disabled.....	132,000	53,000	185,000
War compensation claimants.....	241,000	.....	241,000
Total.....	549,000	432,000	981,000

3. The minuscule efforts being made to assist the physically disabled illustrates the low priority attached to the needs of "other war victims."

a. Statistical summary of assistance to the physically disabled:

Year	Total registered	Total assisted	Cumulative backlog
1968.....	1,070,000	900,000	170,000
1969.....	289,900	290,000	169,000
1970.....	198,100	131,300	236,700
1971 (September).....	129,378	124,627	241,451

b. Current plans call for the production of some 10,000 prosthetic devices annually. At

this rate—which is not being met—"it would be 9 years before all of the now-existing 88,620 amputees could receive a device. The problem is more serious, however, because a large number of devices must be replaced or repaired periodically. An adult requires a replacement every 2 years, a child requires a replacement every 6 months."

4. The grim situation is also illustrated by assistance to war compensation claimants.

a. GAO reports "that backlog has increased on a yearly basis"—from 169,900 in 1969 to 241,451 in 1971.

b. The slow response in responding to war compensation claimants is typical in what happened to some in Quang Nam province. GAO reports that "in September 1971 war victims in Quang Nam province received some 6,328 of the 7,900 required sheets of tin. Some of these war victims were generated in 1969."

5. "Since 1962 there has been a major population shift to urban areas because of the war. War victims who seek refuge in urban areas, however, are not recognized as refugees...."

6. To relieve the vast over-crowding of urban areas, the GVN, among other things, established in March 1971 a Directorate General of Land Development and Hamlet Building to encourage the development of virgin land. GAO reports that "the program is still in the formulation stages and no land has been distributed."

7. In the area of vocational training, for which there are hundreds of thousands of "prime candidates," accomplishments "have not been significant."

8. "According to CORDS the war fragmented the traditional Vietnamese family and community social structure. Mass movements of people have generated new social and economic problems and have aggravated existing ones. The community center program seeks to resolve some of these problems. Similar programs have been implemented successfully in other Asian countries and to some extent in Vietnam."

a. With U.S. counterpart funds, "as of November 1971, a total of 17 community centers had been constructed throughout Vietnam and an additional 23 centers were under construction."

b. "Now that facilities have been constructed throughout the country, they are not being utilized. A large unused center in DaNang was being turned into a regional referral center for vocational rehabilitation of disabled persons, and the center in Nha Trang was being used for GVN offices."

#### U.S. FOOD AND OTHER COMMODITY SUPPORT

1. Out of some \$75,200,000 of P.L. 480 title II commodities programmed from the fiscal year 1969 through fiscal year 1971, only \$42,900,000 were actually shipped. Fiscal year 1972 support is expected to be about \$5,000,000.

2. "Department of State auditors and AID auditors found cases where the food had been (1) used to feed farm animals or exchanged for traditional diet items, (2) held in storage for excessive periods allowing it to become unfit for human consumption, and (3) not always issued on the basis of need."

3. GAO reports that "a high percentage of food is wasted in transit or storage...."

4. "Commodities frequently are held in storage for excessive periods causing a high rate of condemnation loss...."

a. In May and June 1971, 10 percent of the inventories were identified as being unsuitable for human consumption."

b. "Between April 20, 1971 and September 22, 1971 commodities valued at about \$3.3 million had been disposed of due to condemnation."

5. "Pilferage of commodities in transit is also a problem.... In Region 2, advisors told us of instances where cases had been received with cans filled with sea water or rocks



which had apparently been substituted for cans of cooking oil."

6. "Often Public Law 480 items are given and distributed without regard to the need of the individuals. In September 1971, after the presidential election campaign began, the Phu Yen province warehouse doors were opened and commodities were given to anyone who wanted them. Authorized versus actual issues of commodities in September 1971 were as follows:

Commodity	Authorized	Actual
Bulgar wheat (bags).....	33	697
Cooking oil (cases).....	72	4,919
Corn, soybean, and milk (bags).....	33	3,218
Rolled oats (bags).....	33	589

7. Other AID commodities were found to be stored in warehouses for excessive periods.

a. In Darlac province, for example, aluminum roofing sheets, tarpaulins, cloth, and farming tools were on hand for 2 to 4 years. The tarps were "rotten" from dampness.

b. In Phu Yen province, GAO observed shop tools, such as anvils and saws, that has been in storage for up to seven years. Most of the tools, according to GAO, "were not the type traditionally used by the Vietnamese and probably would never be used."

#### OTHER RESOURCES APPLIED IN SUPPORT OF WAR VICTIMS PROGRAMS

1. "U.S. advisory personnel authorized for war victims programs have been reduced from 116 positions in January 1969 to 62 positions in September 1971—a reduction of nearly 47 percent. Further reductions are to be made to 36 positions in June 1972 and to 10 positions 2 years later. Thereafter it is expected that only minimal advisory assistance will be required. Personnel shortages continue to exist. As of September 1971 only 71 percent of the authorized positions were filled."

2. The lack of GVN manpower and expertise is becoming "increasingly more apparent." GAO reports that "there has not been an increase in GVN Ministry of Social Welfare personnel to offset the decline in the U.S. personnel. . . . The Ministry's staffing decreased from 2,293 in October 1970 to 1,944 in October 1971. . . . There is also an imbalance in the distribution of assigned staff." GAO reports that, on a per capita basis, those areas with the highest number of war victims are assigned the least personnel.

a. The case load per assigned staff member varies from 66.3 in Military Region 3 to 1,340.7 in Military Region 4.

b. "Ten of the 44 provinces and four autonomous cities handle about 56 percent of the total refugee and other war victims case load and use about 18 percent of the staff. Conversely, 17 provinces handling less than 1 percent of the case load have 34 percent of the staff. For example, the case load in Chuong Thien province quadrupled during 1971 because of military activity in the U-Minh Forest. The province's 16 man staff handled an average case load of 81,000 refugees a month. During the same period a nearby province, AnGiang, had a staff of 30 but did not have a single active case."

3. "The GVN refugee and social welfare programs reportedly received, from all sources, financial assistance totaling about \$72.4 million and \$65.6 million in fiscal years 1969 and 1970 respectively. The fiscal year 1971 estimate is \$50.4 million, down about 21 percent. The U.S. contribution decreased from 85 percent in fiscal year 1969 to 69 percent in fiscal year 1971, whereas GVN contributions increased from 5 percent to 18 percent during the same period."

4. Direct U.S. dollar assistance budgeted for refugee and social welfare programs decreased from \$16,400,000 in fiscal year 1969 to \$6,282,000 in fiscal year 1971. The amount actually obligated decreased from \$10,075,-

000 in fiscal year 1969 to \$3,791,000 in fiscal year 1971. During this period, less than 60 percent of budget funds were expended. An estimated \$2,300,000 will be provided in fiscal year 1972.

5. The slow release of funds for the relief of war victims by the Ministry of Social Welfare continues to be a major problem.

a. During the first 8 months of 1971, only 38 percent of budgeted funds were expended.

b. A breakdown for the various categories follows:

For temporary refugee relief, 29 percent.

For war victims relief, 42 percent.

For resettlement and return to village,

38 percent.

For social welfare, 24 percent.

6. "Voluntary agencies and countries other than the United States are potential sources of financial and technical support available to GVN, but little effort has been made by the Ministry of Social Welfare to increase assistance from these sources. As the American involvement declines, we believe that it is increasingly important that alternate sources of support are identified and used extensively by the Ministry if social welfare programs are to be sustained and developed further."

#### FOLLOW-UP REVIEW OF CIVILIAN HEALTH AND WAR-RELATED CASUALTY PROGRAM IN LAOS

(Sanitized summary of the General Accounting Office report)

##### GENERAL

1. "There is virtually no indigenous medical capability in Laos to meet the immediate or long-range public health needs of the general population or to treat casualties in war zones."

2. "As stated in our prior report on civilian health and war-related casualties in Laos (B-133001, November 25, 1970), USAID/Laos does not have a formal civilian health and war casualty program. The assistance rendered in this area is included as part of the Public Health Development program, which consists of the Operation Brotherhood project, the Village Health project. . . ."

a. Operation Brotherhood helps to operate hospitals in 6 urban areas through contract with a Filipino charitable group.

b. The Village Health Project supports a large number of small dispensaries, two hospitals, and one hospital functioning as a dispensary—all located in rural areas. Although the stated purpose of the Village Health Project is classified "secret" in the main body of the GAO report, the official summary of the report clearly states the project's purpose is to "provide essential care to military and paramilitary groups, refugees and local village communities."

3. Recent USAID/Laos finding:

(In thousands of dollars)

	Fiscal year—		
	1970	1971	1972
Obligations.....	4,575	4,774	4,956
Percent:			
Operation Brotherhood			
Project.....	33.5	40.3	42.6
Village Health Project.....	66.5	59.7	57.4
Total.....	100.0	100.0	100.0

"For fiscal year 1970 and 1971, \$500,000 to \$600,000 additional is also applicable to these projects for air transport of commodities and personnel."

4. "At the initiation of our review, Department of State and AID officials in Washington, D.C., advised us that files would be reviewed to remove (1) documents prepared separately or jointly by other agencies (2) sensitive information requiring higher levels of review before release, (3) congressional and White House correspondence, and (4) any classified information determined not to be important to GAO's review."

#### ASSISTANCE TO LAO MILITARY AND PARAMILITARY FORCES AND THEIR DEPENDENTS

1. This chapter of the GAO report is classified "secret".

2. This chapter, however—as did similar chapters in earlier GAO reports on Laos—continues to document and support independent findings of the Subcommittee.

3. Some background to current report:

a. Although AID officials publicly recognized in mid 1970 that economic assistance funds should not be used as a cover to finance military activities, AID continued to furnish substantial amounts of medical support to Lao military et al. This was being done on a non-reimbursable basis, and with little or no control over the distribution and use of the medical support items.

b. As a result of the 1970 hearings by the Subcommittee on Refugees, USAID/Laos proposed that a cost sharing agreement pertaining to U.S. support of Lao military et al, be negotiated by AID with the other U.S. government agencies involved. Progress on such agreements was very slow.

c. Finally, in a May 7, 1971 letter addressed to Senator Kennedy, AID Administrator John Hannah stated: "I can report to you now that with one shift made early this year and others that will be effective at the beginning of fiscal year 1972, all of the A.I.D. financing with which you have been concerned will be terminated."

4. Despite this assurance by Dr. Hannah, A.I.D. funds programmed for civilian war casualties and health care in Laos continued to be used to support Lao military et al., after the "beginning of fiscal year 1972."

##### INFORMATION ON ACCIDENTAL BOMBINGS

1. This chapter of the GAO report is classified "secret".

2. This chapter, however, continues earlier documentation of the Subcommittee on Refugees regarding incidents of accidental bombing, the number of civilians killed or wounded, and the disposition of claims arising from accidental bombings.

##### OBSERVATIONS ON USAID/LAOS MANAGEMENT

1. Delegation of responsibility:

a. "We previously reported that management of the AID program had been delegated largely to USAID/Laos. AID officials in Washington, D.C., exercised some control over operations in the field through authorization of funds for support of the program. Most of the records concerning the details of the program were located at USAID/Laos. There has been no change in these management practices."

b. "USAID/Laos officials do not attempt to monitor in any detail the activities of the mission's technical divisions, such as the Public Health Division. The USAID/Laos Director keeps informed of the technical divisions' programs primarily through regular staff meetings. Written procedures governing the operations of the Public Health Division have not been considered necessary because the Division Chief has held that position from the inception of the program 8 years ago and because the management of the medical program has been carried out by this Division Chief."

2. Management Information System:

a. Last year we reported that there were few written internal instructions within the USAID/Laos Public Health Division and noted that overall management information data showing the results of public health projects were not being compiled."

b. Management deficiencies "persist"—

Adequate written instructions, guidelines, and procedures have not been issued.

Management decisions have not been documented.

Dispensaries and hospitals have not always reported on their operations.

Field activities have not reported information on a consistent basis.

c. USAID/Laos advised the GAO that "the staff had little time for record keeping and long-range planning considered by the GAO as desirable for effective management."

#### 3. Training of Lao personnel:

a. Laos has never had a sufficient number of trained medical personnel to care for its people. For example, "there are about 36 Lao-tian doctors, of which 17 are in the military and 19 are administrators of the Royal Lao Government."

b. A major objective of the U.S. assistance is to train Lao health personnel. The training programs are "behind schedule."

c. However, "the Public Health Division Chief stated that he did not plan to start another training program for new medics before the end of fiscal year 1972. He said that there was no need for additional medics and nurses now, although ideally it would be nice to have two medics trained for every dispensary. At the time of our review, there were 223 medics for 220 dispensaries. Public Health Division officials were of the opinion that—in the absence of catastrophes, such as epidemics, large numbers of deaths in a particular area, or complaints from the Lao-tian people themselves—the medical program was adequate."

4. Even though there has been a slight increase in U.S. health personnel, nothing is being done to develop "long-range plans relative to civilian war casualties, training programs, and management systems."

#### OPERATION BROTHERHOOD PROJECT

1. Operation Brotherhood activity has developed and operated six hospitals. A seventh "was overrun by the enemy in May 1971."

2. Hospital admissions (in patients) have "increased significantly"—from some 20,831 in fiscal year 1970 to some 26,887 in fiscal year 1971. This was an increase of 29%.

3. In 1971 outpatients at the hospitals averaged some 15,400 per month.

4. In 1971, the GAO found that all hospitals "were handling more patients than they were staffed to handle." The "maximum feasible number of beds" available was 245—the "average actual daily patient load" was 321.

5. GAO reports that medical services would probably "suffer with any substantial increase in the number of patients if the hospitals staff was not increased." GAO reports some progress in additional hospital staff, and also reports some progress in increasing bed capacity at three hospitals.

6. GAO visited all six Operation Brotherhood hospitals. GAO observed that conditions at these hospitals were better than other hospitals in Laos. Nevertheless, GAO notes:

a. "Patients overcrowding at five of the six hospitals. Beds were close together and often had to be supplemented with cots. At Keng Kok patients were put outside in screened verandae, and at Sayaboury patients were put in an open breezeway."

b. "Ward areas congested by patients' relatives and friends who ate and slept in ward areas. This condition was not observed at Vientiane and Keng Kok, where family visiting hours were enforced."

c. "Generally poor sanitary conditions, such as dirty sheets and wearing of dirty street clothes in hospital beds. At Khong Sedone, the bathrooms were inoperable and had been for over a year and ambulatory patients were required to use a nearby wooded area and creek."

d. "Conditions at the Pakse provincial hospital considerably worse than those at any of the Operation Brotherhood or Village Health hospitals. Patients' rooms were poorly lighted; floors were dirty; and dietary kitchen, laboratory, laundry, and autoclave equipment were considered inadequate by Operation doctors. Overall, this appeared to be the most unsanitary hospital observed."

#### VILLAGE HEALTH PROJECT

1. Important sections of this chapter are classified "secret"—notably those discussing the purpose of the Village Health Project, the types of facilities supported, the number of patients treated, and the funding arrangements.

2. GAO observations on conditions in Village Health Project hospital facilities:

a. Patient overcrowding—ward areas congested by patients' families—poor sanitary conditions, such as dirty cots and sheets.

b. GAO observed "substantial improvement in the site 272 facilities which resulted from the construction of new wards to replace the open huts observed last year."

3. GAO observations on conditions in Village Health Project dispensaries:

a. "Generally orderly"—each "staffed by at least one medic"—"well stocked with medical supplies"—

b. "Our visits and discussions with refugees in the villages revealed that the people were using these medical facilities and that there was no evidence visible of insufficient medical attention. Moreover, the death rates in the villages were not abnormally high."

#### CIVILIAN WAR CASUALTIES AND MORTALITY

1. GAO reports some improvement in the overall reporting of public health statistics—but official statistics on civilian war casualties are "incomplete and of doubtful validity."

2. "We previously noted that during the first six months of 1970, the Village Health project dispensaries treated, on the average, 2,000 war casualties a month, of which about 600 were civilians, according to Public Health Division documents. For a similar period during 1971, war casualties treated by all USAID/Laos-supported medical facilities averaged 1,072 a month, of which 157 were civilians. Although this information showed a decrease in the number of war casualties, the available data were not complete or reliable enough to allow us to reach any conclusions concerning the nature, extent, or trends of war casualties in Laos. The Public Health Division Director believes, however, that the number of civilian casualties has been decreasing since the 1968 and 1969 period, because civilians are now in more secure areas."

3. According to Public Health Division documents, USAID/Laos supported facilities treated some 1,668 civilians war casualties from July 1970 through September 30, 1971. The monthly rate increased very substantially from November 1970 through June 1971.

(Note: The Director of the USAIS Public Health Program in Laos informed Subcommittee staff members in August 1970, that the civilian casualty rate in Laos since 1968, "probably ran at least as high as that in Vietnam." What this probably meant in specific terms for Laos—with a population of less than 3,000,000—was that at least 30,000 civilian war casualties occurred from early 1969 to mid 1970. This figure would include deaths, those treated in medical facilities and those not treated at all. As is the case in Vietnam, the actual occurrences of civilian casualties are much higher than official figures based solely on incomplete hospital admission data.)

4. GAO reports that "our inquiry revealed that reports on mortalities were incomplete, and available data on the causes of death were insufficient to allow us to reach any conclusions concerning war-related mortality rates."

5. GAO reports that "we were unable to obtain sufficient data to permit an objective evaluation of USAID/Laos efforts to minimize mortality rates."

6. USAID has established a maximum mortality level for villages. If the level is ex-

ceeded, special remedial measures are supposed to be taken.

7. GAO reports that "in analyzing the reports available on mortalities for the 3-month period ended June 30, 1971, we found that, for the month of June, the actual deaths exceeded this criterion from 110 percent to 900 percent at 16 locations. For the months of April and May, we found that the criterion was exceeded at 10 locations for each month."

8. "Documentation indicating that Public Health Division officials were aware that the mortality rate was significantly beyond the established criterion was available in only three of the 26 locations referred to above."

#### FOLLOW-UP REVIEW OF THE REFUGEE RELIEF PROGRAM IN LAOS

("SANITIZED" SUMMARY OF CLASSIFIED GENERAL ACCOUNTING OFFICE REPORT)

##### INTRODUCTION

1. Refugee relief in Laos is administered under the terms of a project agreement between the United States Government and the Royal Lao Government.

a. GAO states that "although this is a joint program, the United States has assumed virtually all operational and funding responsibility for it."

b. Although the reference is classified "secret" in the report, it is generally recognized that U.S. assistance is provided jointly through at least A.I.D., the Department of Defense and the C.I.A., and that AID has the overall responsibility for administering this assistance.

2. "Refugees" covered by the U.S. assistance programs include civilians displaced by military conflict, and certain military and para-military forces and their dependents. Although the reference is classified "secret" in the report, it is generally recognized that the number of refugees, officially registered for assistance during the GAO investigation, exceeded 300,000. The number of refugees on official relief rolls, at any given time, has steadily increased in recent years.

(Note: The total number of refugees created by the Laos War approaches 1,000,000—more than a third of the population of Laos.)

3. "At the initiation of our review, State Department and AID officials in Washington, D.C., advised us that files would be reviewed to remove (1) documents prepared separately or jointly by other agencies, (2) sensitive information requiring higher levels of review, (3) congressional and White House correspondence, and (4) any classified information determined not to be important to our review.

"Although we have no knowledge of the withholding of any information concerning the matters discussed in this report, we cannot be certain that we had access to all relevant data. It did appear that restrictions were not being applied at USAID/Laos."

##### AID ASSISTANCE TO REFUGEES

1. The number of officially registered refugees, at any given time, has "increased by about 11 percent" in recent years, "while the value of assistance provided by the U.S. Government increased by about 81 percent."

2. Refugee programs costs are financed through a number of channels.

a. Unverified costs reported by AID in recent years follow:

Fiscal year:	
1969	\$8,423,000
1970	15,776,000
1971	15,850,000
1972	(est.) 16,284,000

b. Unverified costs reported as transferred to USAID/Laos from the Department of Agriculture for PL-480 commodities are as follows:



## Fiscal year:

1969	800,000
1970	600,000
1971	1,300,000
1972	(est.) 1,400,000

c. Unverified costs reported by other agencies are classified "secret".

3. The various elements of AID costs and a breakdown for the last two fiscal years are as follows:

(Thousands omitted)

	Fiscal year—	
	1971	1972
Refugee relief and resettlement.....	\$4,800	\$6,285
Air technical support.....	4,020	3,845
Public health development.....	2,347	1,649
General technical support.....	672	690
Development of rural economy.....	3,570	3,256
Agricultural development.....	390	492
Education development.....	51	47
Total.....	15,850	16,248

4. For assistance purposes, refugees are classified as being (1) fully dependent, (2) partially dependent, (3) in need of no food assistance but requiring other types of support, and (4) paramilitary forces and their dependents.

5. Depending upon the classification of each refugee, assistance to those registered, officially includes some or all of the following:

- Food.
- Shelter.
- Medical assistance.
- Water supply.
- Educational assistance.
- Clothing, utensils and knives.
- Vegetable and rice seeds.
- Tools.
- Fertilizer and insecticides.
- Animals, such as pigs and chickens.
- Land clearing, wells, and dams.

6. "The ultimate objective of the refugee relief program is to resettle the displaced people and make them self-sufficient. . . . At the time of our review, 51 resettlement villages inhabited by 45,178 has been established" under the national relocation program created in 1966.

7. Although the references are classified "confidential", the GAO report confirms these independent findings of the Subcommittee:

a. that the successful resettlement of all Laos refugees will be difficult because two-thirds of the land in Laos has been lost to the enemy.

b. that there is "no ready solution" to the problem of hill-tribe refugees, mainly paramilitary combatants, because there are no mountain areas in government territory large enough to support these people.

8. The "Air Technical Support" category of AID refugee costs is used for "the distribution of commodities and the evacuation of refugees." Up to two-thirds of total AID obligations in the overall Air Technical Support Project, involving several U.S. agencies, are "refugee related." Nearly all paragraphs relating to the Project in the current GAO report are classified "secret" or "confidential."

9. The "Public Health Development" category of AID refugee costs was discussed in an earlier GAO report, released by the Subcommittee on March 19, 1972. Among other things, this report documented that AID health funds officially programmed for war victims continued to support CIA activities—after a 1971 assurance to the Subcommittee by AID Administrator John Hannah that the practice would be "terminated" on June 30, 1971.

10. Other categories of AID refugee costs are defined as follows:

a. General Technical Support—"supply

management, warehousing, housing, office support, and surface transportation."

b. Development of Rural Economy—"rural self help, rural public works, and well-drilling."

c. Agricultural Development—"general management support, support of irrigation projects, and agricultural extension projects."

d. Education Development—"advisory assistance and certain commodity support."

#### 11. PL-480 commodities:

a. GAO states that "we found that USAID/Laos needed to develop a plan for implementing its policy to substitute Public Law 480 commodities for a part of the food ration. The purpose of such substitution is to reduce dollar expenditures from purchases abroad of rice and protein supplement by USAID/Laos."

b. GAO notes that "in our visits to refugee offices located in the various military regions, we found that PL-480 commodities were not being used and were not being planned for use as substitute for rice in three of the regions. The only region that was using them as substitute was Vientiane. . . ."

c. U.S. commodities are "donated" to Laos under a Government-to-Government agreement under Title II of PL-480.

d. Wide gaps exist between what is programmed, received in country, and actually issued. For example, in fiscal year 1971, out of 8,456 metric tons of food programmed, only 4,585 metric tons were received, and only 2,596 metric tons were issued.

#### ASSISTANCE TO MILITARY AND PARAMILITARY FORCES AND THEIR DEPENDENTS

1. All paragraphs in this chapter of the GAO report are classified "secret" or "confidential".

2. This chapter, however—as did similar chapters in earlier GAO reports on Laos—continues to document and support independent findings of the Subcommittee. Separate GAO reports on refugee assistance and health care in Laos were initially released by the Subcommittee on February 7, 1971. A follow-up report on health care was issued on March 19, 1972. The report summarized here is the follow-up report on refugee assistance.

3. Some background on the current report on refugee assistance:

a. The decision to involve AID as a "cover" for support of Lao military et al—including, according to an internal USAID memorandum of January 1970, "direct military/logistical support"—was made at a high level of the U.S. government.

b. Early in 1971, the Subcommittee reported that a number of agreements among U.S. government agencies were transferring some portion of the funding responsibility from AID to more appropriate agencies, including Department of Defense. The Subcommittee also reported, however, that a very significant measure of this assistance was apparently continuing.

c. On May 7, 1971, in a letter addressed to Senator Kennedy, AID Administrator John Hannah stated: "I can report to you now that with one shift made early this year and others that will be effective at the beginning of fiscal year 1972, all of the A.I.D. financing with which you have been concerned will be terminated."

4. The current report documents more progress in negotiating and implementing agreements on the transferring of obligations from AID to other agencies—but the report also documents that much confusion remains; that some AID support of Lao military et al continued after "the beginning of fiscal year 1972"; and that a Department of the U.S. Government, other than A.I.D., is also involved in the support of Lao military et al.

#### OBSERVATIONS AT REFUGEE VILLAGES

1. GAO inspected conditions at 32 representative refugee villages out of a total of some 380. The villages included both permanent and temporary resettlement areas.

2. Majority of refugees are either elderly or young children—an absence of men in the 15 to 25 year age category—they are serving military—food and clothing appeared to be adequate.

3. The water supply appeared to be adequate—in "sites visited by GAO last year where wells were said to be required, drilled wells subsequently had been provided."

4. Housing appeared to be adequate in most villages visited, but "overcrowded and congested living conditions" were observed.

5. Land supply is inadequate—for example, "adequate paddy land for rice crops is not currently available in Laos."

6. Medical facilities were discussed in the earlier GAO report referred to above.

7. Schools seem to operate in many villages.

8. "Generally the refugee relief program appeared to be adequately meeting refugee needs"—but this is primarily true only in terms of emergency and temporary relief. The fact that some two-thirds of the Laos land area has been lost to the enemy, the fact that refugee numbers are steadily increasing, etc., make the long-term picture very bleak.

#### OBSERVATIONS ON PROGRAM MANAGEMENT BY USAID/LAOS

1. GAO states that "our follow-up work showed that USAID/Laos had taken steps to eliminate many of the weaknesses noted in our previous report (1970) and, as a result, had strengthened the management of the refugee program. . . . We found also that USAID/Laos had placed greater emphasis on refugee affairs by a reorganization which upgraded the responsible organizational entity."

2. GAO also states, however, that "steps" to eliminate management weaknesses have "not resulted in any readily discernible differences in USAID/Laos' policies and practices."

3. For example, GAO states: "We pointed out in our prior report that in July 1970 the refugee program was being carried out under an outdated Mission and function statement, that there were no written operating procedures, and that field personnel were left largely to their own resources."

"Our current work showed that, although USAID/Laos had issued an updated policy statement and had described the responsibilities and functions of the Office of Refugee Affairs, there was still a need for the development of written procedures for the guidance of field personnel to help ensure operational consistency."

"For example, during our visits to various field offices, we found disparities in the amounts of rice being given refugees. The AID Auditor General found a similar situation regarding distribution of Public Law 480 commodities and, in a July 1971 report, recommended that written procedures be developed. We also noted that there were no written procedures or guidelines for the distribution of nonconsumerable commodities, such as pots, pans, knives, and blankets."

#### CONTROL OVER REFUGEE COMMODITIES

1. GAO states: "We reviewed the corrective actions taken to resolve the problems discussed in the report we submitted to the Subcommittee last year, entitled 'Need for Improvement in the Control Over Refugee Relief Commodities Shipped Laos' (B-133001, Sept. 21, 1970). These problems involved weaknesses in AID's controls over the receipt, storage, and issuance of refugee relief food, and of medical and nonconsumerable commodities."

2. GAO found "that certain problems persisted."

3. "USAID/Laos continues to be limited to the exclusive use of three carriers—Express Transport Organization, Ear Peng Chiang, and Lao Transport Association (Society de Transport Laos)—for moving cargo between Thailand and Laos. We also found that freight bills still are being paid without appropriate documentation evidencing the actual receipt of transported items."

4. "Because Laos is a landlocked country, all cargo arriving by sea must be transited through Thailand. Express Transport Organization is the only carrier authorized by the Kingdom of Thailand to transport cargo received at the port of Bangkok for transshipment to the Laotian border."

a. "Express Transport uses published rates which are not negotiable, and, although these rates were lowered after our prior review, they still appear to be unduly high. For example, using Express Transport, AID will pay about \$165 for the movement of a 10-ton truck from Bangkok to Vientiane. Ear Peng Chiang charges only \$115 for the same haul. Ear Peng Chiang, however, can be used to haul only commodities which were purchased in Thailand, and cannot be used for the transshipment of sea-borne freight."

b. "Because of Express Transport's monopoly position, AID must pay a premium of about 43 percent (\$165 compared with \$115) for moving much of the freight received in Bangkok for transshipment to Vientiane. AID paid Express Transport about \$220,000 in fiscal year 1971 for transporting cargo from the port of Bangkok to border points in Laos. On the basis of the rates charged by Ear Peng Chiang, we estimated that the same volume of freight could have been moved for about \$66,000 less or about \$154,000."

c. "According to USAID/Laos, Ear Peng Chiang is the only carrier that holds licenses to operate in both Thailand and Laos. Therefore unlike other carriers, including Express Transport, Ear Peng Chiang can move freight from within Thailand to its ultimate destination in Laos. Ear Peng Chiang's rates are negotiable and AID has succeeded in obtaining rate deductions over the past several years. We noted, however, that AID has not attempted to solicit competition for the services provided by Ear Peng Chiang."

d. "Express Transport does not have a license to operate in Laos; therefore cargo hauled from the port of Bangkok must be off-loaded at a customs warehouse on the Thai-Laotian border. It must then be reloaded on Lao Transport Association trucks for movement to its ultimate destination in Laos. Lao Transport Association is an association of carriers who have been given a monopoly by the Royal Lao Government to transport all cargo entering Laos. Lao Transport Association's rates, like those of Express Transport, are nonnegotiable. Moreover an USAID/Laos official informed us that Ear Peng Chiang was a member of the Lao Transport Association."

5. "Our current review showed that USAID/Laos was continuing to pay freight bills submitted by certain carriers, without independent verification from within its own organization that the freight was actually received. This weakness in control exists with respect to billings from Express Transport Organization, the carrier handling freight received in Bangkok for transshipment to Laos, and from carriers handling freight within Laos."

a. On shipments from Bangkok to Laos, GAO found "that the Bangkok Operation Branch of USAID/Laos continued to approve for payment each Express Transport freight billing without independent confirmation that the cargo had arrived intact at the port of entry in Laos."

b. GAO states that this "is not a prudent practice. . . . We believe . . . that the need to exercise a greater degree of prudence is dic-

tated by USAID/Laos' own past experience. As discussed in our prior report, one carrier submitted a signed shipping and receiving report in support of a freight billing for cargo in a truck was demolished en route to Laos from Bangkok."

c. "A similar situation also continues to exist regarding payment to local carriers for intra-Laos hauling. Although an attempt is made to verify receipt of cargo prior to payment, about 30 percent of the receiving documents (according to the estimate of a USAID/Laos official) are never returned to the transportation branch. The freight bills for these shipments are paid solely on the basis of documentation submitted by carriers . . . we believe that prudent management requires independent verification of receipt prior to payment of freight bills."

6. GAO reports a continued "need to improve controls over commodities received in Laos."

a. "In Vientiane we made a limited test of receiving documents and stock records to determine the adequacy of the receiving and recording procedures for commodities shipped from Bangkok. These records indicated that all the commodities in our sample had been received and properly recorded except for two Public Law 480 commodities—corn-soya milk and wheat-soya blend."

b. GAO tests of commodities shipped from Vientiane—to such places as Pakse, Site 272, and Luang Prabang—revealed several deficiencies, such as:

"Commodities were shipped and not accounted for at destination";

"At Site 272, no inventories have been taken since the warehouse was opened in March 1970";

At Luang Prabang, receipt of commodities was not being recorded on cards, "because the warehouse had run out of cards."

c. In discussing the messy situation existing at the warehouse in Luang Prabang, GAO reports: "USAID/Laos officials stated that it would be beneficial to the Refugee Relief program if someone with warehouse expertise would visit Luang Prabang to assist in setting up sound warehouse procedures."

COMPTROLLER GENERAL  
OF THE UNITED STATES,  
Washington, D.C.

Hon. EDWARD M. KENNEDY,  
Chairman, Subcommittee To Investigate  
Problems Connected With Refugees and  
Escapes, Committee on the Judiciary,  
U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: In your letter dated July 7, 1971, you requested that we make an inquiry into problems in Cambodia concerning war victims, civilian health, and war-related casualties. This is our report on that inquiry.

In accordance with an understanding with your office, we have not followed our usual practice of submitting a draft report to the Department of State to obtain the Department's official comments. We have discussed, however, the general observations in our draft report with responsible U.S. officials in Phnom Penh, Cambodia, and Washington, D.C., and have given consideration to their views where appropriate. We suggest that the lack of official agency comments on the matters included in our report be given due consideration in any use made of this report. It has been reviewed by agency officials for security classifications.

We believe that the contents of this report are of current interest to other committees and members of Congress, and, in view of public disclosures made of the substance of the report, we concurrently have made it available to other interested committees and agencies.

Sincerely yours,

ELMER B. STAATS,  
Comptroller General of the United States.

PROBLEMS IN THE KHMER REPUBLIC (CAMBODIA) CONCERNING WAR VICTIMS, CIVILIAN HEALTH, AND WAR-RELATED CASUALTIES

(Comptroller General's report to the subcommittee to investigate problems connected with refugees and escapes, Committee on the Judiciary, U.S. Senate)

DIGEST

Why the review was made

In July 1971 the Chairman, Subcommittee to Investigate Problems Connected With Refugees and Escapes, requested that the General Accounting Office (GAO) update its prior reports on Vietnam and Laos and make an inquiry into refugees and civilian war casualty problems in Cambodia.

This report deals with problems concerning war victims, civilian health, and war-related casualties in Cambodia.

The North Vietnamese Army's invasion of Cambodia on March 28, 1970, culminated a long history of sanctuary activities along the border between Cambodia and South Vietnam. On April 30, 1970, the Government of the United States, in cooperation with the Government of South Vietnam, launched military operations into the North Vietnamese-controlled territory in Cambodia. These actions resulted in at least three types of refugees: (1) persons of Vietnamese origin residing in Cambodia, most of whom have subsequently been relocated in South Vietnam, (2) Cambodians fleeing from Communist-controlled territory—the largest single source of refugees—and (3) Cambodians fleeing from combat activity and air strikes.

In this report the term "refugees" is used generally to describe those Cambodians who have fled their homes in Communist-controlled territory or who have been displaced or are war victims as a result of combat activity in that country.

In accordance with agreements made with the Subcommittee's office, GAO did not follow its usual practice of submitting a draft report to the Department of State to obtain its official comments. GAO discussed, however, the general observations in a draft report with responsible U.S. officials in Phnom Penh, Cambodia, and in Washington, D.C., and has given consideration to their views where appropriate. Communications with Cambodian nationals were arranged through the facilities of the U.S. Embassy in Phnom Penh.

Findings and conclusions

Policy Concerning War Victims

The policy of the United States has been to not become involved with the problems of civilian war victims in Cambodia. There is no specific U.S. program for assisting refugees in that country; however, the United States is providing military and economic aid to Cambodia.

The Cambodian Government has not developed an overall program to deal effectively with the civilian war victim problem. There are, as yet, no specific programs for providing temporary relief to refugees. Relief has been granted on a case-by-case basis.

Some resettlement efforts have been made on a case-by-case basis by the Cambodian Government to assist refugees in obtaining vocational training and employment.

The Cambodian Commissioner General for War Victims and the Ministry of Community Development are the two agencies most directly concerned with the war victims problems. There have been as many as nine Cambodian Government agencies involved, to some degree, with civilian war victims, but there is a lack of coordination among the agencies.

Numbers of refugees and war damage claims

The total number of refugees in Cambodia is largely conjectural. There is no system for enumerating refugees, and they are moving continually. It has been estimated by the Cambodian Ministry of Health that more than two million persons have been displaced



by the war between March 1970 and September 1971. GAO found no basis, however, for assessing the reliability of this figure or any other overall figures.

A total of 23,030 war damage claims for the equivalent of \$130 million have been recorded by the Cambodian Government, but none have been paid.

#### Level of financial assistance

Cambodian Government funds for programs relating to the problem of civilian war victims have been channeled through the Commissioner General for War Victims and the Ministry of Social Action, Labor and Employment. The total budget for the Commissioner General for War Victims is the equivalent of about \$252,000 for the 18-month period ended December 31, 1971. As of March 1971, \$114,435 had been expended.

The Ministry of Social Action, Labor and Employment had expended the equivalent of \$1,292,770 as of September 1971 for repatriation and relief of war victims. This included more than \$800,000 for both military personnel and civilians killed or wounded. GAO was informed that most of these payments had been made for military casualties.

As of September 1971 foreign countries and/or private organizations had contributed at least \$4.6 million for humanitarian assistance. About \$3.7 million of this assistance was received from the Japanese Government. The assistance consisted primarily of medical supplies and equipment, foodstuffs, medical-purpose vehicles, and prefabricated buildings (to be used for refugee housing).

#### Condition of refugees

Although living conditions varied from place to place, conditions were generally less than adequate. Lack of sufficient food rapidly was becoming serious.

#### Civilian war-related casualties

There is no reliable measure of the number of civilian war-related casualties. It has been estimated by Cambodian Government officials that as many as 1,400 civilians have been killed and that as many as 20,000 combined military personnel and civilians have been injured. GAO is not in a position to comment on the reliability of these estimates. Shortages exist in all areas of health services, and certain types of pharmaceuticals are in critically short supply. GAO found that about 64 percent of the prewar health facilities were functioning.

#### CHAPTER 1. INTRODUCTION

At the request of the Chairman, Subcommittee to Investigate Problems Connected With Refugees and Escapees, Senate Committee on the Judiciary, in a letter dated July 7, 1971, the General Accounting Office has inquired into the handling of war-related civilian problems in Cambodia.

Our review which was performed during September and October 1971, primarily at the Department of State, Washington, D.C., and at the American Embassy, Phnom Penh, included discussions with Cambodian Government officials and with representatives of voluntary relief agencies. We made field trips to observe conditions of war victims. GAO communications with Cambodian nationals were arranged through the facilities of the U.S. Embassy in Phnom Penh. Embassy officials and Cambodian Government officials were most cooperative in providing data and in making the necessary arrangements which enabled us to make direct observations of refugee conditions in the country and to develop much of the detailed information contained in this report.

The scope of our review was limited in certain areas. At the initiation of our review, Department of State officials advised us that files would be reviewed to remove (1) documents prepared separately or jointly by other agencies, (2) sensitive information requiring higher levels of review before release, (3) congressional and White House correspondence, and (4) any classified information de-

termined not to be important to GAO's review.

Although we have no knowledge of the withholding of any data concerning the matters discussed in this report, we cannot be certain, in view of the agencies comment, that we have had access to all relevant information. Although it did not appear that these restrictions were being applied in Cambodia, our review in Cambodia, of necessity, was limited because Cambodian documents required translation and because discussions and interviews with Cambodian officials and other persons required the use of interpreters.

#### Origin of the refugee problem

Cambodia, which comprises an area of about 66,000 square miles, has a total population estimated at seven million. (See map, p. 8.)

The United States recognized Cambodia on February 7, 1950. Relations deteriorated in the early 1960's and were broken in May 1965 by Cambodia, following a serious incident on its border with South Vietnam. The North Vietnam military forces had been using sanctuary areas in Cambodia to direct fire at U.S. and South Vietnamese troops across the Cambodian border. According to a Department of State publication, U.S. elements would return this fire in self-protection and sometimes would inflict casualties among the Cambodians. The publication reports that such incidents at times were due to human error but more often were provoked by the North Vietnamese military forces. Diplomatic relations were restored on July 2, 1969, by mutual agreement.

A series of increasingly energetic military and political efforts were made prior to March 1970 to force a withdrawal of the North Vietnamese military forces.

Cambodia was invaded by the North Vietnamese on March 28, 1970, shortly after Prince Norodom Sihanouk, the Cambodian Chief of State, was dismissed by the Cambodian Parliament.

In April 1970 President Nixon announced that the United States would provide small arms and other material to support the defense of Cambodia against armed aggression by North Vietnamese military forces.

Prime Minister Lon Nol's government proposed negotiations looking toward a peaceful withdrawal of forces from Cambodia. The North Vietnamese, however, rejected these proposals. Initially they took measures to defend their base areas against Cambodian military pressure. Early in April 1970 the North Vietnamese began moving out of their sanctuaries and deeper into Cambodian territory in an effort to establish a solid Communist-held zone reaching to the port of Kompong Som and the sea along the nearly 600-mile-long Cambodian-South Vietnamese border. This movement would have changed considerably the sanctuary situation which had continued over the previous 5 years.

On April 30, 1970, President Nixon announced that the Government of the United States, in cooperation with the Government of the Republic of Vietnam, was launching military operations into North Vietnamese-controlled territory in Cambodia, for a period of 2 months, to protect its military forces and the process of Vietnamization in the Republic of Vietnam.

The situation with regard to refugees, occasioned by the outbreak of hostilities between the Cambodians and the North Vietnamese, has been quite different than that which has existed in neighboring Laos and South Vietnam. An early problem, after the North Vietnamese invasion occurred in force on March 28, 1970, concerned persons of Vietnamese origin residing in Cambodia at that time. Various estimates represented their number to be between 420,000 and 500,000; many of these refugees had originated from North Vietnam in a migration of 1954 and later. By the end of August 1970, some 200,000 of these persons had been relocated in South Vietnam and about 200,000

remained in Cambodia. There is no information concerning the location of others included in the estimates.

From March 28, 1970, to late summer 1970, Cambodians migrated from war-afflicted areas to Phnom Penh. By February 1971 these persons reportedly had been integrated almost totally with families or friends in Phnom Penh, although some had simply moved to Phnom Penh and were supporting themselves.

The Cambodian Ministry of Public Health has estimated that more than two million persons have been displaced by the war at one time or another since March 1970. As of September 1971 the Commissioner General for War Victims estimated that about 150,000 refugees were living in Phnom Penh and that about 70,000 were living in provincial capitals. We believe that the Commissioner General's estimates may be low, as discussed in chapter 3.

#### CHAPTER 2. POLICY CONCERNING WAR VICTIMS U.S. policy concerning war victims in Cambodia

According to the U.S. Ambassador to Cambodia, it has been the policy of the United States to not become involved with the problem of civilian war victims in Cambodia. At the time of our review in September 1971, the Ambassador did not consider the civilian war victim problem to be of such serious proportions as to require U.S. assistance. He said that, since the United States was providing military and economic aid to Cambodia, it was the policy of the United States to encourage other countries—which could not provide military assistance because of their own internal political situations—to assist Cambodia with its humanitarian needs.

The U.S. Ambassador told us in October 1971 that the Cambodian Government had not requested any U.S. assistance with the civilian war victim problem. We were advised that, until the Cambodian Government made such a request, there were no plans for the United States to become involved in this problem.

According to the Ambassador, it is not likely that the Cambodian Government will request humanitarian assistance from the United States even if the civilian war victim problem becomes much more severe than it has been.

There appear to be two reasons for this. First, the Cambodian Government's own policy—discussed in a subsequent section of this chapter—provides for a low-key approach to the problem. Secondly, the war effort has been given priority by the Cambodian Government. Cambodian Government officials realize that the United States is a source for necessary military assistance and desire that any assistance obtained from the United States be channeled toward the advancement of the war effort.

At the time of our review, one official from the American Embassy's Political Section had been assigned responsibility for monitoring the civilian war victim problem in Cambodia. This responsibility was accomplished as a part of his regular duties as an Embassy political officer. In our opinion this official was cognizant of the broad aspects of the civilian war victim situation.

#### Cambodian Government policy toward civilian war victims

Embassy officials informed us that the Cambodian Government was aware of the civilian war victim problem; however, we were told that the Cambodian Government had not developed an overall program to effectively deal with the problem. There are no specific programs for providing temporary relief to refugees; instead, each case is handled individually.

We were unable to obtain written policy guidelines from the Cambodian Government with regard to (1) the general civilian war victim problem or (2) the specific refugee problem. We were advised by Cambodian Government officials that it was their Gov-

ernment's policy to provide emergency and temporary relief and, in general, to manage the problem in such a way that refugees did not become dependent on the Government. As one Cambodian official involved with the refugee problem stated, the Government did not want to make beggars out of the people.

According to American Embassy officials, the Cambodian Government's general mobilization directive, as it applies to refugees, more closely resembles written policy guidelines than does any other document. This directive, issued about September 1971, provides that, within the framework of general mobilization, (1) all refugees be counted, (2) assistance be given in finding employment for refugees, (3) lodging for refugees be found with the "generous village people" or in transit camps, and (4) refugees be encouraged to return to their villages as they become secure.

Some efforts have been made by the Cambodian Government to assist refugees in obtaining vocational training and employment in order that the refugees may be integrated into the local society and economy. There are, however, no specific programs designed to accomplish these objectives, but efforts are made on a case-by-case basis.

No program has been developed to assist refugees in resettlement either in their former villages or in new locations. We were advised by the Cambodian Government officials that there were several social and cultural reasons for a low-key approach to the refugee problem.

Cambodian officials stated that, as a result of these social and cultural factors, the refugee problem in Cambodia was not as severe as it might have been in a different environment, given the same degree of destruction experienced by Cambodia. They stated that there was a high degree of national identity and unity among the Cambodians, particularly since they were faced with the task of fighting a foreign invader. The "extended family concept" is a Cambodian tradition which has helped alleviate the burden which normally would rest with the Government.

Cambodians are said to be very individualistic and attached to their land and to prefer to take care of themselves rather than to request help from the Government. We were told that, for these reasons, persons driven from their homes by the war tended to return to their homes as soon as the fighting stopped. Because of this presumed short-term displacement and the tendency of Cambodians to be self-reliant, the Cambodian Government prefers to describe the problem as a war victim or displaced-person problem rather than a refugee problem.

In this report, we have used the term "refugees" to generally describe all Cambodians who have fled their homes in Communist-controlled territory or who have been displaced or are war victims as a result of combat activity in that country.

Although our observations confirm that the Cambodians seem to be self-reliant and do, to a great degree, depend on the family in times of need, it appears that these phenomena also could have resulted from a lack of Government programs for assistance as well as from the cultural traditions of the Cambodian society.

#### *Functions of Cambodian Government agencies concerning war victim relief*

We found that there was no systematic approach to the total problem of civilian war victims—either for providing temporary assistance or for assisting in the resettlement of refugees. Functions and responsibilities are fragmented, and there is little or no coordination among agencies involved with the problem. We noted that there had been as many as nine Cambodian Government agencies involved, to some degree, with civilian war victims.

At the time of our review the two agencies

most directly concerned with the war victims problem were (1) the Commissioner General for War Victims and (2) the Ministry of Community Development. Prior to September 1970 the Ministry of Social Action, Labor and Employment had a major role in providing assistance to civilian war victims; however, these functions were transferred to the Commissioner General for War Victims. The Commissioner General for War Victims is a civilian agency established in July 1970 that appears to be subordinate to the Minister of Social Action, Labor and Employment.

The Commissioner General for War Victims is primarily responsible for providing temporary relief to persons displaced by the war. Such relief includes the operation of refugee camps if necessary. In addition, the Commissioner General (1) coordinates the receipt and distribution of donations from private persons and organizations, (2) records claims for war damage losses, and (3) makes payments for civilian war casualties.

Although we were advised that the Ministry of Community Development was the agency primarily concerned with the long-term resettlement of refugees, we noted that, in September 1971, the Commissioner General for War Victims developed a plan designed to assist refugees wishing to return to their villages. The Commissioner General found that one of the most serious problems a refugee faced upon returning to his village was the fact that his home and property had been destroyed. The Commissioner General's plan calls for providing 45 sheets of roofing—either metal or fiber cement—to each returning refugee family whose home has been destroyed.

The Commissioner General estimates that from 100,000 to 150,000 homes have been destroyed by the war, which would require from 4.5 million to 6.75 million sheets of roofing for replacement.

The Commissioner General's plan had not been implemented as of October 1971, since no funds were available in the Cambodian Government budget for this project. The Commissioner General is hoping for donations from other countries to implement the resettlement plan.

The Ministry of Community Development also was in the process of developing a plan to assist a number of refugees to resettle on Government-owned land in the Phnom Penh area. As of October 1971, however, the plan was still in the formative stages and no specific information was available concerning the substance of the proposed program or the time when the program was to become operational.

We found that there was no coordination between the Ministry of Community Development and the Commissioner General for War Victims with respect to their resettlement assistance plans. Neither agency was aware of the resettlement plan being developed by the other agency.

#### *CHAPTER 3. NUMBERS OF REFUGEES AND WAR CLAIMS*

The total number of refugees in Cambodia is largely conjectural. As of October 1971 there was no enumerating system. We were advised that the reason it was so difficult to make an accurate estimate of the number of refugees was that the situation was so fluid. Refugees continually move between the cities and their villages as security improves or deteriorates in various areas of the country. Many refugees move in with relatives or build their own thatched shacks on the periphery of Phnom Penh or provincial capitals and do not register with the Cambodian Government.

The Ministry of Public Health has estimated that more than two million persons have been displaced by the war since March 1970. GAO found no basis for assessing the reliability of this figure or any other overall figures.

As of September 1971 the Commissioner for War Victims estimated that 150,000 refugees were living in Phnom Penh and that 70,000 refugees were living in provincial capitals.

The population of Phnom Penh reportedly has doubled from about 600,000 to 1.2 million since March 18, 1970. According to a U.S. Embassy official, this increase is attributable to the war and not to the worldwide urban drift phenomenon.

The International Committee of the Red Cross representatives in Phnom Penh estimated in September 1971 that there were 100,000 to 150,000 refugees living in the peripheral area—the so-called "Green Zone"—of Phnom Penh. These refugees are squatters who have built thatched shacks on vacant land around Phnom Penh, and the number does not include those refugees living with relatives.

There simply are no reliable population estimates for provincial capitals to indicate the validity of the Commissioner General's estimate of 70,000 displaced persons. We were informed by the Governor of Svay Rieng Province, however, that prior to March 1970 the city of Svay Rieng—the provincial capital—had a population of about 100,000. He stated that between March 1970 and September 1971 the population of the city increased to about 250,000. Many of these persons move between the provincial capital and their homes in nearby villages; however, the Governor stated that, because of security, about 45,000 people had not returned to their villages in over a year.

We believe that these estimates indicate, to some degree, the extent of the refugee problem in Cambodia. It is apparent, however, that any realistic, quantitative assessment of refugee needs in Cambodia requires more reliable data. The figures referred to throughout this report should be considered merely as rough indicators.

#### *Registered refugees*

As of September 30, 1971, a total of 77,572 persons in the Phnom Penh area had registered as refugees with the Commissioner General for War Victims. About 1,500 refugees were living in four camps in Phnom Penh, and the remainder were living either with relatives or in the Green Zone.

On the basis of population estimates discussed above, it was apparent that only a small percentage of the refugees had registered with the Commissioner General for War Victims.

In an attempt to ascertain the reason so few refugees had registered, we interviewed at random 18 refugees living in the Green Zone of Phnom Penh. Of the 18 refugees, five were registered with the Commissioner General, and one was aware of the office of the Commissioner General but had not registered. The other 12 said they had never heard of the Commissioner General for War Victims but that they would have registered had they known. The five refugees who had registered stated that they had never received any assistance from the Government.

#### *Military dependents*

In addition to the civilian refugees discussed above, as of August 1971 there were 1,259 military families and dependents—5,487 persons—living in 31 centers throughout Phnom Penh. Although families generally accompany Cambodian military personnel to the areas where fighting is taking place, this sometimes is not possible, and therefore the families live in military-provided centers for short periods of time. Although the living conditions in these 31 centers are similar to those of the civilian refugees' centers, the Cambodian Government does not consider military personnel and their dependents as refugees since the head of the household has a regular source of income.

#### *Registered war damage claims*

As stated above, one of the functions of the Commissioner General for War Victims



is to record claims for damages caused by the war. Claims were accepted from (1) public bodies, (2) religious organizations, (3) business enterprises, and (4) private individuals. As of September 1971 the Commissioner General had recorded 23,030 claims for a total value of the equivalent of \$130 million—all amounts shown in equivalent dollars in this report have been converted at the official rate of 55.54 riels to \$1.

Included in the total number of claims recorded were claims for 12,076 destroyed homes and other property owned by private individuals and valued at the equivalent of about \$78.7 million. Although this aggregate value may be overstated, on the basis of our observations and interviews with both Cambodian Government officials and refugees, it appears that only a small fraction of the total number of war damage losses have been reported.

At the time of our review, none of the claims for war damages had been paid. It was apparent that funds had not been made available for liquidating claims, and we were advised that it was unlikely that any claims for war damages would be paid until after the war was over. Moreover specific procedures have not been established to offset war damage claims with any resettlement assistance that may be provided by the Commissioner General for War Victims or the Ministry of Community Development.

#### CHAPTER 4. LEVEL OF FINANCIAL ASSISTANCE FOR WAR VICTIMS

##### *Cambodian Government Resources for Civilian War Victims*

Cambodian Government funds for programs relating to the problem of civilian war victims have been channeled through two agencies—the Ministry of Social Action, Labor and Employment and the Commissioner General for War Victims. Also the Ministry of Community Development budgeted the equivalent of about \$90,025 for its refugee resettlement project; however, we could not ascertain whether any of these funds had been expended at the time of our review.

The total budget of the Commissioner General for War Victims was the equivalent of about \$324,090 for the period July 15, 1970, through December 31, 1971. Because of the higher priority afforded the military effort, however, the Commissioner General stated that the war victims' budget had been reduced to about \$252,070 for the 18-month period ended December 31, 1971.

The Commissioner General for War Victims was unable to provide us with a detailed estimate of expenditures through December 31, 1971; however, he advised us that a large percentage of the funds provided by the Cambodian Government for war victims was used to make payments for civilian casualties. The following schedule itemizes expenditures of the Commissioner General for the 9-month period from July 1970 through March 1971.

<i>Type of expenditure—Equivalent U.S. dollars</i>	
War casualty payments for:	
Civilians killed.....	\$23,569
Civilians wounded.....	42,266
Missing Government employees..	2,855
Total .....	68,690
Food purchases and other refugee relief .....	
.....	28,515
Administrative expenses.....	17,230
Total .....	114,435

If expenditures for the period April through December 1971 are made at the same rate that the \$28,515 was expended during the previous 9 months, we estimate that the Commissioner General will expend a total of about \$61,250 for refugee relief for the 18-month period ended December 31, 1971. In view of the \$72,020 reduction in the budget of the Commissioner General, however, we

believe that Cambodian Government expenditures for actual refugee relief probably will be less than \$61,250 for the 18-month period ended December 31, 1971.

Prior to September 1, 1970, the Ministry of Social Action, Labor and Employment was responsible for making payments for all war casualties—civilian and military. Subsequent to September 1, 1970, responsibility for civilian casualties was assigned to the Commissioner General for War Victims and responsibility for military casualties was assigned to the Commissioner General for Veterans.

The Ministry of Social Action, Labor and Employment assisted in the repatriation of over 200,000 Vietnamese nationals from Cambodia to South Vietnam during the period April 1970 through June 1971. In addition, this Ministry contributed to the relief of refugees. An itemization of the expenditures of the Ministry from March 1970 through September 1971, as related to war victims, is shown below.

<i>Type of expenditure—Equivalent U.S. dollars</i>	
Payments for persons killed—	
civilian and military.....	\$432,175
Payments to persons wounded—	
civilian and military.....	412,748
Repatriation of Vietnamese nationals .....	360,100
Miscellaneous .....	87,747
Total .....	1,292,770

We were unable to obtain a more detailed itemization of expenditures for civilian and for military casualties; however, we were informed that most of these payments had been made for military casualties. We also were advised that the "miscellaneous" category included administrative costs as well as expenditures for refugee relief items.

#### ASSISTANCE PROVIDED BY FOREIGN COUNTRIES AND VOLUNTARY AGENCIES

Much of the burden of refugee relief and humanitarian assistance in Cambodia has been borne by voluntary relief agencies and foreign countries. As of September 1971, 30 foreign countries and/or private organizations had contributed at least \$4.6 million of humanitarian assistance to Cambodia. Because of the nature of the donations, however, we were unable to determine their exact values. (See app. II for a listing of humanitarian contributions as of September 1971.)

Contributions from foreign countries generally were channeled through their respective Red Cross Societies to the Cambodian Red Cross Society, either directly or through the International Committee of the Red Cross and/or the League of Red Cross Societies. Some private organizations also channeled their humanitarian assistance through the Cambodian Red Cross Society, and others contributed directly to the Commissioner General for War Victims.

The Cambodian Red Cross Society redistributed an estimated \$342,096 worth of relief material to the Commissioner General for War Victims and redistributed other humanitarian relief having an unknown value directly to hospitals, clinics, the Ministry of Public Health, refugee camps, and war victims.

The Commissioner General for War Victims reported that the following private donations had been channeled through his organization as of September 1, 1971:

<i>Donor—Equivalent U.S. dollars</i>	
Persons .....	\$4,783
Cambodian Red Cross Society.....	342,096
Catholic Relief Services.....	144,597
Catholic Church Committee for Mutual Aid and Assistance.....	\$110,824
Mutual Aid Committee of the Khmer Evangelical Church.....	10,642
Total .....	612,942

#### *Japanese humanitarian assistance*

The largest humanitarian assistance contribution to Cambodia was made by the

Japanese Government. This assistance, valued at about \$3.7 million, was channeled through the Japanese Red Cross Society to the Cambodian Red Cross Society and consisted primarily of medical supplies and equipment, foodstuffs, medical-purpose vehicles, and 100 prefabricated buildings to be used for refugee housing. Many of these items were redistributed by the Cambodian Red Cross directly to the Ministry of Public Health. Other items were redistributed to the Commissioner General for War Victims, and some items were used by the Cambodian Red Cross for its humanitarian activities.

The 100 three-family prefabricated buildings arrived in June 1971. At the time of our review, none of the prefabricated buildings had been used for refugee housing. We were advised that there were no plans for using these buildings as housing for refugees because Cambodian people preferred to live in traditional Cambodian houses built on stilts rather than in the prefabricated buildings. We were advised that the prefabricated buildings were being kept in open storage and were deteriorating rapidly.

#### *Other contributions for refugee housing*

The Office of the United Nations High Commissioner for Refugees had donated \$50,000 and World Vision had donated \$10,000 for a refugee housing project to be constructed near Phnom Penh. This project, to be supervised by the Cambodian Red Cross, was begun in January 1971 and consisted of three buildings, each with 16 family cubicles. In August 1971, the project was about 75-percent complete and no provision had been made for water or electricity. In addition, the building site, which was on filled land, had begun to sink.

According to the Commissioner General for War Victims, the average cost of over \$1,000 a unit for this project was outrageous in view of the fact that it costs about \$100 to construct a traditional Cambodian house.

#### CHAPTER 5. CONDITION OF REFUGEES

There are two general categories of refugees in Cambodia: (1) those living in refugee camps, including about 4,670 of Vietnamese origin who are interned, and (2) those living with relatives or housed in squatter shacks in the peripheral areas of Phnom Penh and provincial capitals. During our review we visited six locations in the Phnom Penh area and nine locations in four provinces where refugees were living. These locations included four camps in the Phnom Penh area and five camps in the provinces. Our observations are presented below.

#### *Availability of food*

Interviews with numerous persons indicated that, up to the time of our review in October 1971, the availability of an adequate food supply was considered not to be a serious problem. Representatives of the World Health Organization, the International Committee of the Red Cross, and the Cambodian Red Cross and doctors from the Ministry of Public Health, however, stated that the lack of sufficient food very rapidly was becoming a serious problem among the population in general and among the refugees in particular. We were told that there were signs of malnutrition and vitamin deficiency.

We were advised that several factors were increasing the pressure on the food situation. Since March 1970, the price of basic food commodities, such as rice, has more than doubled and some items, such as meat, poultry, and pork, are nearly impossible to obtain. We were told that even fish, which was a traditional item in the Cambodian diet, had become so expensive that it could be afforded only by the wealthy. Price increases were brought about by reduced supplies and by changes in demand for food items as a result of the war-caused displacements.

We were told that most of the refugees—particularly those in the provinces and in the Green Zone of Phnom Penh—traditionally were farmers and grew much of their own food.

In their status as refugees, it is generally not possible for them to grow their own food.

Our observations and interviews with numerous refugees living outside refugee camps generally confirmed that the lack of sufficient food rapidly was becoming a serious problem. Most of the refugees we interviewed had some type of employment; however, their family earnings ranged between an equivalent of 36 cents and \$3 a day. The number of family members ranged from four to 11 persons.

All but two of the refugees that we interviewed stated that it was very difficult to obtain sufficient food for their families. The representative of the International Committee of the Red Cross estimated that, as of September 1971, the minimum cost to adequately feed one person in the Phnom Penh area was the equivalent of about \$1.80 a day.

#### LIVING CONDITIONS

##### Condition of refugees in Phnom Penh

**Tuol Kauk Camp**—In September 1971 this site housed 400 Khmer Montagnards from Ratanakiri Province. This facility was a former youth camp that was converted into a refugee camp in June 1970, at which time it housed 1,970 refugees. The facility consisted of four concrete buildings divided into individual family cubicles. The buildings appeared to be in adequate condition, and the facility was not crowded. Water was supplied to the camp by the city water system, sanitary facilities were adequate, a medical station was available, and a large classroom had been established. We noted that small plots of land had been made available for growing vegetables and that a small poultry project had been started.

We were advised that every 2 weeks 69 of the 89 families in the camp received 200 kilograms of rice through the commissioner General for War Victims. The remaining 20 families had a source of income and received only free shelter from the Cambodian Government.

**St. Joseph's Seminary**—In September 1971 this site housed 224 Canadian refugees, primarily from Kompong Thom Province. We were advised that, when this Catholic seminary was converted into a refugee camp in August 1970, it housed about 20,000 refugees of Vietnamese origin and was in very poor condition. These ethnic Vietnamese were later repatriated to South Vietnam.

At the time of our visit, conditions at the camp appeared adequate. We noted that land was available for growing food and that poultry and pigs were being raised. Although no medical facilities were available at the camp, transportation to nearby medical facilities was provided, if necessary, by the Commissioner General for War Victims. Except for providing this service, the Cambodian Government did not provide assistance to refugees at this camp.

**Chak Angre Camp**—In September 1971 this camp housed 252 civilian refugees. The camp, which was opened in December 1970, was built specifically as a refugee camp. The camp was not crowded; however, living quarters consisted of canvas-covered platforms constructed about 12 inches above use ground. Family compartments were about 5 by 8 feet in size and had no partitions between living quarters.

We noted that showering facilities and latrines had been constructed. Water was supplied from the city water system and appeared adequate. No school facilities were available at the camp; however, we were told that children attended public schools in Phnom Penh. At the time of our visit, only 10 families were receiving food assistance

through the Commissioner General for War Victims.

**Cao Dai Pagoda Camp**—In September 1971, 616 refugees of Vietnamese origin, primarily from Battambang Province, were housed on the grounds of the Cao Dai Pagoda near the center of Phnom Penh. This camp was guarded by the Cambodian military. Refugees of Vietnamese Origin having proper credentials were free to come and go during the day; however, they were required to be inside the camp at night. About 40 of the male refugees without proper credentials were prohibited from leaving the camp.

Families were crowded into makeshift living quarters constructed on platforms about 12 inches above the ground. Roofs and walls were constructed of any available material—thatch, tin, cardboard, burlap, or wood. Conditions were generally unsanitary; there were pools of stagnant water around the living quarters. We noted that adequate latrines had been provided and that adequate water was available from the city water system.

We were told that this camp was supported primarily by the Cambodian Catholic Church and that some assistance had been provided by the Government of South Vietnam. The refugees also had received 600 kilograms of rice a week through the Commissioner General for War Victims.

**Green Zone**—We visited two locations in the peripheral area of Phnom Penh—the so-called Green Zone. Cambodian officials did not know how many refugees were living in this area; however, the estimates ranged from 100,000 to 200,000 persons. These refugees were squatters who had built shacks on vacant land—either Government-owned or privately owned. We noted that the shacks generally were constructed of thatch and were built on stilts. Both areas we visited were flooded, and the water was stagnant. No sanitary facilities were available, and all the refugees we interviewed had to purchase drinking water and transport it for some distance to their homes.

No special medical facilities for refugees had been established in these areas; however, the dispensary and hospital facilities of the Ministry of Public Health were available. These facilities were located a considerable distance from the areas we visited, and most of the refugees did not know the locations of hospitals or dispensaries. Because of the extreme shortage of medicines in Cambodia, refugees who did utilize Government medical facilities were not provided with free medicines. Rather, they were given prescriptions to buy their own medicines at local pharmacies. Because the refugees had no money, they usually went without medicines.

The refugees we interviewed had not received any Government assistance except for the assistance available at the public health facilities. Most had some type of employment; however, their earnings were very meager and generally were inadequate for providing the necessities of life. Notwithstanding our observations in the Green Zone, it appeared that the living conditions of these refugees were somewhat better than those we observed at some of the refugee camps.

##### Condition of refugees in the provinces, Battambang Province

We inspected three camps located in and near the city of Battambang; the camps housed a total of 4,054 refugees of Vietnamese origin from the provinces of Siem Reap and Battambang. These camps were basically internment camps, since the movements of these internees were restricted and since the camps were guarded by the Cambodian military. The adults were issued passes permitting them to leave the camps during the hours 6 a.m. to 6 p.m.

There were no medical facilities at any of the camps; however, we were told that a mobile medical unit visited the camps every 2 weeks. In addition, a nearby public health

hospital was available in case of an emergency. We were advised that most of the refugees of Vietnamese origin had found some menial employment in the city of Battambang and that the Government was no longer providing food assistance.

Following are examples of the conditions we observed at the three camps.

**Wat Leap Camp**—In September 1971 this camp housed 1,917 ethnic Vietnamese nationals in an area about the size of an average city block. The camp was exceedingly crowded. It was surrounded by a barbed-wire fence, and military guards were at the gate. The camp area was unsanitary, and stagnant water and open sewers were around the living quarters. A common latrine had been constructed. (See photo on p. 27.) Water was obtained from a city water system; however, because the water pressure was so low, the supply appeared to be inadequate for the camp.

No school facilities had been established at the camp. A Cambodian Government official advised us that the children could attend the public schools in Battambang; however, we were advised by the camp chief that none of the children had been enrolled in school.

At this camp each family of five persons or less had been allocated an area of about 10 by 16 feet on which to construct its own living quarters. Larger families were allocated additional space. The living quarters were constructed in rows and generally did not have partitions between individual family compartments. The quarters—constructed on low platforms—were made of thatch, tin, wood, burlap, or any scrap material which was available. (See photo on p. 29.)

**Bank of Agricole Camp**—The camp, constructed in the courtyard of a former bank building, housed 1,179 refugees of Vietnamese origin. Sanitary conditions at this camp were somewhat better than those at the Wat Leap Camp; however, conditions were very crowded. No latrine had been constructed, and we were told that the people used a nearby river as a latrine. Water was obtained from the city water system, and the supply appeared adequate. Living quarters had been constructed of materials similar to those at Wat Leap Camp; however, we did not observe open sewers or stagnant water around the living area. (See photo on p. 30.)

**Former Chinese school camp**—This camp is a former school building, located in the downtown area of Battambang. It housed 958 refugees of Vietnamese origin who formerly lived in the city of Battambang. These refugees were principally mechanics and other craftsmen who were still employed at their trades during the day. Sanitary conditions at the camp appeared to be adequate; there was a sufficient water supply and adequate latrines. The camp was overcrowded. The former school building has a total of 26 rooms. Each room is about 16 by 20 feet and houses an average eight families. We were shown one room (see photo on p. 31) which officials stated housed 52 persons. It was apparent that the space was inadequate to sleep 52 persons, and we were told that the people slept in the open courtyard.

##### Svay Rieng Province

In the Parrot's Beak area, we inspected two camps established for Cambodian refugees and observed the general living conditions of refugees living outside the camps in the vicinity of the city of Svay Rieng and the village of Prasaut. Cambodian Government officials did not know the exact number of displaced persons living in the area because they tended to move back and forth between their homes and the city. We were told, however, that there were about 45,000 refugees in the area who had been unable to return to their homes because of security conditions. This is an area where considerable fighting has taken place that involved both Cambodian and South Vietnamese forces. (See photo on p. 33.)

**Bak Ronas Camp**—This camp was con-



structed by the Cambodian Government in November 1970 at an equivalent cost of about \$9,000. The camp, consisting of two long wooden buildings and one thatched building with concrete floors and sheet-metal roofing, housed about 600 persons in September 1971. Living conditions appeared adequate, although somewhat crowded. Water was obtained from two wells; however, we were told that the supply was inadequate and that river water was used to supplement the water supply. Sanitary conditions appeared generally adequate. We were advised that medical and school facilities were available at a nearby village. (See photo on p. 34.)

**Ba Yap Camp**—The camp was a former military camp which, in September 1971, housed about 5,000 civilian refugees. Living conditions at this camp were very inadequate. There were no sanitary, medical, or school facilities available, and drinking water was obtained from a nearby river. We were told that the refugees had constructed the thatched huts in which they were living and that they had not received any Government assistance. The thatched huts were constructed on the ground and were generally about 4 feet high. We noted that there was a great deal of stagnant water around the camp area. We were told that these refugees had lived in this camp from June 1970 and that, at one time, the camp had housed as many as 15,000 refugees. (See photo on p. 35.)

**Refugees living outside camp areas**—One of the areas we visited was the village of Prasaut near the city of Svay Rieng. We were told that 607 refugee families living in this area were housed in thatched huts, bombed-out buildings, and other available shelters. The thatched huts were built directly on the ground, and we observed that there was a great deal of stagnant water in the area. The only medical facility available was a small military infirmary; however, we were advised that the supply of medicine had been exhausted. No school facilities were available. We were told that water was obtained from shallow wells dug by the refugees. (See photos on pp. 37 and 38.) (Photos mentioned not printed in RECORD.)

#### Kompong Chhnang Province

In the city of Kompong Chhnang—the provincial capital—there were 1,959 Cambodian refugees living in an area around the Yeay Tep Pagoda. The pagoda was used as a center for providing emergency relief; however, very few refugees lived inside the pagoda compound.

We were told about 200 refugee families lived on boats and that the remainder lived in thatched houses near the pagoda. Some of the boats being used by the refugees were of the type normally used for living purposes; others were not and appeared to be quite crowded. We were advised that the boats had been owned by fishermen of Vietnamese origin who had been repatriated to South Vietnam. The thatched houses were constructed on stilts by the refugees in a flooded area and were generally about 10 by 12 feet in size.

We were told that the only assistance that had been provided to these refugees was from private individuals and the Cambodian Red Cross. We were told also that sufficient emergency relief material had been provided; however, the food situation was becoming serious. Notwithstanding these observations, conditions did not appear to be as bad as those we observed in Svay Rieng Province. (See photo on p. 39.) (Photos mentioned not printed in RECORD.)

#### CHAPTER 6. FACTORS GENERATING REFUGEES

We were advised that a large percentage of the refugees in Cambodia were persons who had fled from their homes in Communist-controlled territory and that a lower percentage of refugees were generated as a direct result of aerial bombardment and other combat activity. Because of the lack of reliable data, we were unable to determine the percentage of refugees generated as a result of any one factor.

On the basis of our observations, it appears that the more affluent persons flee their homes when Communists take over the areas but that the less affluent persons tend to remain in their homes in Communist-controlled areas and flee only if actual fighting breaks out in the area. It appears that refugees currently are being generated as a direct result of combat activity involving Cambodian and/or South Vietnamese forces and of Allied air strikes. For example, in March 1971 the Cambodian Government estimated that a maximum 20 percent of property damage was a result of Cambodian and Allied air operations.

#### U.S. air support

After the withdrawal of U.S. ground forces from intervention areas in Cambodia on June 30, 1970, the U.S. Air Force was authorized to continue air interdiction—strikes at enemy troop and supply concentrations and lines of communication. The air role of the U.S. Air Force subsequently has expanded in Cambodia and, at the present time, includes direct close air support of combat operations conducted by Cambodian and South Vietnamese forces in Cambodia. The U.S. air war in Cambodia is controlled by the Commander, U.S. Military Assistance Command, Vietnam.

We were advised that there are no free-fire zones in Cambodia similar to those in Vietnam. Saturation-bombing missions are carried out, however, by high-altitude B-52 aircraft over the Communist-controlled eastern and northeastern areas of Cambodia. We were advised that, although these areas represented about 26 percent of Cambodia's territory, they contained only 5 percent of the population.

U.S. Air Force close-air-support activities are conducted at the request of the Cambodian military and are controlled by forward air control aircraft operating over Cambodia. We have been advised that close-air-support strikes are coordinated through Cambodian military unit commanders and are provided in any area of Cambodia where combat action is taking place. Air support is also provided by the South Vietnamese Air Force and the Cambodian Air Force.

Information concerning the number and types of U.S. Air Force strikes in Cambodia, the types of bombs used, general target locations, and rules of engagement governing air activity is classified "Secret." Consequently, in the interest of providing an unclassified document, we have not included this data in the report.

#### REFUGEES RESULTING FROM ACTIVITIES OF ARMED FORCES OF SOUTH VIETNAM

In accordance with an agreement between the Governments of Cambodia and South Vietnam, South Vietnamese troops conduct combat operations against Communist forces in Cambodia, primarily in those provinces bordering South Vietnam. Numerous atrocities by South Vietnamese troops in Cambodia were reported during the months of February through September 1971. The Governor of Svay Rieng Province told us that over 50,000 persons in this province had fled from their homes because of South Vietnamese forces' depredations.

Cambodian refugees stated that both the Viet Cong and the South Vietnamese forces looted property; destroyed what they could not carry; burned villages; and raped, beat, and murdered the villagers.

In March 1971 there were other reports showing indiscriminate shelling, murder, pillage, rape, and theft. The only pattern in the incidents seems to be that they occurred generally in the border regions, for example in Prey Veng Province and in Svay Rieng Province.

Early in 1971 a Cambodian-Vietnamese Mixed Committee was established to investigate the alleged depredations by South Vietnamese troops. The Mixed Committee, however, appears to have been ineffective. In September 1971 the Commissioner General for War Victims advised us that over 300

cases had been investigated by the Mixed Committee but that compensation had been paid in only two cases—one woman received the equivalent of \$90 for rape and one family received the equivalent of \$180 for the murder of a family.

#### REFUGEES INTERVIEWED

We interviewed 22 refugees in Phnom Penh and Kompong Chhnang concerning the reasons why they had fled from their homes. Nine refugees stated that they had fled their homes either because they had feared aerial bombardment or because their homes had been destroyed by aerial bombardment.

One of these refugees, who had fled from Kompong Speu Province, stated that her entire village had been destroyed by aerial bombardment; however, this refugee did not know what types of aircraft were used or whether they were U.S. Air Force, South Vietnamese Air Force, or Cambodian Air Force aircraft. This refugee stated also that she had never seen North Vietnamese or Viet Cong troops in her village.

Three of these refugees at Kompong Chhnang stated that their homes had been burned as a result of aerial bombardment. One of the three described the bombs as large canisters of liquid fire. The refugees did not know the identity of the aircraft.

In March 1971 the Commissioner General estimated that a maximum of 20 percent of the 100,000 to 150,000 homes destroyed and other property damage were a result of Cambodian and Allied air operations.

#### CHAPTER 7. CIVILIAN WAR-RELATED CASUALTIES

There is no reliable measure of the number of civilian war-related casualties. It has been estimated that as many as 1,400 civilians have been killed. It has been estimated further that possibly 20,000 military personnel and civilians have been injured. We are not in a position to comment on the reliability of these estimates.

Shortages exist in all areas of health services, and certain types of pharmaceuticals are in critically short supply. Conditions at four public health hospitals which we visited were critical. Although Embassy officials were generally knowledgeable of refugee problems, they were not fully aware of the seriousness of the shortages in the areas of health services, particularly in pharmaceuticals.

#### Various estimates of civilian war-related casualties

The Cambodian Armed Forces reported 355 civilians killed and 648 wounded during the period March 18, 1970, through March 6, 1971, and 53 additional civilians killed during the period June 18 through October 13, 1971. On the basis of our discussions with Embassy employees, a Cambodian Government official, and refugees from areas where the fighting took place, it is apparent that the casualty figures reported by the Cambodian Armed Forces are incomplete. Civilians wounded as a result of the war generally are treated at Ministry of Public Health hospitals; however, the Ministry apparently does not have a system for reporting the number of wounded civilians treated.

Since September 1, 1970, the Commissioner General for War Victims has been responsible for making payments for civilian war casualties. Each hospitalized wounded person receives a weekly allowance equivalent to 90 cents and, upon release from the hospital, receives a one-time allowance equivalent to \$18. As of March 31, 1971, the Commissioner General for War Victims had paid allowances equivalent to about \$42,266 to wounded civilians; however, the Commissioner General was unable to provide us with the specific number of civilians paid.

The family of each civilian killed as a result of the war receives the equivalent of \$90 in a death benefit. As of March 31, 1971, the Commissioner General for War Victims had paid an equivalent of about \$23,569 to the families of 262 civilians killed.

The foregoing payments do not include payments made by the Ministry of Social Ac-

tion, Labor and Employment prior to September 1, 1970, for civilian war-related casualties.

At the time of our review, the Commissioner General for War Victims was unable to provide us with more current information concerning the total amount paid or the number of casualties. The Commissioner General estimated, however, that as many as 1,400 civilians had been killed between March 1970 and September 1971.

In addition, the Ministry of Health estimated that 20,000 persons had been injured. We were unable, however, to determine how many of these were civilians.

#### Public Health Services

In an attempt to get some understanding of the extent of treatment facilities for civilian war-related casualties, we obtained information from the Ministry of Public Health concerning the number of available facilities, personnel, and medicines, and visited four public health hospitals and one military hospital to observe their conditions.

Although public health programs received considerable support during the period 1962 through 1969 from both the Government and the public in general, there was still a shortage of facilities and medical personnel when war broke out in March 1970. As a result of the war, shortages in all areas of health services have become severe and some items, such as certain types of pharmaceuticals, are in critically short supply.

The following table shows the number of health facilities, both public and private, available in March 1970 and at September 30, 1971; the number in areas outside Government control; and the number in Cambodian Government-controlled areas that had been destroyed or were in need of repair.

Type	Number in March 1970	Number in areas outside Government control <sup>1</sup>	Government control	In need of repair <sup>1</sup>
Hospitals.....	40	6	10	5
Health centers.....	29	5	10	4
Clinics and maternity centers.....	42	.....	.....	.....
Dispensaries.....	19	.....	1	1
Infirmary.....	568	49	93	51
Total.....	698	60	114	61

<sup>1</sup> As of Sept. 30, 1971.

These facilities contained a total of 7,433 beds, of which 6,186 were in hospitals.

The following table shows the number of health facilities noted above that were under the control of the Ministry of Public Health as of March 1970.

Type:	Number
General hospitals.....	2
Specialized hospitals.....	3
Provincial hospitals.....	23
Health centers.....	25
Health subcenters.....	6
Dispensaries.....	17
Specialized dispensaries.....	2
Infirmary.....	295
Total.....	373

We were unable to determine the exact number of health facilities currently functioning; however, the Ministry of Public Health estimated that about 64 percent of Cambodian health facilities were functioning and that \$16 million was needed to repair and reequip facilities.

We were advised that, as a result of the war in Cambodia, the shortages of medical facilities, equipment, supplies, pharmaceuticals, and personnel became severe. In Phnom Penh there are two major public health hospitals with a normal total capacity of 1,510 beds. Since March 1970, the number of beds has increased to about 4,000 but there has been no increase in facilities. These facilities are extremely crowded and under-

staffed. Admissions increased from 31,000 in 1969 to about 39,000 in 1970, and the Ministry of Public Health estimated that, at the current rate, admissions would reach 50,000 for 1971. We noted that hospital conditions in the provinces did not appear to be as severe as those in Phnom Penh.

Medical personnel	As of March 1970	As of September 1971
Physicians and health officers.....	462	367
Pharmacists.....	81	63
Dentists.....	57	43
Nurses.....	2,929	1,670
Auxiliary nurses.....	573	868
Midwives.....	332	395
Rural midwives.....	933	933
Laboratory technicians.....	.....	59
Sanitary agents.....	476	476
Total.....	5,843	4,874

We were advised that the reductions in the number of public health employees after March 1970 were primarily the result of medical employees joining the military.

The budget of the Ministry of Public Health has also suffered as a result of the military effort in Cambodia. On July 7, 1971, the fiscal year 1971 national budget was approved at an equivalent of about \$335.8 million. The Ministry of Public Health was allocated the equivalent of about \$8.7 million, representing 2.6 percent of the national budget. This is the lowest percent of the total budget in the last few years.

#### Shortages of Pharmaceuticals

We were advised by the Minister of Public Health and several public health doctors that there was a very serious shortage of all types of pharmaceutical products in Cambodia. The total annual input of pharmaceuticals into Cambodia from all sources amounts to the equivalent of about \$14.4 million. This amounts to the equivalent of about \$2 a year for medicines for each individual.

The Minister of Public Health stated that he had requested, through the Minister of Finance, that \$3 million worth of pharmaceuticals be included in the fiscal year 1972 U.S. Commodity Import Program. At the time of our review, a final decision had not been made with regard to this request; however, Embassy officials advised us that the Agency for International Development was reluctant to include pharmaceuticals in the program. We were advised that there were significant inadequacies in the Cambodia Government's control system for pharmaceuticals, and U.S. officials fear diversion of commodities to North Vietnamese or Viet Cong forces.

At one of the public hospitals we visited in Phnom Penh, we observed an example of the critical need for medicines. The hospital director advised us that, in the preceding 2 months, they had experienced an alarming mortality rate among small children. We were informed that this resulted from a gastric disorder which, if not treated, caused dehydration and, in some cases, death. The hospital director stated that the disorder could easily be treated; however, no medicines for treatment were available.

At the time of our visit, there were 69 children in the hospital, most of whom were suffering from the same gastric disorder. The hospital director advised us that, at that time, the mortality rate was about 15 percent.

#### Condition of Hospital Facilities

During our review we visited four public health hospitals and one military hospital to observe their conditions. Three hospitals were located in the Phnom Penh area, and two of the public health hospitals were located in the provincial capitals of Battambang and Kompong Chhnang.

#### Hospitals in the Phnom Penh area

In the Phnom Penh area we visited two public health hospitals—the Khmer-Soviet Friendship Hospital and the Sonm Mam Hos-

pital—and one military hospital. Public health hospitals in Cambodia treat military, as well as civilian, patients. We were advised that all hospitals in Phnom Penh were very crowded and that conditions varied from hospital to hospital. Following are examples of our observations.

**Khmer-Soviet Friendship Hospital**—This hospital was constructed about 12 years ago under the Soviet aid program. The hospital facility appeared rather impressive, and we were told that at one time the hospital had been well equipped. Because of age and lack of repair capability, however, most of the equipment was no longer operable. At the time of our visit in October 1971, this hospital was extremely crowded, poorly equipped, unsanitary, and understaffed.

The hospital initially was designed for a capacity of 500 beds. We were advised that in March and April 1971 the hospital had a peak load of 1,200 patients. At the time of our visit, the hospital had a staff of 27 doctors and a total of 1,009 patients. The hospital director stated that at least 80 doctors were needed. The categories of patients were as follows:

Category	Number
Civilian war wounded.....	342
Military war wounded.....	248
Ordinary sicknesses requiring hospitalization.....	266
Pediatrics.....	69
Maternity.....	84
Total.....	1,009

We observed that the hospital was extremely crowded. Staff offices had been converted into the emergency unit. Some rooms in this unit had nearly wall-to-wall beds; folding cots were used because of a shortage of beds. We noted patients lying on wooden benches and on grass mats on the floor. The surgical wards—where the wounded civilian and military patients were kept—were extremely crowded. Patients were in the hallways and the lobby, and rooms which normally would contain three beds contained from six to eight beds.

Conditions in the maternity ward were also crowded. Mothers and newborn babies—some less than 12 hours old—were lying on folding cots in the hallways. Because of the shortage of beds and nursery baskets, the newborn babies were sleeping with the mothers on folding cots without sheets or other bedcovers. The hospital director commented that the whole situation was pitiful but that there was nothing he could do to alleviate the situation because adequate facilities, equipment, and supplies simply were not available.

We observed that the hospital was very poorly equipped. The laboratory contained virtually no equipment. The only operable X-ray units available were two small portable units, and there was a shortage of sterilization equipment.

**Sonn Mam Hospital**—This facility is the Ministry of Public Health mental hospital which was built for a capacity of 300 patients. At the time of our visit in October 1971, the hospital had about 1,100 patients and was staffed by six doctors, 22 nurses, one midwife, 54 administrative employees, and 89 guards. None of the professional staff had received specialized training in mental illness.

Conditions at the hospital were appalling. We observed one "ward" which contained about 200 patients. The ward consisted of two areas—one was an outside walled area where about 100 patients stayed day and night (the ground was used for sleeping) and the other was a large room about 20 by 80 feet which contained about 100 more patients. The room was dark and had no ventilation. Concrete benches about 4 feet in width ran the length of each side of the room and were used for sleeping purposes. Sanitary conditions were very poor.

**Preah Montvong Hospital**—This is the



major military hospital in Phnom Penh. Military hospitals are not under the jurisdiction of the Ministry of Public Health and normally do not treat civilian war-related casualties. We visited this hospital to observe conditions, however, because civilian hospitals treat military patients, which increases the pressure on civilian facilities.

The hospital originally was designed for a maximum of 200 beds; however, since March 1970 there have been as many as 600 beds in the hospital. On the day of our visit, 370 beds were occupied. The hospital director stated that the patient load was low because of the reduced level of military activity during the rainy season. We noted that patients were quartered in the hallways and that two wards, which normally contained 20 beds each, contained 60 beds each.

We observed that the hospital generally was in poor condition and that there were shortages of medical instruments and equipment. At this hospital, however, the director advised us that there were no serious shortages of medicines or of medical employees.

#### Provincial Hospitals

**Kompong Chhnang Hospital.**—The hospital at Kompong Chhnang appeared generally inadequate to the need. The hospital had a total of 177 beds, 96 of which were occupied at the time of our visit. We were advised that 15 of the patients were military war casualties and that three of the patients were civilian war casualties. The hospital director, the only doctor at the hospital, advised us that, because of inadequate facilities, all serious casualties were evacuated to Phnom Penh. We noted shortages of all types of medical supplies, equipment, and medicines, as well as shortages of staff. The building in

which civilian war casualties were maintained was dirty and generally in poor condition.

This ward contained about 17 other patients, in addition to the civilian casualties.

**Battambang Hospital.**—Conditions at the hospital appeared generally adequate. Facilities were relatively modern, clean, and not crowded. The hospital had a total capacity of 250 beds, of which 161 were occupied at the time of our visit. The hospital contained two surgical units, two delivery rooms, an X-ray room, and a laboratory, all of which appeared clean and well equipped. The hospital director advised us that there was a shortage of pharmaceuticals—primarily antibiotics and various types of serums. We were advised that there were six doctors assigned to the hospital but that the hospital needed five additional doctors. At the time of our visit, this hospital contained 25 civilian war-related casualties. We were advised that these casualties had occurred as the result of a terrorist attack in the city of Battambang and of the ambush of a train near Battambang.

#### Medical Items Included in the Military Assistance Program

We noted that, as of September 8, 1971, a total of \$742,967 had been included in the fiscal years 1970 and 1971 Military Assistance Program for Cambodia for medical supplies, equipment, drugs, and chemicals. Included in this amount in the fiscal year 1971 program were funds for five hospitals—one 400-bed field hospital and four 100-bed station hospitals. We were advised that these field hospitals were scheduled to arrive in Cambodia in October or November 1971. We believe that the operation of these hospitals

should alleviate, to some extent, the pressure currently felt by civilian hospitals.

#### APPENDIX I

U.S. SENATE,

Washington, D.C., July 7, 1971.

HON. ELMER B. STAATS,  
Comptroller General, U.S. General Accounting Office, Washington, D.C.

DEAR MR. STAATS: As you know, since 1965 war-related civilian problems in Indo-China have been a major concern of the Judiciary Subcommittee on Refugees. On three occasions the Subcommittee requested the General Accounting Office to investigate the handling of these problems and related matters, and reports were subsequently filed with the Subcommittee.

In light of continuing Congressional and public interest, I would like to request a continuing inquiry into the situation in both Vietnam and Laos, and request as well that the inquiry now include Cambodia. Additionally, in view of growing interest in long-term programs of rehabilitation and reconstruction, I would also like to request that a separate inquiry be made into United States policy, projection, and planning in this area of concern.

To facilitate these requests it would be helpful if you would designate a representative of the General Accounting Office to get in touch with Mr. Dale de Haan, Counsel to the Subcommittee, for additional information.

Many thanks for your consideration and best wishes.

Sincerely,

EDWARD M. KENNEDY,  
Chairman, Subcommittee on Refugees.

#### APPENDIX II

##### FOREIGN COUNTRY HUMANITARIAN ASSISTANCE FOR THE PERIOD MARCH 1970 THROUGH SEPTEMBER 1971

##### ASSISTANCE TO THE CAMBODIAN RED CROSS VIA THE INTERNATIONAL COMMITTEE OF THE RED CROSS FROM VARIOUS NATIONAL RED CROSS SOCIETIES

Donor	Type of assistance	Estimated value <sup>1</sup>	Donor	Type of assistance	Estimated value <sup>1</sup>
Japan.....	Medical supplies and equipment, foodstuffs, medical-purpose vehicles, and prefabricated buildings for refugee housing.	\$3,700,000	France.....	228 cases of condensed milk and 500 blankets.....	(2)
International Committee of the Red Cross	Medical supplies and equipment.....	45,000	Republic of Vietnam.....	196 cases of medicines.....	(2)
League of Red Cross Societies/International Committee of the Red Cross	Medical supplies and equipment, foodstuffs, mosquito nets, and other relief material.	\$30,000	Philippines.....	4 cases of medicines.....	(2)
United States.....	2 Red Cross delegates sent to assist in setting up a storage and distribution system—remained in Cambodia for 2 months.	10,000	Singapore.....	Medicines (amount unknown).....	(2)
Thailand.....	Medical team of 14 persons and 8 tons of equipment and supplies for the period August 1970 to March 1971.	(2)	World Vision.....	22 cases of medicines, 1,298 units of plasma, and 100 crutches.....	(2)
Italy.....	Medicines (amount unknown).....	(2)	Philippines Kiwanis.....	10 cases of medicine.....	(2)
Sweden.....	16 cases of medicine, 1 case of surgical instruments, and 326 cases of used clothing.	(2)	Association of Khmer Doctors and Students in Europe.....	4 cases of medicine.....	(2)
			Magen David Adom (Israel: Red Cross).....	8 cases of medicine.....	(2)
			Total.....		\$3,785,00

##### BILATERAL ASSISTANCE TO THE CAMBODIAN RED CROSS

Donor	Type of assistance	Estimated value <sup>1</sup>
West Germany.....	4 ambulances, X-ray unit, other medical equipment (crutches and wheelchairs), and antibiotics.	\$152,439
Republic of China.....	Various medical supplies.....	50,000
New Zealand.....	Medical supplies, including Hartman's solution, dextrose, plasma, and sterile bandages.	114,640
Korea.....	Medical supplies.....	90,000
U.S. Veterans of Foreign Wars.....	Cash grant to purchase equipment for the manufacture of prosthetic devices.	50,000
United Nations High Commissioner for Refugees.....	Grant for refugee housing.....	50,000
World Vision.....	do.....	10,000
Denmark.....	13 cartons of streptomycin.....	1,602
Australia.....	400 bed sheets, 100 flasks of plasma, and 19 cases of medicine.	(2)
Republic of Vietnam.....	Foodstuffs and medicine.....	(2)
Switzerland.....	100 flasks of plasma.....	(2)
Canada.....	35 cartons of clothing.....	(2)
Total.....		518,681

##### ASSISTANCE PROVIDED DIRECTLY TO THE COMMISSIONER GENERAL FOR WAR VICTIMS

Donor	Type of assistance	Estimated value <sup>1</sup>
Catholic Relief Service.....	Foodstuffs, clothing, drugs, and shelter for refugees.....	\$144,597
Catholic Church's Committee for Mutual Aid and Assistance.....	Foodstuffs, clothing, and drugs.....	110,824
Mutual Aid Committee of the Khmer Evangelical Church.....	Foodstuffs and clothing.....	10,642
Cambodian Red Cross Society.....	Foodstuffs, medicines, clothing, and transportation equipment.....	\$342,096
Private individuals.....	Cash grants and pharmaceuticals.....	4,783
Total.....		612,942

<sup>1</sup> Estimated value based on Cambodian riel exchange rate of 55.54 riel equals \$1.

<sup>2</sup> The amount of about \$30,000 was donated in cash by National Red Cross Societies of Belgium, Australia, Canada, Great Britain, Ireland, New Zealand, the Netherlands, the Philippines, Sweden, and Switzerland, in response to a joint League of Red Cross Societies-International Committee of the Red Cross appeal for aid in June 1970.

<sup>3</sup> The estimated value of the donations was not available.

<sup>4</sup> West Germany donated humanitarian assistance valued at 500,000 Deutsche marks. The estimated U.S. dollar equivalent is based on the Oct. 8, 1971, exchange rate of 3.28 Deutsche marks equals \$1.

<sup>5</sup> The amount provided by the Cambodian Red Cross to the Commissioner General for War Victims represents a redistribution of donations received by the Cambodian Red Cross from other Red Cross societies.

Source: The data shown in this appendix were derived from records of the American Embassy, Phnom Penh; the Cambodian Government Commissioner General for War Victims; the International Committee of the Red Cross; and the Cambodian Red Cross. Because of the variety of contributions and methods of donation, we cannot be sure that we have accounted for all the humanitarian assistance provided to Cambodia.

APPENDIX III. NUMBER OF U.S. PERSONNEL  
IN CAMBODIA

The magnitude of U.S. programs has resulted in an increase in the number of U.S. personnel. When U.S. assistance resumed in April 1970, there were 11 persons on the Embassy staff. In March 1971 there was a total of 91 persons assigned to the Embassy, and on October 1, 1971, there was a total of 137 persons assigned. The increase in Embassy staff was due primarily to increased military assistance to Cambodia.

The following schedule shows a detailed comparison of Embassy personnel strengths as of April 1970 and March and October 1971.

Section	Apr. 22, 1970	Mar. 4, 1971 <sup>1</sup>	Oct. 1, 1971 <sup>2</sup>
Executive.....	2	4	4
Political military <sup>3</sup> .....		22	61
Political.....		4	4
Economic.....	2	6	14
Consular.....		1	1
Defense attaché.....	3	24	22
U.S. Information Service.....		3	3
Administrative <sup>4</sup> .....	4	27	28
Total.....	11	91	137

<sup>1</sup> Includes 17 persons and 23 persons on temporary duty as of Mar. 4 and Oct. 1, 1971, respectively. Temporary duty employees are used in Cambodia to fill permanent positions.

<sup>2</sup> Includes 16 military personnel and 54 military personnel as of Mar. 4 and Oct. 1, 1971, respectively, assigned to the military equipment delivery team and 1 U.S. Navy officer in charge of construction assigned to supervise a military assistance program construction project as of Oct. 1, 1971.

<sup>3</sup> 2 persons are responsible for the political, economic, and consular functions.

<sup>4</sup> Includes Embassy Marine Corps guards.

Note: This table does not include foreign national employees

APPENDIX IV. LEVELS OF U.S. MILITARY AND  
ECONOMIC ASSISTANCE TO CAMBODIA

The United States recognized Cambodia on February 7, 1950. Relations deteriorated in the early 1960's and were broken in May 1965 by Cambodia, following a serious incident on its border with South Vietnam. During the years 1955 through 1963, the United States provided about \$309.6 million in economic aid and about \$83.7 million in military aid. Diplomatic relations were restored on July 2, 1969, by mutual agreement.

In accordance with the "low profile" policy of the United States, military hardware and training and economic assistance have been provided since April 1970 to the Cambodian Government; however, technical assistance and advisors have not been provided.

## Level of military assistance

The fiscal year 1970 military assistance program was designed to provide emergency support to the Cambodian Armed Forces. The primary U.S. military assistance objectives were (1) to provide the Cambodian Armed Forces with the capability to sustain national independence and neutrality and (2) to develop sufficient capability to disrupt North Vietnamese or Viet Cong base areas and lines of communications in Cambodia, as a corollary objective of facilitating Vietnamization of the war in South Vietnam. Vietnamization continued to be the top priority of U.S. aims in Southeast Asia.

As a result of a series of Presidential determinations and congressional authorizations, the total authorized program for fiscal year 1970 and 1971 amounted to \$8.9 million and \$185 million, respectively, for a total authorization of \$193.9 million. Sophisticated military items were excluded from the programs; ammunition accounted for about 52 percent of the programmed amount.

The United States has supported the Cambodian military forces in a variety of ways in addition to military assistance program funding. We have not determined the total value of this additional assistance which has included such items as (1) U.S. air support of combat operations in Cambodia, (2) communications facilities, (3) captured war materials, and (4) support of psychological-warfare operations in Cambodia.

## Level of economic assistance

The two primary objectives of U.S. economic assistance to Cambodia are to (1) enable the country to withstand abnormal economic dislocations caused by the war by providing imports at approximately prewar levels and (2) complement U.S. support of Cambodian military efforts through application of local currency generated by the U.S. economic programs.

The United States has entered into agreements with the Cambodian Government to finance \$70 million worth of commodities under the Commodity Import Program and \$8.9 million worth of agricultural commodities under Title I, Public Law 480, for a total of \$78.9 million in economic assistance for fiscal year 1971. Both of these programs generate local currency. It is anticipated that about \$75 million in equivalent local currency will be used for military personnel costs in support of the Cambodian Government national defense budget for calendar year 1971. The equivalent of about \$2 million in local currency will be used for U.S. administrative and other expenses in Cambodia.

The \$70 million Commodity Import Program was implemented in three phases. Phase 1, a \$10 million agreement signed March 2, 1971, and phase 2, a second \$10 million agreement implemented by a March 27, 1971, amendment to the original agreement provided for the importation of numerous commodities, a considerable part of which was allocated for petroleum products. As of September 1971 petroleum and petroleum products valued at about \$1.16 million had been delivered to Cambodia under the first \$20 million part of the program. The following schedule shows the breakdown of eligible commodities and deliveries as of September 1971 under the first \$20 million part of this program.

## APPENDIX IV

[In thousands of dollars]

Commodity	Amount eligible	Amount delivered
Petroleum and petroleum products.....	7,800	1,163
Chemicals, dyeing and tanning materials, and plastic materials.....	4,590	
Machinery other than electrical.....	2,700	
Manufactured paper products.....	1,220	
Manufactured rubber products.....	1,100	
Manufactured nonmetallic minerals.....	1,100	
Electrical machinery.....	720	
Transportation equipment.....	270	
Gas, natural and manufactured.....	90	
Nonferrous metals.....	90	
Manufactured metal hoes.....	90	
Polishing and cleaning preparation.....	80	
Sanitary, plumbing, heating, and lighting fixtures.....	50	
Cotton blankets.....	40	
Miscellaneous books and other reading material.....	40	
Mineral tar, tar oil, and crude chemicals.....	20	
Total.....	20,000	1,163

On May 31, 1971, the United States entered phase 3 of the Commodity Import Program with the signing of a \$50 million agreement. According to the agreement any commodities determined eligible under Agency for International Development criteria may be imported into Cambodia. As of October 6, 1971, provisional importation licenses valued at about \$7.45 million had been issued; however, no commodities had been delivered to Cambodia under the \$50 million agreement.

The Title I, Public Law 480, agreement was entered into on March 2, 1971, and authorized the importation of \$8.5 million worth of agricultural commodities. This agreement was increased to \$8.9 million by an amendment dated September 7, 1971. As of October 1, 1971, \$1.9 million worth of commodities had been shipped and \$825,000 worth of wheat flour and vegetable oil had arrived in Cambodia. The following schedule shows the

breakdown of commodities authorized, shipped, and delivered as of October 1, 1971.

Commodity	Authorized	Shipped	Delivered
Wheat flour.....	\$1,381	\$981	\$712
Vegetable oil.....	350	175	113
Cotton fiber.....	2,016		
Cotton yarn.....	3,175	481	
Tobacco.....	1,984	360	
Total.....	8,906	1,937	825

## 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 following joint resolutions:

S.J. Res. 173. A joint resolution to provide for the appointment of A. Leon Higginbotham, Junior, as citizen regent of the Board of Regents of the Smithsonian Institution;

S.J. Res. 174. A joint resolution to provide for the appointment of John Paul Austin as citizen regent of the Board of Regents of the Smithsonian Institution; and

S.J. Res. 175. A joint resolution to provide for the appointment of Robert Francis Goheen as citizen regent of the Board of Regents of the Smithsonian Institution.

## ENROLLED BILL SIGNED

The message also announced that the Speaker had affixed his signature to the enrolled bill (H.R. 11589) entitled "An Act to authorize the foreign sale of certain passenger vessels."

## RECESS UNTIL 5:30 P.M.

Mr. KENNEDY. Mr. President, I move that the Senate stand in recess until 5:30 p.m. today.

The motion was agreed to; and, at 5:02 p.m. the Senate took a recess until 5:30 p.m.; whereupon the Senate reassembled, when called to order by the Presiding Officer (Mr. ROBERT C. BYRD).

The PRESIDING OFFICER. In the Chair's capacity as the Senator from West Virginia, the absence of a quorum is suggested. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

## RECESS UNTIL 6 P.M.

Mr. ROBERT C. BYRD. Mr. President, I move that the Senate stand in recess until 6 o'clock p.m. today.

The motion was agreed to; and at 5:33 p.m. the Senate took a recess until 6 p.m.; whereupon the Senate reassembled, when called to order by the Presiding Officer (Mr. ALLEN).

## QUORUM CALL

The PRESIDING OFFICER (Mr. ALLEN). The Chair, acting as the junior Senator from Alabama, suggests the absence of a quorum, and the clerk will please call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President,



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

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

#### RECESS SUBJECT TO THE CALL OF THE CHAIR

Mr. ROBERT C. BYRD. Mr. President, I move that the Senate stand in recess subject to the call of the Chair, with the understanding that the recess not extend beyond 7 p.m. today.

The motion was agreed to; and at 6:15 p.m., the Senate took a recess subject to the call of the Chair.

The Senate reassembled at 6:26 p.m. when called to order by the Presiding Officer (Mr. ALLEN).

#### ORDER FOR UNFINISHED BUSINESS TO BE LAID BEFORE THE SENATE TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that tomorrow at the conclusion of the routine morning business the Chair lay before the Senate the unfinished business.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### WAIVER OF RULE OF GERMANENESS TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Pastore rule concerning germaneness be waived during the session of the Senate tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President, the Senate has been kept in session today and has recessed from time to time because of the hope on the part of the joint leadership that an agreement might somehow be arrived at whereby a date and time could be set for a vote on the pending amendment, No. 1175, by Mr. STENNIS, and other amendments, motions, and appeals, and also with respect to a time limitation on the bill. That effort was made, but was not successful. However, I think that Senators can be apprised of the strong likelihood that there will be a vote on the amendment

by Mr. STENNIS 1 day in the early part of next week, hopefully.

In the meantime, those efforts to work out an agreement will continue on tomorrow after, again hopefully, a good night's sleep can be had, and at that time the Senate will then be apprised of the outcome of those efforts. In the meantime, the amendment by Mr. STENNIS will continue to be the pending question, with a likelihood that there will be no setting aside of that matter for the taking up of other amendments to the bill.

However, conference reports, being in order and being highly privileged, may be called up at almost any time. At least the conference report on the black lung legislation may be called up and acted upon at a reasonably early hour on Friday.

#### AUTHORIZATION FOR COMMITTEE ON LABOR AND PUBLIC WELFARE TO SUBMIT BLACK LUNG CONFERENCE REPORT FOR PRINTING UNTIL MIDNIGHT TONIGHT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Committee on Labor and Public Welfare may have until midnight tonight to submit the black lung conference report for printing.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### PROGRAM

Mr. ROBERT C. BYRD. Mr. President, the program for tomorrow is as follows:

The Senate will convene at 12 o'clock noon. After the two assistant leaders have been recognized under the standing order, the following Senators will be recognized in the order stated and each for the time stated: Mr. STENNIS, for 15 minutes; Mr. BUCKLEY, for 15 minutes; and Mr. WEICKER, for 10 minutes.

At the conclusion of the unanimous-consent orders recognizing Senators, there will be a period for the transaction of routine morning business for not to exceed 30 minutes, with statements limited therein to 3 minutes.

At the conclusion of the routine morning business, the Chair will lay before the Senate the unfinished business, S. 3526, and the pending question will be on the amendment No. 1175 by Mr. STENNIS.

It will be my purpose at that time to move that the Senate go into closed session. That closed session will not last over 2 hours—hopefully, not that long—and when the Senate then returns to open legislative session, the Senate will resume consideration of the unfinished business. There could possibly be rollcall votes tomorrow.

#### ADJOURNMENT

Mr. ROBERT C. BYRD. 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 12 o'clock noon tomorrow.

The motion was agreed to, and at 6:33 p.m. the Senate adjourned until tomorrow, Thursday, May 4, 1972, at 12 o'clock noon.

#### NOMINATIONS

Executive nominations received by the Senate May 3, 1972:

##### U.S. DISTRICT COURTS

Albert W. Coffrin, of Vermont, to be a U.S. district judge for the district of Vermont, vice Bernard J. Leddy, deceased.

##### U.S. COURT OF CUSTOMS AND PATENT APPEALS

Howard T. Markey, of Illinois, to be chief judge of the U.S. Court of Customs and Patent Appeals, vice Eugene Worley, retiring.

#### CONFIRMATIONS

Executive nominations confirmed by the Senate May 3, 1972:

##### PRICE COMMISSION

Mary Hamilton, of Illinois, to be a member of the Price Commission.

##### NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

Rear Adm. Allen L. Powell to be Director of the National Ocean Survey, National Oceanic and Atmospheric Administration.

##### U.S. COAST GUARD

Nominations beginning Charles E. Sibre, to be lieutenant (jg.), and ending James R. Nagle II, to be lieutenant (jg.), which nominations were received by the Senate and appeared in the Congressional Record on Apr. 11, 1972; and

Nominations beginning John H. Ingram, to be chief warrant officer (W-4), and ending Stanley E. Burgess, to be lieutenant, which nominations were received by the Senate and appeared in the Congressional Record on Apr. 27, 1972.

## HOUSE OF REPRESENTATIVES—Wednesday, May 3, 1972

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward O. Latch, D.D., offered the following prayer:

*I have fought a good fight, I have finished my course, I have kept the faith.*—II Timothy 4: 7.

Almighty God, from whom we come, with whom we live, and to whom our spirits return, Thou art our refuge and strength, our present help in trouble. Grant us Thy blessing during these hours and enable us so to put our trust in Thee that our spirits may be strengthened and our hearts find comfort.

We come in this moment of sad and loving memory to thank Thee for J. Edgar Hoover, who now is at rest with Thee. For the nobility of his character, for his untiring devotion to our country and to the Federal Bureau of Investigation, for the competence of his mind, for the energy of his spirit as he gave himself for law and order, for his grace and dignity in public service, for his dedication to church and state, and for his witness to moral and spiritual values we thank Thee.

Thy spirit lived in him and may Thy spirit live in us that together we may

fight the good fight, finish our course, and keep the faith.

In the spirit of Christ, 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.