Alumni Association. He belongs to the California Teachers' Association and the California Association of Secondary School Administrators. He is also a member of the National Association of Secondary School Principals and the Centinela Valley Secondary Teachers' Association.

In addition, Mr. Barton is active in other community activities. He is a past president of the Hawthorne Optimist Club. He is a member of the Parent Teacher Association, the YMCA, the Boy Scouts of America, and the Girl Scouts of America.

His hobbies include ham radio operation as well as being a journeyman machinist and journeyman plumber. He is vice president of the Malibu Bowl Land Investment Corp. and a member of the National Association of Watch and Clock Collectors.

Loren C. Barton is an active and dedicated citizen. His contributions to his community and to youth are many. I invite my colleagues to join me in congratulating Loren C. Barton, my friend and a great citizen, for his outstanding service to his fellow man.

WALTER REUTHER

HON. EMILIO Q. DADDARIO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 14, 1970

Mr. DADDARIO. Mr. Speaker, Walter Reuther will be deeply missed by everyone involved in the labor movement. That he was a tough bargainer, a predictable innovator, and a constant guardian of his constituents is unchallenged. But the tragic loss of Walter Reuther will be felt on a much wider scale. He will be missed by all Americans for these were, in a larger sense, his constituents also.

To merely say that he was a progressive is to detract from a man who committed his life to a movement through which the welfare of the worker could be improved and the decency of all men maintained. This required the ability to move beyond special interests; to seek out the best in people and encourage them to act together for higher social purposes.

Walter Reuther understood the needs of the Nation and the unattended peoples because he had lived and worked with them. Forty cents an hour, 13-hour days, and 7-day workweeks were understood by him because he had experienced them.

But the elimination of these oppressive conditions did not blunt his desire to improve the quality of life for the working man. Pension benefits, profit sharing, and a guaranteed income plan were just some of the milestone accomplishments negotiated by Mr. Reuther for the UAW.

And there were others, too. For no direct benefit to his union, he led the way in civil rights, the war against hunger, and efforts to provide adequate health care for the Nation. His service was marked by distinction and dedication to the best interests of the people of this Nation. I extend my deepest sympathy to his family.

SENATE—*Friday, May 15, 1970*

The Senate met at 11:30 o'clock a.m. and was called to order by Hon. JAMES B. ALLEN, a Senator from the State of Alabama.

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

Eternal God, who has been the hope and help of many generations, and who in all ages hast given men the power to seek Thee and in seeking Thee to find Thee, grant to us here a vivid sense that Thou art with us. Give us a clearer vision of Thy truth, a greater faith in Thy power, and a more confident assurance of Thy love.

We beseech Thee, O Lord, by Thy grace to mend our broken Nation, and to bring reconciliation of man with man and of government with people.

When the way seems dark, give us grace to walk in the light we have; when much is obscured, make us faithful to the little we can clearly see; when the distant scene is clouded, give us courage to take the next step; when insight falters and faith is weak, help us to repay Thee in love and loyalty, in tenderness and compassion, for our souls' sake and the welfare of the people.

Hear us, O God, in whom we trust now and forever. Amen.

DESIGNATION OF ACTING PRESIDENT PRO TEMPORE

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

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., May 15, 1970.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. JAMES B. ALLEN, a Senator from the State of Alabama, to perform the duties of the Chair during my absence.

RICHARD B. RUSSELL,
President pro tempore.

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

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Hackney, one of its reading clerks, announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H.R. 14685. An act to amend the International Travel Act of 1961, as amended, in order to improve the balance of payments by further promoting travel to the United States, and for other purposes; and

H.R. 17575. An act making appropriations for the Departments of State, Justice, and Commerce, the Judiciary, and related agencies for the fiscal year ending June 30, 1971, and for other purposes.

The message also announced that the House had agreed to the following concurrent resolutions, in which it requested the concurrence of the Senate:

H. Con. Res. 520. Concurrent resolution authorizing the printing of an additional 1,000 copies of House Report 91-610, 91st Congress, first session, entitled "Report of Special Study Mission to Southern Africa for the use of the Committee on Foreign Affairs" of the House of Representatives;

H. Con. Res. 537. Concurrent resolution providing for the printing as a House document the tributes of the Members of Congress to the service of Chief Justice Earl Warren;

H. Con. Res. 578. Concurrent resolution authorizing the printing of a "Compilation of Works of Art and Other Objects in the U.S. Capitol," as a House document, and for other purposes;

H. Con. Res. 580. Concurrent resolution authorizing certain printing for the Select Committee on Crime;

H. Con. Res. 584. Concurrent resolution relative to printing as a House document a history of the Committee on Agriculture; and

H. Con. Res. 585. Concurrent resolution authorizing certain printing for the Committee on Veterans' Affairs.

ENROLLED BILL AND JOINT RESOLUTION SIGNED

The message further announced that the Speaker had affixed his signature to the following enrolled bill and joint resolution, and they were signed by the Acting President pro tempore (Mr. ALLEN):

H.R. 14465. An act to provide for the expansion and improvement of the Nation's airport and airway system, for the imposition of airport and airway user charges, and for other purposes; and

H.J. Res. 1232. Joint resolution making further continuing appropriations for the fiscal year 1970, and for other purposes.

HOUSE BILLS REFERRED

The following bills were each read twice by their titles and referred or ordered to be placed on the calendar, as indicated:

H.R. 14685. An act to amend the International Travel Act of 1961, as amended, in order to improve the balance of payments by further promoting travel to the United States, and for other purposes; ordered to be placed on the calendar; and

H.R. 17575. An act making appropriations for the Departments of State, Justice, and Commerce, the Judiciary, and related agencies for the fiscal year ending June 30, 1971, and for other purposes; to the Committee on Appropriations.

HOUSE CONCURRENT RESOLUTIONS REFERRED

The following concurrent resolutions were severally referred to the Committee on Rules and Administration:

H. Con. Res. 520. Concurrent resolution authorizing the printing of an additional 1,000

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

copies of House Report 91-610, 91st Congress, first session, entitled "Report of Special Study Mission to Southern Africa for the use of the Committee on Foreign Affairs" of the House of Representatives;

H. Con. Res. 537. Concurrent resolution providing for the printing as a House document the tributes of the Members of Congress to the service of Chief Justice Earl Warren;

H. Con. Res. 578. Concurrent resolution authorizing the printing of a "Compilation of Works of Art and Other Objects in the United States Capitol," as a House document, and for other purposes;

H. Con. Res. 580. Concurrent resolution authorizing certain printing for the Select Committee on Crime;

H. Con. Res. 584. Concurrent resolution relative to printing as a House document a history of the Committee on Agriculture; and

H. Con. Res. 585. Concurrent resolution authorizing certain printing for the Committee on Veterans' Affairs.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Thursday, May 14, 1970, be dispensed with.

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

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. At this time, pursuant to the previous order, the Chair recognizes the Senator from Kentucky (Mr. COOK), for not to exceed 30 minutes.

Mr. MANSFIELD. Mr. President, will the Senator yield, without losing his right to the floor or any of his time?

Mr. COOK. I yield.

COMMITTEE MEETINGS DURING SENATE SESSION

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

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

THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate turn to the consideration of certain measures on the calendar, beginning with Calendar No. 895 and concluding with Calendar No. 869.

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

MERLIN DIVISION, ROGUE RIVER BASIN PROJECT, OREGON

The bill (H.R. 780) to authorize the Secretary of the Interior to construct, operate, and maintain the Merlin division, Rogue River Basin project, Oregon, and for other purposes, was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91-856), explaining the purposes of the measure.

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

PURPOSE OF THE MEASURE

The purpose of H.R. 780 is to authorize the construction, operation, and maintenance of the Merlin division of the Rogue River Basin reclamation project in Josephine County, Oreg. The Merlin division is a multiple-purpose water resource development for the purposes of serving irrigation water to more than 9,000 acres, for public outdoor recreation, fish and wildlife conservation, area redevelopment, and flood control.

BACKGROUND

The Secretary of the Interior's feasibility report on the Merlin division was transmitted to the Congress on January 2, 1964, and has been printed as House Document 202, 88th Congress. A bill to authorize construction of the project (S. 51, 90th Cong.) passed the Senate on December 8, 1967, but was not acted upon in the House.

The Subcommittee on Water and Power Resources held a hearing on June 30, 1969, on S. 804, a bill introduced by Senator Hatfield, for himself and Senator Packwood, which is similar to H.R. 780. At that time the Department witnesses recommended that further studies of the project plan be carried out to achieve a more economical design and better financial arrangements. Those studies were performed at the committee's request and the results were transmitted to the committee by the Department's letter of April 2, 1970, which is reprinted in this report.

H.R. 780 passed the House of Representatives on April 20, 1970.

PLAN FOR DEVELOPMENT

The plan of development for the Merlin division will provide for optimum utilization of the flows of a major tributary of the Rogue River through construction of Sexton Dam and Reservoir on Jumpoff Joe Creek. The dam, an earthfill structure about 205 feet high, will create a reservoir with a total capacity of 39,000 acre-feet and a surface area of 660 acres. The required right-of-way is primarily undeveloped public lands without scenic or other natural values of important consequence. Minor amounts of privately held lands are likewise undeveloped. Water will be conveyed through a closed-pipe distribution system to the individual delivery points in the service area where it will be available under sufficient pressure for sprinkler irrigation. Sexton Reservoir has a regulatory capability to serve 9,260 acres of designated lands and an added increment of approximately 2,000 acres which have not yet been specifically identified and provided for in the distribution system cost estimates.

The plan of development will also provide recreational facilities for public use for camping, boating, and other water sports activities. Fish and wildlife enhancement in the reservoir will be achieved by the installation of a fish hatchery as a part of the project, to be used for raising of trout for stocking the reservoir. Mitigation of otherwise project-caused fishery damages will be accomplished by providing a minimum release to the stream from the reservoir.

FINANCIAL AND ECONOMIC ANALYSIS

The estimated construction cost of the Merlin Division is $28,470,000. This cost reflects recent design changes in the distribution system and updating of estimates to July, 1969 price levels. The investment cost, which also includes $282,000 of assigned costs of the Federal Columbia River power system, totals $28,752,000 and is allocated among the project purposes as follows:

Irrigation	$21,958,000
Flood control	1,390,000
Recreation	2,550,000
Fish and wildlife conservation	$785,000
Unassigned reservoir storage	2,069,000
Total	28,752,000

Annual operating costs are estimated to be $135,500.

Annual project benefits are evaluated at $2,151,700. The project has a ratio of annual benefits to annual cost of 1.87 to 1.00 over a 100-year period of analysis.

The irrigation water users will repay all operating costs and in addition $5,785,000 of the investment costs allocated to irrigation. Financial assistance of $15,891,000 will b provided from Federal Columbia River power system revenues. Recreation and fish and wildlife conservation costs will be shared by non-Federal entities in accordance with the provisions of the Federal Water Projects Recreation Act (79 Stat. 213).

The project repayment analysis utilizes a formula for determining an irrigation pumping power rate which assures repayment without interest of an equitable portion of the overall power investment of the Federal Columbia River power system and associated operating costs. This is compatible with the traditional reclamation policy that irrigation investment be returned without interest. It will not adversely affect the rates or the repayment schedule for the commercial power investment of the system.

NEED FOR THE PROJECT

The Merlin division area and its surrounding environs in Josephine and Jackson Counties, Oreg., are substantially dependent on the timber industry as a source of economic activity. This industry has, in recent years, been chronically depressed and underutilized. At the present time, it is undergoing an acute depression, with the insured unemployment rate in Josephine County approaching 18 percent of the labor force. The paramount need of the community is an alternate source of employment and economic activity for its underutilized land, water, and labor resources. This can be afforded in large measure through the development of water resource projects providing for irrigation of the arable lands in the valley of the Rogue River and its tributaries. Assured water supplies will also enable greater land utilization based on residential development by in-migrants attracted by the scenic, climatic, and recreational amenities of southern Oregon.

Specifically, the development of the project will result in an assured water supply for more than 9,000 acres of land susceptible to the production of fruit and berries, including the well-known Medford pears, and the forage and pasture base for a greatly expanded livestock and dairy industry. Tourism and recreation will be benefited by the opportunities for enjoyment of the reservoir fishery and water sports potential of Merlin Reservoir conjunctively with the existing resources of the area.

COMMITTEE RECOMMENDATION

The Committee on Interior and Insular Affairs recommends that H.R. 780 be enacted.

YAKIMA TRIBES

The Senate proceeded to consider the bill (S. 3337) to provide for the disposition of funds appropriated to pay judgments in favor of the Yakima Tribes in Indian Claims Commission dockets numbered 47-A, 162, and consolidated 47 and 164, and for other purposes, which had been reported from the Committee on Interior and Insular Affairs with an amendment on page 2, after line 3, strike out:

SEC. 2. Any part of such funds that may be distributed per capita under the provi-

sions of this Act shall not be subject to Federal or State income tax. No portion of any of the funds distributed in accordance with the provisions of this Act shall be subject to any lien, debt, or attorney fees except delinquent debts owed by the tribe to the United States or owed by individual Indians to the tribe or the United States.

And, in lieu thereof, insert:

SEC. 2. Any part of such funds that may be distributed per capita under the provisions of this Act shall not be subject to Federal or State income tax; and any per capita share payable to a person under twenty-one years of age or to a person under legal disability shall be paid in accordance with such procedures, including the establishment of trusts, as the Secretary determines will adequately protect the best interest of such persons.

So as to make the bill read:

S. 3337

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the funds appropriated by the Act of October 31, 1965 (79 Stat. 1133, 1152), to pay judgments to the Yakima Tribes of the Yakima Reserveation in Indian Claims Commission dockets numbered 47–A and 162, and by the Act of July 22, 1969 (83 Stat. 49), is consolidated dockets 47 and 164, together with interests thereon, after payment of attorney fees and litigation expenses, may be advanced, expended, invested, or reinvested for any purpose that is authorized by the tribal governing body and approved by the Secretary of the Interior.

SEC. 2. Any part of such funds that may be distributed per capita under the provisions of this Act shall not be subject to Federal or State income tax; and any per capita share payable to a person under twenty-one years of age or to a person under legal disability shall be paid in accordance with such procedures, including the establishment of trusts, as the Secretary determines will adequately protect the best interest of such persons.

The amendment was agreed to.

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

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–859), 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 S. 3337, introduced by Senators Jackson and Magnuson at the request of the Yakima Tribes, is to provide for the disposition of three awards totaling $2,210,-991.40 awarded to the Yakimas by the Indian Claims Commission. The awards represent, for the most part, compensation for the value of reservation lands omitted through erroneous surveys of the boundaries of the Yakima Indian Reservation established by the treaty of June 9, 1855.

NEED

Funds to satisfy the awards in dockets 47–A and 162, in the total amount of $110,-991.40, were appropriated by the act of October 31, 1965 (79 Stat. 1133, 1152), and the funds to cover the award in consolidated dockets 47 and 164, in the amount of $2,-100,000 were appropriated by the act of July 22, 1969 (83 Stat. 49, 62). Attorney fees have been allowed in the total amount of $221,-099.14, or 10 percent of each award. A total of $1,999,013.44 has been invested in U.S. Treasury bills.

Under a provision carried in each annual appropriations act for the Department of the Interior, however, the money cannot be used until specifically authorized by the Congress. S. 3337 would give such authorization. On December 1, 1969, the tribes adopted a two-part plan for the use of the $2,100,000 award in consolidated dockets 47 and 164. They favor reserving $250,000 for a scholarship trust fund, with the interest to be used for tribal scholarships, and the remainder distributed per capita, which will amount to about $300 a share. Tribal membership on September 16, 1969, totaled 5,748 persons. The tribes' position is that a substantial portion of their annual income, nearly $3,500,000 already goes toward ongoing social and economic development plans and projects, and they request that Congress authorize a per capita distribution of these judgment funds.

S. 3337 also covers the awards in dockets 47–A and 162, in the total amount of $110,-991.40. These funds will be available for tribal purposes.

AMENDMENT

The committee has adopted a substitute for section 2 of the bill as introduced. The new section would provide that any per capita distribution that may be made shall be nontaxable and, further, that shares payable to minors or those under legal disability shall be protected under procedures adopted by the Secretary of the Interior. Language stating that "No portion of any of the funds distributed in accordance with the provisions of this act shall be subject to any lien, debt, or attorney fees except delinquent debts owed by the tribe to the United States or owed by individual Indians to the tribe or the United States" has been stricken. Provisions of this kind have been removed by Congress from all distribution bills enacted in recent years. Indians ought not to be encouraged to escape payment of just debts. Such immunity may also severely limit the availability of credit to Indians. The justification of the Department of the Interior for retaining this provision has not been supported by facts. The committee knows of no reason for treating Indians in a different fashion than non-Indians.

COSTS

No increase in Federal expenditures will result from the enactment of S. 3337.

HYDROELECTRIC PROJECTS ON MIDDLE SNAKE RIVER

The Senate proceeded to consider the bill (S. 940) to prohibit the licensing of hydroelectric projects on the Middle Snake River below Hells Canyon Dam for a period of 10 years, which had been reported from the Committee on Interior and Insular Affairs with amendments on page 1, line 3, after the word "unless", strike out "otherwise hereafter"; on page 2, line 2, after the word "the", strike out "ten-year" and insert "eight-year"; and in line 6, after the word "such", strike out "ten-year" and insert "eight-year"; so as to make the bill read:

S. 940

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, unless authorized by Congress, no license or permit shall be issued nor shall any application for a license or permit be accepted for filing under the Federal Power Act (41 Stat. 1063; 16 U.S.C. 791–823), as amended, with respect to that reach of the Middle Snake River running between Idaho and Oregon and Idaho and Washington extending from Hells Canyon Dam to a point at river mile 146.5 above the mouth of the Snake River where the Asotin Dam project was authorized by the Flood Contral Act of 1962, during the eight-year period immediately following the date of the enactment of this Act: *Provided,* That nothing herein shall change or affect, for the purposes of any action which may be taken subsequent to such eight-year period, the present status, equities, positions, rights, or priorities of any party or parties to an application for license or permit pending before the Federal Power Commission on the date of enactment of this Act: *And provided further,* That nothing herein shall preclude the completion of any hearing or the completion of the record of any proceedings pending before the Federal Power Commission on the date of enactment of this Act.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–858), explaining the purposes of the measure.

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

PURPOSE OF THE MEASURE

The purpose of this legislation is to suspend the authority of the Federal Power Commission to accept applications or grant licenses or permits under the Federal Power Act (41 Stat. 1063 as amended) for the construction of hydroelectric power projects on the reach of the Middle Snake River extending along the Idaho—Oregon and Idaho—Washington borders for 100 miles between the existing Hells Canyon Dam and the authorized Asotin Dam.

BACKGROUND

Between the existing Hells Canyon dam of the Idaho Power Co. and the site of the Asotin dam which is authorized for construction by the Corps of Engineers, the Snake River runs through the deepest gorge on this continent. Three major tributaries enter the Snake within this 100-mile reach, the Imnaha, Salmon, and Grande Ronde Rivers. Topographic relief in the area varies from peaks above 9,000 feet above sea level to less than 800 feet along the Snake River at Asotin. The canyon is more than a mile deep at some locations.

The narrow rocky gorge and rapid fall of the stream which contribute to the scenic value of the area also provide a number of excellent sites for hydroelectric dams. A number of dams and combinations of dams have been studied and proposed by Federal and non-Federal entities over the years. From Hells Canyon dam downstream, the more significant dams which have been discussed are:

Dam:	*River mile (from Columbia River)*
Hells Canyon	247
Pleasant Valley	213
Appaloosa	198
Low Mountain Sheep	192
High Mountain Sheep	189
Nez Perce	186
China Gardens	172

HISTORY OF DEVELOPMENT

Studies of this reach of the Snake River have been undertaken intermittently since the early 1900's for recreational, navigation, and multiple-purpose development. A comprehensive plan encompassing studies by both the Department of the Interior and the Corps of Engineers was completed in 1948. The report identified the Mountain Sheep site just above the mouth of the Salmon River as an alternative to the Nez Perce site below the Salmon which had been studied by the Corps of Engineers but which would seriously affect the anadromous fish run in the Salmon River.

Another joint report was prepared in 1954 which proposed construction of the Mountain

Sheep and Pleasant Valley Dams by the Bureau of Reclamation.

The Federal Power Commission granted a license in 1955 to the Idaho Power Co. to construct a low Hells Canyon Dam as well as the Brownlee and Oxbow Dams upstream on the Snake River.

The Corps of Engineers was authorized to construct the Asotin Dam by the Flood Control Act of 1962. Construction funds have not yet been appropriated. The feasibility of including a navigation lock in the initial construction of the Asotin Dam is presently being studied.

PENDING FPC ACTION

In 1954, the Pacific Northwest Power Co. (PNP); a subsidiary of Pacific Power and Light, Portland General Electric, Montana Power, and Washington Water Power; filed for a preliminary permit to develop a combination of low Mountain Sheep and Pleasant Valley dams. The FPC granted the permit (Project 2173) in 1955.

Later in 1955, the company filed a license application. Hearings were held in 1956, the Examiner recommended licensing in 1957, but the Commission denied the license in 1958 (19 FPC 126). The Commission's denial was based upon a determination that the Nez Perce project would be better adapted to a comprehensive regional development plan and would have more flood control and power benefits. The Commission was then of the view that the fish passage problem presented by the Nez Perce high dam below the Salmon River could be solved.

Later in 1958, the company filed application for license to construct a High Mountain Sheep Dam (Project 2243). Also in 1958, the Corps of Engineers completed a report on the Columbia River and tributaries which recommended a number of alternatives for development of the Middle Snake River including High Mountain Sheep and Nez Perce Dams.

In 1960, the Washington Public Power Supply System (WPPS), a joint operating agency composed of 16 public utility districts in the State of Washington, filed application for the Nez Perce project (Project 2273). The FPC consolidated the two applications for hearings which opened in November 1960 and closed in September 1961.

The Secretary of the Interior commented to the Commission that because of the fishery problems and because of the power which would become available from the Columbia River Treaty with Canada, "we believe that it is unnecessary at this time, and for some years to come to undertake any project in this area."

In April of 1962, a Corps of Engineers report was transmitted to the Congress on "Water Resources Development of the Columbia River". It reflected negotiations among the Federal agencies and concluded that High Mountain Sheep dam or an alternative should be authorized for construction by the Bureau of Reclamation. The Secretary of Army similarly recommended to the FPC that, because of Federal interests in the area, the Commission should recommend Federal construction of the High Mountain Sheep dam.

The opinion of the Presiding Examiner issued in 1962, and the Commission's decision of February, 1964, (31 FPC 247) nevertheless granted PNP a license to build High Mountain Sheep and denied a license to WPPS for either site. Following a re-hearing on intervention by the Secretary of the Interior, the Commission on April 30, 1964, affirmed granting of the license. The High Mountain Sheep dam was considered by the Commission to be the best comprehensive development which would avoid fish passage problems to the Salmon River.

The license was appealed to the U.S. Court of Appeals for the District of Columbia by the Secretary and WPPS. The Court affirmed the FPC decision on March 24, 1966. A petition for writ of certiorari was granted and the Supreme Court announced its decision on June 5, 1967. (387 U.S. 428). In a divided decision the Court remanded the project to FPC.

The Court's decision was based upon the following general points:

Refusal of the Commission to take testimony of the Secretary of Interior regarding Federal development.

Lack of adequate consideration of fisheries and recreation aspects by the Commission.

Interior's recommendation of deferral for fishery studies.

Lack of determination by FPC of the public interest as opposed to benefit to the licensee, and lack of consideration of all aspects of public concern rather than only the regional ability to use the power.

In July of 1967 the FPC ordered further hearings which were convened in Lewiston, Idaho, and in Portland, Oreg., in September 1968, and in Washington, D.C. beginning in January of 1970.

In 1967, PNP and WPPS entered into an agreement to undertake joint development of the High Mountain Sheep project and amended their applications to be treated as single joint application.

In May 1968, Secretary of the Interior Udall presented the Department's position to the FPC. He opposed the licensing of High Mountain Sheep Dam and proposed instead Federal construction of a combination of a Dam at the Appaloosa site and a Low Mountain Sheep Dam—both above the confluence of the Snake and Imnaha Rivers. The Secretary's position was based upon the impact on fisheries, the need for power, and the Federal interest in operation of the Columbia River system.

In February 1969, the Secretary and the applicants filed a joint motion for continuance of FPC proceeding to permit time for the Secretary to seek congressional authorization of Federal construction of a multiple purpose development including a plan for financial participation by the Pacific Northwest utilities interested in power development. Successive motions led to a continuance until August of 1969 to permit the present administration to review the proposal.

On August 12, 1969, Secretary Hickel notified the FPC that he concluded that it is in the public interest to oppose construction of any project at this time. He called for a moratorium of 3 to 5 years for studies of the highest and best future development of the Middle Snake.

PRESENT LEGISLATION

S. 940, introduced by the Senators from Idaho, would prohibit the Federal Power Commission from issuing any license or permit or from accepting any application for a license or permit concerning the reach of the Snake River from Hells Canyon Dam (river mile 247) to river mile 146.5 (approximately the Asotin Dam site). As amended by the committee, the measure would impose the prohibition for a period of 8 years immediately following the date of enactment.

The bill further provides that the present status and rights of applicants would remain unaffected after the moratorium and that the FPC may complete its pending hearings.

The reach of the Snake River which is included within the prohibition extends downstream to approximately the location of the proposed Asotin Dam site. The provisions of the measure would have no effect, however, upon the status of the Federal Asotin Dam which was authorized by the Flood Control Act of 1962 (76 Stat. 1193).

The Subcommittee on Water and Power held a hearing on S. 940 on February 16, 1970.

COMMITTEE AMENDMENTS

The committee amended the bill and the title to reduce the term of the prohibition on licensing from 10 years to 8. The moratorium was initially introduced as S. 4025, 90th Congress in September of 1968. At that time, the 10-year moratorium would have generally coincided with the moratorium on studies of transbasin water diversions established under the provisions of the Colorado River Basin Project Act (82 Stat. 885).

The committee's amendment would have the effect of restoring the term of the prohibition as originally intended.

The committee also made a clarifying amendment to line 3 of page 1.

COMMITTEE RECOMMENDATION

The Committee on Interior and Insular Affairs recommends that S. 940, as amended, be enacted.

Mr. JORDAN of Idaho. Mr. President, this bill, S. 940, sponsored by me and my distinguished colleague (Mr. CHURCH), would prohibit FCC licensing of hydroelectric projects on the Middle Snake River below Hells Canyon Dam for a period of 8 years.

This is not merely restrictive legislation to impede development; rather it is designed to accomplish a brief breathing spell in development of a working river that courses through Idaho's heartland, providing lifegiving water, irrigated green space, public recreation, and clean hydroelectric energy from border to border of the Gem State. If the legislation is enacted, the river remains unimpaired as a rich natural resource, but needed time will be provided to complete ecological and engineering studies that will help insure a sound decision on the future utilization of this reach of the Snake River.

In recent decades, six major hydroelectric developments have been proposed for this 100-mile stretch of the river, and FCC hearings are nearing completion on one proposal to build a dam at the High Mountain Sheep site. A proviso of the bill protects the status and rights of the applicants involved in this FCC licensing application and permits completion of the pending hearings.

My interest in this legislation was generated primarily by the recognition that the Snake River and its tributaries represent the major surface water resources remaining to meet future water requirements in a tremendous arid and semiarid area in Idaho and eastern Oregon. To maintain the existing, albeit pitifully small acreage of irrigated green space in this area, and to provide water for new homes, farms, industry, gardens, lawns, and shade trees, and to serve parks and outdoor recreation playgrounds and to meet other requirements, more water will be needed in future years. Of this there is no doubt; planning studies now going forward in State and Federal agencies will only confirm the size of this need.

This legislation keeps open the options for an adequate future water supply and for a properly managed river resource. These environmental decisions must be made from the best information available and without unnecessary haste. To this end, I recommend affirmative action on this moratorium legislation.

Mr. CHURCH. Mr. President, I believe that S. 940, the bill to prohibit for 8 years the licensing by the Federal Power Commission of hydroelectric projects on the

Middle Snake River in Idaho, is one which is urgent in nature.

I have cosponsored this measure with my colleague from Idaho, Senator JORDAN, because we believe that the time should be provided for further appraisal of the Middle Snake in the context of the changing need.

In my view, the necessity for this moratorium is pressing because of the application for construction of a hydroelectric project on the Middle Snake which is pending before the Federal Power Commission.

I am presently persuaded that the construction of a hydroelectric dam on the Middle Snake would not contribute greatly to the development of Idaho. The power would be sold almost entirely outside the State to large urban centers. An alleged benefit to the fishery has yet to be proved or even accepted by the best informed sportsmen groups.

If the dam were to involve a Federal contribution, congressional appropriations for water development projects are limited and it is very important to arrange our priorities in such a way that multipurpose projects, which include irrigations, navigation, and flood control benefits as well as electric power and which contribute most to the general growth of our economy, are built ahead of those projects which contribute the least.

The Middle Snake has a long history of conflict in the private versus public power field. I will not go into a detailed chronology. The record, however, is replete with divided and opposing appraisals. Even now there are questions as to the location of the damsite. Meanwhile, there has been a growing movement against any dams in the canyon and for establishment of this section of the Snake as a recreational river preserved in its natural state.

A bill for this latter purpose has been introduced and is pending before the Senate Parks and Recreation Subcommittee.

Mr. President, this is a magnificent stretch of the river in a canyon deeper than the Grand Canyon of the Colorado. The Seven Devils Peaks rise 8,000 feet above waters that often churn white between sheer walls of rock. This is a wild and remote area where thousands of deer and elk graze in the wintertime and which is the natural habitat for cougar, bear, coyote, and other wildlife. Salmon, steelhead, bass, and the mighty sturgeon abound in the river. Migratory waterfowl, wild turkeys, golden eagles, partridge, grouse, and many other birds flock here. Domestic livestock also graze in the area.

Hells Canyon is internationally known to white water boatmen. Many visitors reach the canyon by jet boats from Lewiston, Idaho, or down steep trails from the Idaho or Oregon sides.

Along the river are many fine campsites some of them ancient Indian stopping places with archeological and anthropological importance.

There are other sound reasons for advocating a moratorium. We need more time to assess the possibility of preserving the start of the salmon and steelhead runs. These contribute not only to the burgeoning recreation industry for transient sportsmen but also to the pleasure of life in our State for many thousands of our citizens.

Another few years should bring us vital answers that we can only guess at now.

Finally, there is the consideration which must be given to the likelihood that nuclear technology will continue to advance. Its pace in recent years has been such that a hydroelectric dam without the enhancement of other public benefits might well be rendered obsolete before it is even completed. There are other alternative sources for power under examination.

When there are so many multipurpose projects that could be completed in the interim, it seems hardly sensible to rush to judgment on building a single-purpose or, at most, a dual-purpose dam in this critical stretch of the river.

Mr. President, we are not prejudicing the issue in seeking this moratorium. We ask only for sufficient time to make sure that this great resource is finally dedicated to its highest and best public use.

That is the purpose of the bill, and I hope the Senate will approve it today.

The amendments were agreed to.

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

The title was amended, so as to read: "A bill to prohibit the licensing of hydroelectric projects on the Middle Snake River below Hells Canyon Dam for a period of 8 years."

INTER-TRIBAL COUNCIL, INC., MIAMI, OKLA.

The Senate proceeded to consider the bill (S. 886) to convey certain land of the United States to the Inter-Tribal Council, Inc., Miami, Okla., which had been reported from the Committee on Interior and Insular Affairs with amendments on page 1, line 6, after the word "States,", insert "except oil, gas, and other minerals therein,"; and on page 2, at the beginning of line 2, insert "township 27 north, range 24 east, lying north"; so as to make the bill read:

S. 886

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the Secretary of the Interior shall convey, without monetary consideration, to the Inter-Tribal Council, Incorporated, Miami, Oklahoma, all right, title, and interest of the United States, except oil, gas, and other minerals therein, in and to the land more particularly described in subsection (b) of this section consisting of 114 acres more or less.

(b) The land referred to in subsection (a) is more particularly described as follows:

South half of the northwest quarter and that part of the north half of the southwest quarter of section 21, township 27 north, range 24 east, lying north of the centerline of highway numbered 60, Indian base and meridian, containing 114 acres, more or less, in Ottawa County, Oklahoma.

SEC. 2. Upon conveyance to the Inter-Tribal Council, Incorporated, Miami, Oklahoma, of the land referred to in the first section of this Act such land shall be subject to taxation to the same extent as any real property in private ownership in Ottawa County, Oklahoma, and notwithstanding any other provision of law shall be freed of all restrictions which might otherwise attach to such real property by reason of Indian ownership, including but not limited to restrictions on use, management, and disposition.

The amendments were agreed to.

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

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91-859), explaining the purposes of the measure.

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

EXPLANATION

The purpose of S. 886 is to authorize and direct the Secretary of the Interior to convey 114 acres of surplus Federal land in Oklahoma to an organization known as the Inter-Tribal Council Inc. This is a nonprofit organization incorporated under the laws of the State of Oklahoma in 1968 by the leaders of the Seneca, Quapaw, Peoria, Modoc, Ottawa, Shawnee, Miami, and Wyandotte tribes to promote the general health and welfare of the tribal members. The Articles of Incorporation show that the 24 directors consists of three members each from the eight Indian tribes. The corporation will encourage labor-oriented industries to locate on this acreage, thus raising the socioeconomic level of the tribal members residing in the area through the creation of jobs and better housing.

This land was purchased in the 1930s and 40's by the Federal Government for $6,587 and used for farming and dairying operations at the Seneca Indian school until these operations were discontinued 8 years ago. The entire acreage is presently excess to the needs of the Bureau of Indian Affairs. The site appears to be favorably located for industrial purposes. The council does not own other land.

This bill will transfer Government-owned lands presently valued at $25,500 to a nonprofit State corporation without payment of consideration. This organization has no money to pay for this land.

AMENDMENTS

The committee has adopted two amendments. The first would except from the conveyance and retain in the United States all minerals, including oil and gas, within the 114-acre parcel. The second amendment, recommended by the Department of the Interior, is merely a technical one to correctly identify the land in question.

COST

As explained previously, the present value of this Government-owned land is $25,500. Although it is customary to including language in bills of this nature directing the Indian Claims Commission to determine the extent to which the value of the land should or should not be set off against any pending claim, it has not been done in this bill due to the virtual impossibility of making an equitable determination where eight tribes are involved.

FORT BELKNAP INDIAN RESERVATION, MONT.

The Senate proceeded to consider the bill (S. 786) to grant all minerals, including coal, oil, and gas, on certain lands on the Fort Belknap Indian Reservation, Mont., to certain Indians, and for other purposes, which had been reported from the Committee on Interior and Insular Affairs with an amendment on page 1, after line 2, strike out: "That the portion of section 6 pertaining to

minerals of the Act of March 3, 1921 (41 Stat. 1355), is hereby amended to read as follows:

"SEC. 6. Any and all minerals, including oil and gas,"; and, in lieu thereof, insert: "That the last numbered paragraph of section 6 of the Act of March 3, 1921 (41 Stat. 1355, 1358–1359), is hereby amended to read as follows:

"Any and all minerals including oil and gas and lands chiefly valuable for the development of water power";

So as to make the bill read:

S. 786

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the last numbered paragraph of section 6 of the Act of March 3, 1921 (41 Stat. 1355, 1358–1359), is hereby amended to read as follows:

"Any and all minerals, including oil and gas and lands chiefly valuable for the development of water power, on any of the lands to be allotted hereunder are reserved in perpetuity for the benefit of the members of the tribe in common and may, with the consent of the Tribal Community Council, be leased for mining purposes in accordance with the provisions of the Act of May 11, 1938 (52 Stat. 347; 25 U.S.C. 396 a–f), under such rules, regulations, and conditions as the Secretary of the Interior may prescribe: *Provided,* That leases or mining permits may be entered into pursuant to section 6 of the Act of March 3, 1921 (41 Stat. 1355), with the consent of the tribal council and under such rules, regulations, and conditions as the Secretary of the Interior may prescribe, but no lease shall be made for a longer period than ten years and as long thereafter as minerals are produced in paying quantities: *Provided, however,* That until the same shall be leased, any Indian being the head of a family and having rights on such reservation may take coal from any of the tribal lands for his own domestic use."

The amendment was agreed to.

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

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–860), explaining the purposes of the measure.

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

PURPOSE

The purpose of the bill is to amend the act of March 3, 1921, which provided for allotment of lands on the Fort Belknap Reservation, to provide for the reservation of all minerals for the benefit of tribal members in common.

NEED

The 1921 act reserved to the Gros Ventre and Assiniboine Tribes for a period of 50 years all minerals, including oil and gas, on lands allotted pursuant to the act, but reserved to the Congress the right to extend the period within which such reserved tribal rights would otherwise expire. It also provided for 10-year leases with right of renewal for a like period. It further provided for setting aside for tribal use those lands chiefly valuable for the development of water power. At the expiration of 50 years from the date of approval of the act, unless otherwise ordered by the Congress, the minerals will become the property of the individual allottee or his heirs. S. 786 reserves the minerals in perpetuity for the benefit of the tribe.

The 1921 act provided that no mining lease could be made for a period longer than 10 years, but a right of renewal for an additional period of 10 years could be granted to a lessee upon such terms and conditions as the Secretary of the Interior might prescribe. That lease term is much less attractive to lessees than the one provided for in the 1938 Indian Mineral Leasing Act which specifies a term not to exceed 10 years and so long thereafter as minerals are produced in paying quantities.

There has been no appreciable benefit from the mineral reservation to the Indians of Fort Belknap since the 1921 act because of lack of interest in the area. The full potential for mineral production on the reservation is not known. However, the committee believes the tribes should be accorded the opportunity to fully develop their mineral resources. The tribes have requested enactment of this legislation which will permit exploration, development, and extraction of minerals to the benefit of the tribe as a whole.

AMENDMENT

The committee adopted a technical amendment recommended by the Department of the Interior in the attached report.

COST

No additional expenditure of Federal funds will result from the enactment of S. 786.

WASHOE TRIBE

The Senate proceeded to consider the bill (S. 759) to declare that the United States holds in trust for the Washoe Tribe of Indians certain lands in Alpine County, Calif., which had been reported from the Committee on Interior and Insular Affairs with amendments, on page 1, after line 7, strike out:

Township 12 north, range 19 east, Mount Diablo meridian, California, section 36, lots 5, 6, that portion of lot 7 lying in the northwest quarter southwest quarter, and lot 9 containing 101.23 acres, more or less.

And, in lieu thereof, insert:

Township 11 north, range 20 east, Mount Diablo meridian, California, section 20, south east quarter southeast quarter and section 29, northeast quarter northeast quarter, containing 80 acres, more or less."

On page 2, after line 4, insert a new section, as follows:

SEC. 2. The Indian Claims Commission is directed to determine, in accordance with the provisions of section 2 of the Act of August 13, 1946 (60 Stat. 1050), the extent to which the value of the title conveyed by this Act should or should not be set off against any claim against the United States determined by the Commission.

So as to make the bill read:

S. 759

Be it enacted by the Senate and House of Representatives of the United States to America in Congress assembled, That all of the right, title, and interest of the United States in the following described public domain land located in Alpine County, California, are hereby declared to be held by the United States in trust for the Washoe Tribe of Nevada and California:

Township 11 north, range 20 east, Mount Diablo meridian, California, section 20, southeast quarter southeast quarter and section 29, northeast quarter northeeast quarter, containing 80 acres, more or less.

SEC. 2. The Indian Claims Commission is directed to determine, in accordance with the provisions of section 2 of the Act of August 13, 1946 (60 Stat. 1050), the extent to which the value of the title conveyed by this Act should or should not be set off against any claim against the United States determined by the Commission.

The amendments were agreed to.

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

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–861), 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 S. 759, introduced by Senator Bible, would be to grant to the Washoe Tribe of Indians of Nevada and California a trust title to 101.23 acres of vacant public domain in Alpine County, Calif., to provide a new reservation land base for approximately 250 Washoe Indians who reside in the Woodfords community in Alpine County, and enable them to participate in a mutual-help housing program. As amended, the bill would set aside 80 acres of public domain in Alpine County, Calif., to carry out a program to assist certain Washoe Indians.

NEED

The members of the Woodfords community are descendants of Washoe Indians who have resided in this area for generations. Twenty-one of their ancestors received public domain allotments many years ago. As a result of sales and the issuance of patents in fee all except five of these allotments have gone out of Indian ownership and these five are badly fractionated by heirship. Many of the families are occupying portions of the remaining allotments as squatters.

These Indians live in deplorable conditions although considerable attention has been called to their plight in recent years. Not only is housing inadequate, but the domestic water source is contaminated and inconvenient, and there is a lack of waste disposal facilities. Water is presently obtained from unprotected sources, either a stream or a poorly developed spring. None of the structures used for housing have inside plumbing. All of the housing is overcrowded and of very inferior quality. Concerted efforts have been made by the Indians and local officials without success to include these Indians in program to improve their living conditions.

The use of the heirship land as a base for a housing program has been considered. However, the heirs are reluctant to donate their land for this purpose. The location of these allotments is such that they would not be suitable for a housing program even though the present owners agreed that they be so used.

Without a land base it has been impossible for the Indians to develop community programs through which they can improve their situation. Since they and their ancestors have lived in Alpine County for generations, they are understandably opposed to locating elsewhere.

The Washoe Indian Tribe consists of members residing in four Indian communities: Carson Colony, Dresslerville Colony, the Washoe Ranches in Nevada, and the Woodfords community in California. Each of the communities in Nevada has a land base, tribal land held by the United States in trust for the use and benefit of the tribe. The tribe has established a housing authority and this same authority could and would function in California for the benefit of the Woodfords community if it obtains a land base. The fact that the land on which the housing project would be located is held in trust by the United States will be the final factor enabling the tribal housing authority to qualify the project for assistance from the Department of Housing and Urban Development.

The tribal council has requested the enactment of the legislation for the benefit of

their members in Alpine County so that members may avail themselves of this mutual-help housing program. The State of California by Senate Joint Resolution 16 has memorialized the President and the Congress to enact such legislation. Because of the extreme concern for the welfare of the Woodfords people and the obvious need for relief, the committee recommends enactment of this legislation.

AMENDMENTS

The committee has adopted two amendments. The first one strikes the land description and inserts a new land description in accordance with the Department of the Interior's recommendation. The second amendment adds a new section 2, suggested by the Bureau of the Budget, which directs the Indian Claims Commission to determine the extent to which the value of the title conveyed should or should not be set off against any claim before the Commission.

COST

The Department of the Interior was unable to furnish the committee an appraisal with respect to the value of the 80-acre tract. Nor did they have a site or development plan prepared.

COLLEGE HOUSING DEBT SERVICE GRANTS

The joint resolution (S.J. Res. 196) increasing the authorization for college housing debt service grants for fiscal year 1971 was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That section 401(f)(2) of the Housing Act of 1950 is amended by striking out "$4,200,000" and inserting in lieu thereof "$6,800,000".

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–863), explaining the purposes of the measure.

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

The joint resolution would provide for an additional $2,600,000 authorization for college housing interest subsidy grants. This legislation is necessary to provide the authority needed to meet the budget requests for fiscal year 1961, now pending before the Congress. The Appropriations Committees of both Houses of Congress are working on the budget request for fiscal year 1971 and need the additional authorization if the full budget request for college housing is to be approved.

The interest subsidy proposed for fiscal year 1971 would be adequate to finance a $300 million college housing construction program—the same level we have had for the past several years.

In the Housing and Urban Development Act of 1969, because of rising construction and interest costs, the Congress approved an additional $4.2 million of authorization for a cumulative total through fiscal year 1971 of $24.2 million.

Interest costs, however, have continued to rise and it is currently estimated that the program levels authorized by Congress for 1970 will require a supplemental contract authorization. In order to carry out the congressional intent and to maintain the program at the $300 million level, the additional $2.6 million is necessary.

The following table shows the use of the interest subsidy for the past few years:

Contract authority in appropriation acts:	
Fiscal year 1969, enacted	$5,500,000
Fiscal year 1970, enacted	6,500,000
Fiscal year 1970, proposed supplemental	5,500,000
Fiscal year 1971, budget estimate	9,300,000
Total requirements through fiscal year 1971	$26,800,000
Contract authority included in sec. 401 of Housing Act of 1950, as amended	24,200,000
Additional authority required	2,600,000

Together with the $4,200,000 provided in the Housing and Urban Development Act of 1969, the additional amount to become available on July 1, 1970, would be $6,800,000.

FISHERIES LOANS

The bill (S. 3102) to amend section 4 of the Fish and Wildlife Act of 1956, as amended, to extend the term during which the Secretary of the Interior can make fisheries loans under the act was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 4(c) of the Fish and Wildlife Act of 1956 (70 Stat. 1121), as amended (16 U.S.C. 742c(c)), is further amended by changing the date "June 30, 1970" to "June 30, 1980" where it appears three times.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–862), explaining the purposes of the measure.

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

PURPOSE OF THE LEGISLATION

The bill, introduced at the request of the Department of the Interior pursuant to Executive Communication of September 26, 1969, would accomplish this purpose by extending the life of the fisheries loan fund an additional 10 years, from June 30, 1970, until June 30, 1980.

BACKGROUND AND NEED FOR THE LEGISLATION

The original authority for the fisheries loan fund was contained in the Fish and Wildlife Act of 1956. It was provided to assist in maintaining and upgrading the U.S. fishing fleet due to the fact that other sources of long-term financing for fishing vessels were not available.

By February 28, 1970, a total of 1,091 loans for nearly $28 million had been approved. Estimated annual losses from bad debts have been held to less than 1 percent of the average annual outstanding balance of loans.

The need for this loan program is even more critical at the present time than in 1956 when the act was first passed. High interest rates and general loan difficulty, coupled with the uncertainties of fishing, would place the fishing vessel operator in a nearby hopeless position without this assistance. The current demand for such fisheries loans is unprecedented requiring the Department of the Interior's Bureau of Commercial Fisheries to establish in October 1961 a limit of $40,000 per transaction.

Under the present act the authority to make loans expires on June 30, 1970. All money then in the fund and all collected thereafter will be paid into the general fund of the Treasury. However, this bill would avoid covering such funds into the Treasury as miscellaneous receipts by permitting the continuation of the loan fund through extension of its present authority and life for an additional 10 years until June 30, 1980.

The fisheries loan fund has made it possible for over 1,000 vessels to be constructed, purchased, upgraded, or kept in the fishery. Interest collections have been sufficient to pay the program costs and losses, so the only expense to the taxpayer has been the interest on funds appropriated many years ago.

CONCLUSION

In view of the small cost and the tremendous benefits of this program, your committee recommends the enactment of this bill.

COST

The extension of the loan program proposed by this legislation involves no additional authorization to appropriate Federal funds, which was set at $20 million in 1958 to provide initial capital. Therefore, there should be no additional cost.

SENATE JOINT RESOLUTION PASSED OVER

Senate Joint Resolution 173, a joint resolution authorizing a grant to defray a portion of the cost of expanding the United Nations Headquarters in the United States was announced as next in order.

Mr. MANSFIELD. Over, Mr. President.

The ACTING PRESIDENT pro tempore. The joint resolution will be passed over.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, the next bill, Calendar No. 868, is the bill now pending, H.R. 15628, to amend the Foreign Military Sales Act. The only bill left on the calendar to be called at this time is Calendar No. 869.

FEDERAL YOUTH CORRECTIONS ACT

The bill (S. 3564) to amend the Federal Youth Corrections Act (18 U.S.C. 5005 et seq.) to permit examiners to conduct interviews with youth offenders was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 5014 of title 18, United States Code, is amended by inserting ", or an examiner designated by the Division," after the words "of the Division".

SEC. 2. Section 5020 of title 18, United States Code, is amended by deleting the words "or a member thereof" and inserting in lieu thereof ", a member thereof, or an examiner designated by the Division".

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–866), explaining the purposes of the measure.

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

PURPOSE

The purpose of the bill is to amend the Federal Youth Corrections Act (18 U.S.C. 5005 et seq.) to permit examiners to conduct interviews with youth offenders.

STATEMENT

The bill was introduced on the recommendation of the Department of Justice.

In its message to the Congress recommending the legislation, the Department of Justice said:

The Youth Corrections Act provides for a Youth Correction Division within the Board of Parole. That Division, composed of members of the Board of Parole as designated by the Attorney General, makes recommendations concerning the treatment and correction policies for committed youth offenders, orders the release of offenders on parole, the return to custody for further treatment of those who do not succeed when conditionally released, and the unconditional release of those who are successful for at least 1 year on parole.

Another function of the Division is to interview youth offenders after initial commitment and upon return to custody. Sections 5014 and 5020 of title 18, United States Code, provide for members of the Division to conduct these interviews. This proposal would permit the Division to designate examiners to perform this function.

Presently, examiners are used by the Board of Parole for interviews with adult offenders. However, since the Youth Corrections Act provides for Division members to interview youth offenders, it is necessary to obtain a waiver by an offender if an examiner is to interview him. If a youth offender does not consent to a waiver, his interview must be delayed until a Division member can visit the institution where he is confined. This results in even greater delays when the youth offenders involved are confined in adult-type institutions.

The Board of Parole would like to institute a new program with examiners conducting a majority of the interviews with youth offenders as well as adult offenders while Board members remain in Washington to confer and make final decisions based on the information provided by the examiners. This program, which would be greatly facilitated by the enactment of this proposal will make the operation of the Board and the Youth Division much more effective and efficient.

The Task Force on Corrections of the President's Commission on Law, Enforcement and Administration of Justice recommended the use of examiners along the lines proposed here.

The Department of Justice urges the early introduction and prompt enactment of this measure.

The Bureau of the Budget has advised that the submission of this recommendation is consistent with the administration's objectives.

The committee believes that the bill is meritorious and recommends favorable consideration.

Mr. MANSFIELD. Mr. President, I thank the distinguished Senator from Kentucky (Mr. COOK), for his forbearance and patience.

Mr. President, I ask unanimous consent that the unobjected-to measures from the calendar which were passed this morning not have the rule of germaneness made applicable to them, but that the rule of germaneness start with the laying before the Senate of the unfinished business.

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

HAYNSWORTH, CARSWELL, AND BLACKMUN: A NEW SENATE STANDARD OF EXCELLENCE

Mr. COOK. Mr. President, with the confirmation of Judge Harry A. Blackmun by the Senate this week, I believe we have come to the end of an era in Supreme Court history. In many respects, it has not been a proud period in the life of the U.S. Senate or, for that matter, in the life of the Presidency. Mistakes have been made by both institutions.

The Supreme Court of the United States, nevertheless, remains as the most prestigious institution in our Nation and possibly the world. For many years public opinion polls have revealed that the American people consider being a member of the Supreme Court is to hold the most revered position in our society. I am glad the High Court is held in such regard by our people. It is an indication of the respect Americans hold for the basic fabric of our stable society—the rule of law.

To the extent that the recent controversial period has eroded respect for our legal institutions, it has been a disaster. There could not have been a worse time for an attack upon the legal system in this country than in the past year when tensions and frustrations about our foreign and domestic policies literally threatened to tear us apart. Respect for law and the administration of justice has at various times in our history been the only buffer between chaos and order. During the past year this pillar of our society has been swaying in the breeze of both justified and unconscionable attacks. It is time the President and the Congress helped to put an end to the turmoil.

The President's nomination of Judge Harry Blackmun and the Senate's responsible act of confirmation is a first step. But before we move on, I think it important to attempt to review the events of the past year and to determine what meaning, if any, they have had. I have drawn some conclusions about what the proper role of the Senate should be in giving its advice and consent to Supreme Court appointments and I will offer my suggestions today.

Circumstances placed several of us in the middle of the controversies of the past year. In my own case, election to the Senate in 1968 and subsequent appointment to the Judiciary Committee brought my initial introduction to the practical application of article II, section 2 of our Constitution which reads, in part, that the President shall "nominate, and by and with the advice and consent of the Senate, shall appoint . . . judges of the Supreme Court."

The senatorial attack on the Johnson nomination of Justice Abe Fortas to be Chief Justice and its success in blocking the appointment had set some precedent for senatorial questioning in an area which had, with one exception, largely become an exclusively Presidential prerogative in the 20th century. The period of senatorial assertion had begun.

The resignation of Justice Fortas further intensified the resolve of the Senate to reassert what it considered to be its rightful role in advising and consenting to Presidential nominations to the Supreme Court.

It was in this atmosphere of senatorial questioning and public dismay over the implication of the Fortas resignation that President Nixon submitted the name of Judge Clement F. Haynsworth, Jr., of South Carolina, to fill the Fortas vacancy. Completely aside from Judge Haynsworth's competence, which was never challenged, he had a number of problems from a political point of view, given the Democrat-controlled Congress.

Since he was from South Carolina he was immediately considered to be an integral part of the so-called southern strategy which was receiving quite a lot of press comment at that time. His South Carolina residence was construed as conclusive proof that he was a close friend of the widely criticized senior Senator from that State, STROM THURMOND, whom, in fact, he hardly knew. Even though I had not determined how I would vote at this early stage in the proceedings, such an attack against the nominee rather than the nominator, in whose mind the southern strategy would be, if it existed, offended my fundamental sense of fairness.

In addition, labor and civil rights groups mobilized to oppose Judge Haynsworth on philosophical grounds. I might have had some problems along these lines myself if I had concluded that philosophical considerations were relevant. However, after an examination of the historic role of the Senate, I concluded that the relevant inquiry of this body should be into the issue of qualifications—not philosophy. Senator EDWARD KENNEDY expressed my feeling well when he said to conservatives during the floor debate on the Thurgood Marshall nomination:

I believe it is recognized by most Senators that we are not charged with the responsibilities of approving a man to be Associate Justice of the Supreme Court only if his views always coincide with our own. We are not seeking a nominee for the Supreme Court who will express the majority view of the Senate on every given issue, or on a given issue of fundamental importance; we are interested really in knowing whether the nominee has the background, experience, qualifications, temperament and integrity to handle this most sensitive, important, responsible job.

The ethical questions which were raised about Judge Haynsworth, I concluded, were certainly relevant to the proper inquiry by the Senate into qualifications for appointment. Also, distinction and competence would bear upon the question of qualifications, but Judge Haynsworth's ability was conceded even by his opponents and thus was never a factor in the debate. We were left in the Haynsworth case, then, with the task of determining whether he had violated any existing ethical standards before we could completely satisfy the requirement that he be qualified for elevation to the High Court.

First, it was essential to ascertain what, if any, impropriety Judge Haynsworth had committed. So, I looked to the facts. The controlling statute in the situations where judges might potentially disqualify themselves was 28 United States Code, which reads:

Any Justice or Judge of the United States shall disqualify himself in any case in which he has a substantial interest, has been of counsel, is or has been a material witness, or is so related to or connected with any party or his attorney as to render it improper, in

his opinion, for him to sit on the trial, appeal, or other proceeding therein.

In addition, Canon 29 of the American Bar Association Canons of Judicial Ethics was pertinent in that it provided:

A judge should abstain from performing or taking part in any judicial act in which his personal interests are involved.

The first instance cited by Judge Haynsworth's opponents as an ethical violation was the much celebrated labor case, *Darlington Manufacturing Co.* v. *NLRB*, 325 F. 2d 682, argued before and decided by the fourth circuit in 1963. The facts showed that a vending machine company, Carolina Vend-A-Matic, of which Judge Haynsworth had been one of the original incorporators 7 years before he went on the bench, had a contract to supply vending machines to one of Deering-Millikin's plants. At the time Judge Haynsworth went on the bench in 1957, he orally resigned as vice president of the company but continued to serve as a director until October 1963, at which time he resigned his directorship in compliance with a ruling of the U.S. Judicial Conference. During 1963, the year the case was decided, Judge Haynsworth owned one-seventh of the stock of Carolina Vend-A-Matic.

Suffice it to say that all case law in point, on a situation in which a judge owns stock in a company which merely does business with one of the litigants before him, dictates that the sitting judge not disqualify himself. As John P. Frank, the leading authority on the subject of judicial disqualifiaction testified:

It follows that under the standard federal rule Judge Haynsworth had no alternative whatsoever. He was bound by the principle of the cases. It is a Judge's duty to refuse to sit when he is disqualified, but it is equally his duty to sit when there is no valid reason not to . . . I do think is it perfectly clear under the authority that there was virtually no choice whatsoever for Judge Haynsworth except to participate in that case and do his job as well as he could.

The second situation which arose during the Haynsworth debate was the uproar caused by opponents over the fact that he sat in three cases in which he owned stock in a parent corporation where one of the litigants before him was a wholly owned subsidiary of that parent corporation. These cases were *Farrow* v. *Grace Lines, Inc.*, 381 F. 2d 380 (1967); *Donohue* v. *Maryland Casualty Co.*, 363 F. 2d 442; and *Maryland Casualty Co.* v. *Baldwin*, 357 F. 2d 338 (1966).

Consistently ignored during the outrage expressed over his having sat in these cases were the pleas of many of us to look to the law to find the answer to the question of whether Judge Haynsworth should have disqualified himself in these situations. Instead, the opponents decided, completely independent of the controlling statutes and canons, that the judge had a "substantial interest" in the outcome of this litigation and should, therefore, have disqualified himself. Under the statute, 28 United States Code 455, Judge Haynsworth certainly had no duty to step aside. The two controlling cases in a situation where the judge actually owns stock in one of the litigants, not as here where the stock was owned in the parent corporation, are *Kinnear-Weed Corp.* v. *Humble Oil*, 403 F. 2d 437 (5th Cir. 1968), and *Lampert* v. *Hollis Music, Inc.*, 105 F. Supp. 3 (1952). These cases interpret "substantial interest" to mean "substantial interest" in the outcome of the case not in the litigant. And here Judge Haynsworth not only did not have a "substantial interest" in the outcome of the litigation, he did not even have a "substantial interest" in the litigant, his stock being a small portion of the shares outstanding in the parent corporation of one of the litigants; there was, therefore, clearly no duty to step aside under the statute.

But was there a duty to step aside in these parent-subsidiary cases under Canon 29? The answer is an unequivocal "no." The only case available construing language similar to that of Canon 29 is found in the disqualification statute of a State In *Central Pacific Railroad Co.* v. *Superior Ct.* 296 PAC 883, the State court held that ownership of stock in a parent corporation did not require disqualification in litigation involving the subsidiary. Admittedly, this is only a State case but significantly there is no Federal case law suggesting any duty to step aside where a judge merely owns stock in the parent where the subsidiary is before the court. Presumably, this is because such a preposterous challenge has never occurred even to the most ingenious lawyer until the opponents of Judge Haynsworth arrived on the scene.

Therefore, Judge Haynsworth violated no standard of ethical behavior in the parent-subsidiary cases except that made up for the occasion by his opponents to stop his confirmation.

There was one other case in the Haynsworth proceedings which must be recalled, *Brunswick Corp* v. *Long*, 392 F. 2d 337. The facts of this case were briefly as follows: On November 10, 1967, a panel of the fourth circuit including Judge Haynsworth heard oral argument in the case and immediately after argument voted to affirm the opinion of the district court. Judge Haynsworth, on the advice of his broker, purchased 1,000 shares of Brunswick on December 20, 1967. Judge Winter, to whom the task of writing the opinion had been assigned on November 10, the day of the unanimous decision, circulated his opinion on December 27. Judge Haynsworth noted his concurrence on January 3, 1968, and the opinion was released on February 2, 1968. Judge Haynsworth testified that he completed his participation, in terms of the decisionmaking process, on November 10, 1967, approximately 6 weeks prior to the decision to buy Brunswick stock. Even if one concedes that Judge Haynsworth sat while he owned Brunswick, he did not have a "substantial interest" in the outcome of the litigation under 28 U.S.C. 455, and certainly he did not have a "substantial interest" in the litigant itself.

There were other trumped-up charges against Judge Haynsworth but these I have recounted were the major factors used to defeat him. It is clear to any fair-minded reader that the judge violated no existing standard of ethical conduct, just the one created for the occasion by those who sought to defeat him for political gain. As his competence and ability were unassailable, the opponents could not attack him for having an undistinguished record of achievement. The only alternative available was the hope that they could first create a new standard; second, apply this new standard to Haynsworth retroactively making him appear to be insensitive; third, convey the newly created appearance of insensitivity to the people by way of the press; and fourth, sit back and wait until the politicians in the Senate responded to an aroused public.

As I said in a speech on the floor of the Senate on November 14, 1969, the Senate was, in essence, denying Clement Haynsworth a fair trial—a trial based upon the law and the facts as they existed, not the law and facts as contrived. I also remember that I pointed out that the Supreme Court, which the opponents had admired so greatly, had built its reputation for fairness by protecting the little man against what would have been the popular will if a vote were taken. I say this because a recent Gallup poll revealed that the American people did not even believe in the guarantees of the Bill of Rights. It was the Supreme Court of the past 15 years which stood as a buffer against public opinion to retain the constitutional guarantees to which all individual Americans are entitled. Yet the Senate of the United States could not rise above a public aroused by insinuation and innuendo to give a nominee for that same Court, which has done so much to protect individual liberty, a fair trial.

Mr. President, it was a low point in the history of the U.S. Senate.

Subsequent to the defeat of Judge Haynsworth, President Nixon sent to the Senate the name of Judge G. Harrold Carswell of Florida and the fifth circuit. He, too, had an initial problem in that he came from the South and was also considered to be a part of the southern strategy. This should have been, as it should have been for Haynsworth, totally irrelevant to considerations of the man and his ability. But, surely, it had an effect.

I was troubled at the outset of the hearings over reports of statements Judge Carswell had made as a youthful candidate for the legislature. But remembering the relevant inquiry of the Senate, as I saw it, I limited my examination to the issue of qualifications. As I pointed out earlier, there are several factors which describe what I call my Haynsworth test:

Competence, achievement, temperament, judicial integrity, and nonjudicial record.

Judge Haynsworth would not have passed my Haynsworth test had he, in fact, been guilty of some ethical impropriety—that is, if his judicial integrity had been compromised by violations of any existing standard of conduct. His competence, achievement, temperament, and the record of his life off the bench had never been questioned, but a breakdown in any of these areas might have been fatal also.

The judicial integrity, which I have described as a violation of existing standards of conduct for Federal judges, was never in question in the Carswell pro-

ceedings, since he owned no stocks and had not been involved in any business ventures through which a conflict might arise. Certainly, his nonjudicial record was never questioned, nor was that a factor raised against any nominee in this century to my knowledge. When I refer to nonjudicial activities I make reference to such potential problems as violations of Federal or State law or such personal problems as alcoholism. In other words, debilitating factors unrelated to sitting on the bench.

However, all the other factors making up my Haynsworth test were raised in the Carswell case and caused me some problem from the later stages of the hearings up to and until the vote.

First, as to the question of competence, Judge Carswell had been reversed while a U.S. district judge more than twice as often as the average Federal district judge in the country. Reversal percentage alone, without interpretation, might not have been significant, but Judge Carswell's reversals included an overwhelming number of cases in noncontroversial stable areas of the law where his sole duty was to accurately interpret and apply the law as laid down by higher authority.

Second, in the area of achievement, he was totally lacking: He had no publications, his opinions were rarely cited by other judges in their opinions, and he had not developed judicial expertise in any area of the law.

His temperament was certainly questionable. There was unrebutted testimony that he was hostile to a certain class of litigants—namely, those involved in litigation to insure the right to vote to all citizens regardless of race pursuant to the Voting Rights Act of 1965.

And, finally, a telling factor was his inability to secure the support of his fellow judges on the fifth circuit. To the contrary, all fifth circuit judges had supported Judge Homer Thornberry when he was appointed in the waning months of the Johnson Presidency, even though that was not considered an outstanding appointment by many in the country. And, of course, all the judges of the fourth circuit had supported Judge Haynsworth. I considered it highly unusual and significant that Judge Carswell could not secure the support of his fellow judges, especially when one considers that they assumed at that time that they would have to deal with him continually in future years should his nomination not be confirmed. This was, of course, prior to his decision to leave the bench and run for political office, thus confirming my worst suspicions about his devotion to being a member of the Federal judiciary.

My conclusion about Judge Carswell was that he fell short of the mark in three of the five criteria which I have labeled my Haynsworth test. This conclusion compelled a no vote. As we know, Judge Carswell was not confirmed.

President Nixon then sent to the Senate the name of Judge Harry A. Blackmun of the eighth circuit. Judge Blackmun had an initial advantage which Judges Haynsworth and Carswell had not enjoyed—he was not from the South. Once again in judging the nominee, I applied the Haynsworth test. The following were my conclusions.

Judge Blackmun's competence, temperament, and a nonjudicial record were quickly established by those charged with investigating the nominee, and were, in any event, never questioned, as no one asked the Judiciary Committee for the opportunity to be heard in opposition to the nomination.

In the area of achievement or distinction, Judge Blackmun had published three legal articles: "The Marital Deduction and Its Use in Minnesota," Minnesota Law Review, December 1951; "The Physician and His Estate," Minnesota Medicine, October 1953; and "Allowance of In Forma Rapueris in Section 2255 and Habeas Corpus Cases," 43 FRD 343 (1968).

In addition, at the time of his confirmation, he was chairman of the Advisory Committee on Research to the Federal Judiciary Center and a member of the Advisory Committee on the Judge's Function of the American Bar Association Special Committee on Standards for the Administration of Criminal Justice.

Also, he had achieved distinction in the areas of Federal taxation and medicolegal problems and was considered by colleagues of the bench and bar to be an expert in these fields.

The only question raised about Judge Blackmun was in the area of judicial integrity or ethics. Judge Blackmun, during his years on the eighth circuit, sat in three cases in which he actually owned stock in one of the litigants before him. *Hanson* v. *Ford Motor Co.*, 278 F. 2d 586 (1960); *Kotula* v. *Ford Motor Co.*, 338 F. 2d 732 (1964); and *Mahoney* v. *Northwestern Bell Telephone Co.*, 377 F. 2d 549 (1967). In a fourth case, *Minnesota Mining and Manufacturing Co.* v. *Superior Insulating Co.*, 284 F. 2d 478 (1960), Judge Blackmun, exactly as Judge Haynsworth in Brunswick bought shares of one of the litigants after the decision but before the denial of a petition for rehearing.

Mr. President, you will remember that Judge Haynsworth's participation in Brunswick was criticized as showing insensitivity to judicial ethics but Judge Blackmun, who did exactly the same thing in the 3M case was not so criticized.

As I pointed out earlier, Judge Haynsworth never sat in a case in which he owned stock in one of the litigants but, rather, three cases in which he merely owned stock in the parent corporation of the litigant-subsidiary, a situation not unethical under any existing standards, or even by the wildest stretch of any imaginations, except those of the anti-Haynsworth leadership.

Judge Blackmun, on the contrary, committed a much more clearcut violation of what we might label the Bayh standard. He actually sat in three cases in which he owned stock in one of the litigants. Senator Bayh ignores this breach of his Haynsworth standard with the following interesting justification:

> He discussed his stock holdings with Judge Johnson, then Chief Judge of the Circuit, who advised him that *his holdings did not constitute a "substantial interest" under 28 U.S.C. 455* and that he was obliged to sit in the case. There is no indication that Judge Haynsworth ever disclosed his financial interests to any colleague or to any party who might have felt there was an apparent conflict, before sitting in such a case.

Judge Haynsworth did not inform the lawyers because under existing fourth circuit practice he found no significant interest and, thus, no duty to disclose to the lawyers. And, Judge Blackmun did not inform any of the lawyers in any of the cases in which he sat, either. Judge Blackmun asked the chief judge his advice and relied upon it. Judge Haynsworth was the chief judge.

Chief Judge Johnson and Chief Judge Haynsworth both interpreted the standard, as it existed, not as the Senator from Indiana later fabricated it. That interpretation was, as the supporters of Judge Haynsworth reported it. According to Chief Judge Johnson, 28 U.S.C. 455, as reported by Senator BAYH, meant:

> That a judge should sit regardless of interest, so long as the decision will not have a significant effect upon the value of the judge's interest.

In other words, it is not interest in the litigant but interest in the outcome of the litigation. But even if it were interest in the litigant, the interests of Blackmun were de minimis and the interests of Haynsworth were not only de minimis but were one step removed—that is, his interest was in the parent corporation where the subsidiary was the litigant. And the case law is, as I pointed out earlier, that in the parent-subsidiary situation there is no duty to step aside.

As Mr. Frank pointed out to the Judiciary Committee during the Haynsworth hearings, where there is no duty to step aside, there is a duty to sit. Judge Haynsworth and Judge Blackmun sat in these cases because under existing standards, not the convenient ad hoc standard of the Haynsworth opponents, they both had a duty to sit.

The Senator from Indiana also argues that since Judge Blackmun stepped aside in *Bridgeman* v. *Gateway Ford Truck Sales*, No. 19,749—February 4, 1970, arising after the Haynsworth affair, a situation in which he owned stock in the parent Ford which totally owned one of the subsidiary litigants, he has "displayed a laudable recognition of the changing nature of the standards of judicial conduct." Well, of course, Judge Blackmun stepped aside after seeing what Judge Haynsworth had been subjected to. Haynsworth did not have a subsequent opportunity to step aside in such situations since the Bayh rule was established over his "dead body." I am certain that Judge Haynsworth is now complying with the Bayh test to avoid further attacks upon his judicial integrity just as Judge Blackmun did in Bridgeman.

Finally, what conclusions can be drawn of this time in the history of our highest court and, for that matter, the history of our country.

First, I think it is safe to say that anti-southern prejudice is still very much alive in the land and particularly in the Senate. Although, I would not say that this alone caused the defeat of Haynsworth and Carswell, certainly it was a factor. The fact that so many Senators were willing to create a new ethical standard for Judge Haynsworth in November 1969, in order to insure his defeat and then ignore even more flagrant viola-

tions of this newly established standard a mere 6 months later in May 1970, can only be considered to smack of sectional prejudice.

Another ominous aspect of the past year's events has been that we have seen yet another example of the power of the press over the minds of our people. In saying this, I do not accuse the working press of distorting the news. They were simply reporting to the Nation the accusations of the Senator from Indiana and others. These accusations were interpreted by an uninformed public to be conclusive proof of Judge Haynsworth's impropriety. The press must remain unfettered, but we must have the courage to stand up to those who would use it for their own narrow political advantage to destroy men's reputations, and more importantly, the reputation of our judicial system including the Supreme Court itself. Fundamental standards of fairness require that such unconscionable efforts not pass into the history books unrebutted.

Some good, however, has come from this period. Senatorial assertion against an all-powerful Executive, whoever he may be, whether it is in foreign affairs or in Supreme Court appointments, is good for the country. Such assertions help restore the constitutional checks and balances between our branches of Government, thereby helping to preserve our institutions and maintain our individual liberties.

Out of all this, what has the Executive learned? Well, President Johnson learned that the Senate would be very reluctant ever again to approve the nominations of personal friends and cronies to the Nation's highest court. President Nixon learned that a high degree of competence would now be required of all nominees and that merely having sat on the Federal bench and avoiding being censured or impeached would not be enough evidence of the requisite distinction for elevation to the Supreme Court.

And what has the junior Senator from Kentucky learned about the proper role of the Senate in regard to Supreme Court nominations? Well, quite a lot more than he knew in the beginning, which was nothing.

As a result of my deep involvement in this year of rejected and approved Supreme Court nominees, I have attempted to draw a standard which I believe the Senate should apply to these nominations, and I recomend them to this body.

At the outset, let us discard the philosophy of the nominees, philosophy should not be considered by the Senate. This happened quite often in the 19th Century and the result was to make a political football out of the Supreme Court. The President is elected by the people presumably to carry out a certain program. The Constitution gives to him the power to nominate. If the nomination power had been given to the Senate, as was once considered during the debates at the Constitutional Convention, then it would have been proper for the Senate to consider philosophy. The Senate's role, as I see it, is to advise and consent to the nomination, and thus, as the Constitution puts it, "to appoint." This, I believe, taken within the context of modern times, means an examination into the qualifications of the President's nominee.

In examining the qualifications of a candidate for the Supreme Court, I suggest the use of the criteria which I outlined earlier, and let me repeat them.

First, the nominee must be judged competent. He should, of course, be a lawyer, to my way of thinking, although the Constitution does not require it. Judicial experience might satisfy competence, although I would certainly not restrict the President to naming sitting judges. Legal scholars as well as practicing lawyers might well be found competent.

Second, the nominee must be judged to have obtained some level of achievement or distinction. After all, it is the Supreme Court of the United States we are considering—not the police court in Hoboken, N.J., or even a U.S. district or circuit court. This can be established by writings, but lack of publications alone would not be fatal. Reputation at the bar and bench would be significant. Quality of opinions if a sitting judge, or appellate briefs if a practicing attorney, or articles and other publications if a law professor, might establish distinction. Certainly, the acquisition of expertise in certain areas of the law would be an important plus in establishing the level of achievement of the nominee.

Third, temperament could be significant in some cases. Although difficult to establish and not as important as the other criteria I am suggesting, temperament might become a factor where, for example, a sitting judge was hostile to a class of litigants or abusive to lawyers in court.

Fourth, the nominee, if a judge, must have violated no existing standard of ethical conduct. If the nominee is not a judge, he must not have violated the canons of ethics and statutes which apply to the standard of conduct required of members of the bar.

Mr. President, fifth, and finally, the nominee must have a clean record in his nonjudicial or nonlegal life. He should be free of criminal conviction and not possessed of deliberating personal problems, for example, alcoholism or drug abuse. However, this final criteria would rarely, if ever, come into play, due to the intensive personal investigations customarily employed by the Executive before nominations are sent to the Senate.

In conclusion, this is what I have called my "Haynsworth test." I pass it along to my colleagues for what use they choose to make of it in the future. I have tried to exercise my individual judgment in advising and consenting to presidential nominees to the Supreme Court in a responsible manner.

These guidelines, I now leave behind, a fitting epilog, I hope, to an unforgettable era in the history of the Supreme Court.

The PRESIDING OFFICER (Mr. HANSEN). The time of the Senator has expired.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the junior Senator from Kenutcky may have some additional time, not to exceed one-half hour.

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

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

Mr. COOK. I yield.

Mr. HRUSKA. Mr. President, it is not often that the Senate has been privileged to listen to as thoughtful and as constructive an analysis of a very trying and distressing chapter in its distinguished history.

I think that we have had that privilege today. I should like to commend the junior Senator from Kentucky for that analysis. This logical approach, Mr. President, is typical of the Senator from Kentucky.

He has shown during his tenure on the Judiciary Committee a sound understanding of the law and a good grasp of legal principles. He has repeatedly shown his power of analysis. He and I do not always arrive at the same conclusion. This does not diminish my respect for him but reaffirms my appreciation for his keen intellect and powers of reason. I always listen carefully to his arguments.

Generally, he has made a splendid contribution to the work of the Judiciary Committee.

His conclusion and observations are sound and logical. They do set the record straight concerning Haynsworth and Blackmun in some very substantial respects.

Mr. COOK. Mr. President, I thank the Senator.

Mr. SPONG. Mr. President, will the Senator yield

Mr. COOK. Mr. President, I yield to the distinguished Senator from Virginia.

Mr. SPONG. Mr. President, the junior Senator from Kentucky has, I believe, rendered the Senate a service by his remarks this morning. Perhaps I am prejudiced with regard to some of his observations. In the cases of Judge Haynsworth and Judge Carswell, he and I arrived at the same conclusion for many of the same reasons.

In outlining what Senator COOK has called his "Haynsworth test," he has spelled out the factors to be considered in the role of advise and consent for Supreme Court nominations. During the Haynsworth debate, I stated the following:

> In discussing earlier nominations, I have stated—in defining my own views of the role of advise and consent—that judicial philosophy and partisan politics have no place in the consideration of a nominee for the Supreme Court. A Senator should review carefully the nominee's qualifications—his background, experience, integrity, and temperament, mindful that this is the Nation's highest judicial tribunal and that minimal standards are not the yardstick by which a nominee should be measured.

I spent several hours analyzing those cases in which it was contended Judge Haynsworth should have disqualified himself, and concluded that his failure to do so did not rise to the level of ethics.

On last Tuesday I supported Judge Blackmun. I did so mindful that he had participated in three cases in which he owned stock in one of the litigants. Having determined that Judge Haynsworth had breached no ethical standards, I

reached the same conclusion with regard to the circumstances surrounding Judge Blackmun's participation.

Again, I commend the Senator from Kentucky for his remarks. I am sure that many of us hope that this rather sad period of history for both the Senate and the Supreme Court, beginning with Justice Fortas' nomination and concluded this week with the Blackmun confirmation will become ancient history. Nevertheless, the record concerning these nominations has been improved by Senator COOK's contribution this morning.

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

Mr. COOK. Mr. President, I yield now to the junior Senator from Tennessee.

Mr. BAKER. Mr. President, I commend the distinguished junior Senator from Kentucky on his excellent discussion of the role of the Senate in the exercise of its constitutionally mandated function to advise and consent to the nomination of a Supreme Court Justice. I believe that Senator COOK has demonstrated great diligence in his efforts on the Judiciary Committee and on the Senate floor on questions involving recent nominations.

As we all are aware, four of the last six nominations to the Supreme Court that have been submitted to the Senate by Presidents Johnson and Nixon have become embroiled in serious controversy. Throughout this period of time there has been considerable discussion as to the role of the Senate in the performance of its advise and consent function. Dispute has arisen with regard to the limits of authority of the Senate in confirming or rejecting a nomination of the President.

Of course, the Constitution provides that it is the right and duty of the President to submit to the Senate a nominee of his choosing. If the Senate believes that it is not wise or advisable that a nomination be confirmed it has the constitutional responsibility to reject the nominee. For the Senate to do otherwise would be an abdication of its constitutional responsibility, a responsibility that was intended to be real, not nominal or apparent.

I believe that it is important that we consider in conjunction with the remarks of the junior Senator from Kentucky the underlying reasons for the failure of the Senate to confirm the nominations of Fortas, Thornberry, Haynsworth, and Carswell. In rejecting these nominees was the Senate motivated merely by bitter partisan political prejudice? I am sure that some of that was present with regard to each of the nominations.

Was the Senate involved with regional or sectional prejudice? I am sure that some of that was involved, but it was not determinative.

I respectfully submit that they were not the underlying reasons. There is one other reason that is of even greater importance.

I believe that it is clear that in recent years the Supreme Court has demonstrated a spirit of activism and has at times competed for the role of the legislative branch of our Government. Supreme Court decisions have altered our country's course and have directly affected the way that each of us lives. In this situation I do not find it surprising that the Senate, in the exercise of its advice and consent power would carefully scrutinize the men who have been nominated to sit in judgment on decisions that directly affect the life of every American.

In making a careful examination of each nominee, I do believe, however, that we must take great care to avoid political and regional bias and to avoid the application of double standards.

May I be so bold as to suggest that if the Supreme Court has moved into the area of social conduct with greater activism, then the Court, I happen to think, has inadvertently assumed the role of at least a quasi-legislative department of the Government.

I think it is not unlikely, nor even unreasonable, that the Senate of the United States as one of the departments of the legislative branch should then consider the nominees for that Court and that branch of the Government in a little different way than it has in the past.

We tend, I believe, to view nominees to the Supreme Court now as at least quasi-legislators rather than as judges.

I once again reserve the right to say whether that is good or bad, as the case may be. I do not say whether that is good or bad, but I suggest that it is an underlying and principal reason for the way in which we in the Senate now view the nomination of any man for the Supreme Court of the United States.

I think it is important that the Senate carefully consider the consequences of reviewing nominees on some basis other than the Haynsworth test advocated by the Senator from Kentucky. Viewing the court as quasi-legislators is undertaking a most ambitious task, because it is sailing then free of any fix on any star. It has laid aside precedent, the implied mandate of the Constitution itself, and has taken on the responsibility of judging whether a nomination is right or wrong.

I suggest that that test is one that does not devolve on the judiciary, who under the rule of law, judge on the theory of stare decises, and on precedent. When the Senate begins to judge on something other than rule of law or precedent and starts to judge whether it is desirable or undesirable that a person sit on the Supreme Court in terms of probable legislative, quasi-legislative or sociological impact, we have taken on a great task indeed. It may be that the Senate is capable of discharging that responsibility but I think it is imperative we know what we set about because it is urgently important that we provide men of competence and ability to sit on the court, and that we recognize that if we are to exercise the great undertaking of judging rightness or wrongness of a nomination on some basis or other than the rule of law, we must comport ourselves on the same basis, and I respectfully suggest we have not.

I commend the distinguished Senator from Kentucky. I have said privately and I now say publicly that if I were called upon to choose the most effective Members of the Senate, I would include him in that number. I thank the Senator for yielding.

Mr. COOK. I thank the Senator.

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

Mr. COOK. I yield.

Mr. ALLEN. Mr. President, the distinguished junior Senator from Kentucky has made a most learned and scholarly address on the history of Senate consideration of nominations by President Nixon to the Supreme Court. He has prepared and submitted to the Senate a most interesting criterion to be used for the consideration of future nominees to the Supreme Court. The distinguished Senator from Kentucky is to be commended for this address. He has carefully weighed each statement and each word that has gone into the address.

I do not question any fact to which the distinguished Senator calls attention. I am deeply distressed and grieved with respect to at least two statements he makes. No issue is taken with the accuracy of those statements, although I am distressed, and I must say frankly I somewhat resent the fact that these statements can correctly be made.

I refer first to the statement:

> First, I think it is safe to say that anti-Southern prejudice is still very much alive in the land, and particularly in the Senate.

Also, I refer to the statement:

> Jack Blackmun had an initial advantage which Judges Haynsworth and Carswell had not enjoyed—he was not from the South.

Mr. President, I think it is a sad commentary on the feeling in the Senate and the feeling in the land if a nominee for the Supreme Court is to be considered in a less favorable light by the Senate if he does come from the South. The Southern States were readmitted to the Union, although, of course, at the time of the start of the conflict, it was argued that the States could not secede; but, at any rate, they were readmitted to the Union some 100 years ago. We pledge allegiance to the flag of the United States of America and to the Republic for which it stands, one Nation, under God, indivisible, with liberty and justice for all.

We do not ask special treatment for our section of the country. We do not ask any special favors or any different application of the laws. Far from it, we are asking at all times for uniformity, uniformity in the matter of school desegregation, uniformity in the matter of civil rights legislation, voting rights legislation, and we say that we are willing to abide by any standard that is applied uniformly throughout the country. We believe that it is wrong for an able judge from a southern State to be denied confirmation by the Senate simply because he comes from the South.

I notice that the distinguished Senator from Kentucky has called attention to the fact that—

> So many Senators were willing to create a new ethical standard for Judge Haynsworth in November 1969, in order to insure his defeat and then ignore even more flagrant violations of this newly-established standard a mere six months later in May 1970 can only be considered to smack of sectional prejudice.

We hope that the next nominee to the Supreme Court will be a judge from the South, possibly a State court judge. We hope that if that does take place and such a nominee is submitted to the Senate that there will not be any antisouthern bias as the distinguished Senator from Kentucky says exists in the Senate and throughout the land. Our people pay our Federal income taxes, we send our boys off to fight in Southeast Asia, and I might say that the State of Alabama has had 1,000 of its sons lay down their lives for our country in Vietnam since the start of that unfortunate conflict.

It is a matter of record that the southern Senators support a strong military policy for this country. We maintain law and order and adhere to the precept that all Americans are equal before the law.

So we wonder why there is any antisouthern feeling in the country and in the Senate, and we hope that, if that feeling has existed all through this time, very soon now that feeling will cease to exist. We hate to be in a body where there is feeling against the Members from our section of the country, and it is deplorable when that situation can correctly be said to exist.

I want to commend the distinguished Senator from Kentucky, whose State lies near a northerly Southern State, and who, I am sure, has many southern instincts and feelings. We appreciate those comments and welcome them, but I am hopeful that the feeling that the Senator calls attention to will cease to exist and that the Members of the Senate from other sections of the country will recognize that the South is a part of the Union and that we are entitled to equal application of the laws.

We are entitled to have our nominees to the Federal judiciary considered on their merits, and not have two strikes against them just because they come from the South.

I think the distinguished Senator from Kentucky has rendered a real service in pointing out the existence of this feeling. Only by pointing it out and getting to the bottom of it will we be able to eliminate it. I hope there is early elimination of that feeling.

I thank the Senator for yielding to me.

Mr. COOK. Mr. President, I want to thank the distinguished Senator from Alabama and advise him that I have a sister who is a constituent of his, so I want him to know that we are much closer than he might think.

Mr. President, before I yield back the floor, I would be remiss if I did not express appreciation to Mr. Mitch McConnell, in my office, who has attended with me every Judiciary Committee hearing since the nomination of Judge Burger. We have talked about this on many occasions. We have talked about the degree of standards and the formula we should have. It was through his efforts that I became convinced to do this. I would be remiss if I did not thank him for his effort and performance, and really his ability, which resulted in bringing these remarks to the floor this morning.

Mr. HOLLINGS. Mr. President, I want to commend the distinguished Senator from Kentucky (Mr. COOK) for his excellent analysis of the recent Supreme Court nominations and bringing this information to the permanent record of this body.

This thorough discussion and examination certainly underscores the major issues and considerations the U.S. Senate must evaluate when reviewing the qualifications of a nominee to the Supreme Court of the United States.

I would congratulate the Senator for his cogent remarks which place this critical issue into perspective.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, are we in the morning hour?

The PRESIDING OFFICER. Under the previous order, the Senate is conducting morning business.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that I may proceed for about 7 or 8 minutes.

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

JOHN GRAVES

Mr. MANSFIELD. Mr. President, it is my sad duty to report to the Senate the death of a trusted, effective, and efficient former employee of this institution, Mr. John Graves.

He began his Senate career some years ago, as an elevator operator while studying at a local university. In 1963, he was appointed to the majority cloakroom. His talent and dedication won him rapid promotion and he was made assistant secretary for the majority.

Some months ago, he became physically incapacitated because of a serious back ailment. His illness was a long and painful one and resulted in the end, in his retirement for disability. It was with a sense of shock that those of us who knew him and were closely associated with him, who liked him, who valued his friendship, were informed, just an hour or so ago, of his passing.

He was a very good official of the Senate. He performed his duties with courtesy, grace, and dignity. I know that he will be missed by all Members of the Senate, and not just by the Senator from Montana, now speaking.

I extend to his wife, Karen, and to the other members of his family the deepest sympathy and condolences of the Senate.

RESERVE OFFICERS TRAINING CORPS PROGRAM

Mr. MANSFIELD. Mr. President, one institution that has come under particular attack on the American campus is the Reserve Officers Training Corps program. The ROTC is a manifestation of the Defense Department's presence on the campuses. As such, it is a convenient target for the frustration which has been engendered by the tragic and unending involvement in Indochina.

I do not believe in violence, either personal or against property as a form of protest. I do not believe in acts of destruction. Whatever the frustration with respect to the war in Indochina, the burning of ROTC installations is inexcusable and is destructive not only of property but of the rights of other students.

The law with respect to the ROTC program on campus was changed in the 88th Congress from a mandatory program on some campuses to one of local option, with each State or institution within each State permitted to make its own option with respect to ROTC. The overwhelming effect is that the ROTC is now elective. A student participating does so because he freely chooses to join. This right of students to participate in ROTC should be honored and respected.

I believe the students who become military officers by way of colleges rather than through the regular academies provide a significant and far-reaching civilian influence in the military services. They add a civilian input to the branch in which they serve. They give a very desirable dimension of civilian leadership. The students who choose the ROTC path serve their country and their fellow students very well. The option to follow the way of ROTC should be preserved. It is a valuable ingredient in retaining a civilian controlled military force in this Nation.

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

Mr. MANSFIELD. I yield.

Mr. STENNIS. I highly commend the Senator's presentation. I wholeheartedly agree with every major point he made in his fine statement. It challenges the better thoughts of the American people, and I think much good will come from the statement.

Mr. WILLIAMS of Delaware. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. WILLIAMS of Delaware. Mr. President, I want to join the Senator from Mississippi in commending the Senator from Montana on the statement he just made. I think it would be well for the students of America to read the statement and take it close to heart.

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

Mr. MANSFIELD. I yield.

Mr. HOLLAND. Mr. President, I commend strongly the distinguished Senator for what he has just said. I want to add, or perhaps accentuate, one thought. I think the continuance of the ROTC activities on campuses is not only of great importance to those students on the particular campuses who wish to equip themselves to serve their Nation in time of war in the event their service is needed, but I think it is a very, very important ingredient of the entire defense structure of our Nation, because in any war of any size that we have ever had, at least in my experience, we have found that the Reserve officers exceed in numbers those of the Regular branches of the military services.

It seems to me that it would serve as not only a great disservice to the areas represented in the schools where ROTC is sought to be excluded, but a great disservice to our Nation, because our Nation needs the services of ROTC trainees coming from every part of the Nation, so that every part of the Nation may feel that it has its own part in the Armed Forces of our Nation, and in those who lead those Armed Forces as Reserve officers in time of grave national need.

I strongly commend the distinguished majority leader, and think that what he has said is in support of a strong and secure United States of America.

Mr. MANSFIELD. I thank the distinguished Senator. May I just emphasize the main points in the statement I have made today?

First, to the best of my knowledge, it is not forced on any university or college.

Second, no student to the best of my knowledge is forced to enroll in any ROTC course.

Then I wish to emphasize the civilian input to the various branches in which the ROTC officers serve, the very desirable additional dimension of civilian leadership, and the significant and far-reaching civilian influence in the military services which results. To quote the last line of my prepared remarks again: It is a valuable ingredient in retaining a civilian controlled military force in this Nation.

THE PROPOSED DECLARATION OF WAR

Mr. MANSFIELD. Mr. President, in the Billings, Mont., Gazette of May 4, 1970, there was published an editorial calling for the introduction in the Congress of a declaration of war in Southeast Asia and then the defeat of this measure. The proposition is advanced as a way of bringing the tragic war in Indochina to an end. I have studied the editorial very carefully. It has the merit of blowing away the chaff and going to the constitutional question which is involved. In a sense, it suggests a shortcut to the end which the President and everyone else seeks.

The editorial is entitled "Declare It a War—Or Get Us Out," and reads as follows:

Everybody who wants to declare war, stand up and be counted.

It's come to that in the Southeast Asian mess.

Whatever you call it, that's a war we are getting deeper and deeper into.

So let's make it constitutional.

The Constitution says it is the Congress' prerogative to declare war. A declaration of war thereby should be introduced in the Congress and fully debated by that body.

If it passes, the Congress should immediately institute all the wage, price and rationing controls of any full-scale war. The effects should be felt by every man, woman and child in this nation.

If it does not pass, then the U.S. should pull out of what immediately becomes an unconstitutional action. A vote on a declaration would give the people a voice through their representatives.

The Gazette therefore calls upon Sen. Mike Mansfield, the state's senior representative in the Congress, to introduce a declaration of war upon the Communist forces in Southeast Asia.

And then, Mike, lead Congress in beating it!

I find, however, that I cannot follow this course. The consequences would be a legal chaos which might well jeopardize the hundreds of thousands of Americans who are already in Vietnam and have now been involved in Cambodia through no doing of their own but rather because of what seems to me to be the excessive stretching of the Constitution by two successive administrations.

While I want to make clear my sympathy with the intent of this editorial, I think the way to work effectively toward its objective is to pass the Cooper-Church amendment which is now pending in the Senate. If we take this step in balanced and strict constitutionalism, we will also be taking the first step back out of the morass of Vietnam.

Mr. President, even though I have read the editorial in full, I ask unanimous consent that the editorial previously referred to be printed in the RECORD at this point.

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

DECLARE IT A WAR—OR GET US OUT

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THE REMARKABLE MR. HOOVER

Mr. HOLLAND. Mr. President, in a recent issue of the Polk County Democrat, Bartow, Fla., my hometown paper, there appeared an editorial entitled, "Glad He's Ours."

This editorial speaks of the Director of the Federal Bureau of Investigation, the Honorable J. Edgar Hoover, who has headed that department for a span of some 46 years and continues to furnish the strong leadership required of this vastly important organization.

I should like to quote one paragraph of this editorial:

Most Americans will agree on this point: we're glad he's on our side.

I ask unanimous consent that the editorial be printed in the RECORD at this point as part of my remarks.

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

GLAD HE'S OURS

Take him any way you like, J. Edgar Hoover is one of the most remarkable men of this century.

Forty-six years ago, at the age of 29, he was appointed head of what was then a comparatively little-known section of the Dept. of Justice. It had been created in 1908 and after 16 years was a useful if not spectacular arm of federal law enforcement.

Under Hoover's direction, the set-up was re-organized in 1934, and one year later became officially known as the Federal Bureau of Investigation. Thus, the tough, close-mouthed Hoover is the only head the FBI has had.

Under government policy, he would have been required to retire in 1965 at the age of 70. President Lyndon Johnson waived the requirement. President Richard Nixon has continued to do so.

Hoover, today almost as much of a recluse as Howard Hughes, had nothing to say to the press on this anniversary date except that he has "no intention whatsoever" of retiring. He hasn't granted a personal interview since late 1968, and speaks publicly almost entirely through the monthly FBI news letter. In this letter, Top G-Man Hoover delivers strongly-worded opinions on major topics of the day, particularly in connection with law enforcement.

He runs a taut department that is more feared and hated by the nation's criminals than any other branch of law enforcement.

Like any rugged individual, Hoover is not universally popular even with the law-abiding majority of this nation's citizens. Even his enemies, though, will agree that he is a man dedicated to his job—and one who is highly successful at getting results.

At an age when most men are gratefully anticipating approaching retirement, if they haven't already stepped out of active service J. Edgar Hoover plans to stay in harness.

Eight Presidents, from Coolidge to Nixon, have kept him on the job. Presidential candidates who have made one of their planks a promise to fire Hoover from the FBI, haven't even been able to win their party's nomination.

Most Americans will agree on this point: we're glad he's on our side.

MESSAGES FROM THE PRESIDENT

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

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer (Mr. SPONG) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

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

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

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

PROPOSED LEGISLATION TO AMEND THE FOREIGN SERVICE BUILDINGS ACT, 1926, AS AMENDED

A letter from the Deputy Assistant Secretary for Congressional Relations, Department of States, transmitting a draft of proposed legislation to amend the Foreign Service Buildings Act, 1926, to authorize additional appropriations (with an accompanying paper); to the Committee on Foreign Relations.

PROPOSED LEGISLATION TO AMEND THE CIVIL SERVICE RETIREMENT LAWS

A letter from the Acting Director, Administrative Office of the U.S. Courts, transmitting a draft of proposed legislation to amend

the Civil Service Retirement Laws to authorize the payment of an annuity to a secretary of a justice or judge of the United States on the same basis as an annuity to a congressional employee or former congressional employee (with accompanying papers); to the Committee on Post Office and Civil Service.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

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

A resolution of the Legislature of the State of New York; to the Committee on Armed Services:

"RESOLUTION No. 68

"Concurrent resolution of the Senate and Assembly of the State of New York memorializing Congress to cede jurisdiction over the lands of Fort Totten to the state of New York for hospital facilities and park and recreation purposes

"Whereas, There is an evergrowing need for hospital, park and recreational facilities for the people of this state and our war veterans; and

"Whereas, At the present time at Fort Totten there is a portion of lands thereon not in use, which would be ideal for such facilities; and

"Whereas, The area surrounding Fort Totten is readily accessible to a greater number of the residents of our state particularly those living in Manhattan, the Bronx and on Long Island; and

"Whereas, Many of the finest practitioners in the medical field live in this part of our great state; and

"Whereas, The establishment of a medical center by the state in conjunction with the creation of a veterans' hospital and the further establishment of park and recreational facilities on these lands presently occupied by Fort Totten would be a step in the right direction to provide such needed medical and recreational facilities for our citizens and veterans; and

"Whereas, It is the sense of the people of the state of New York as manifested by the considered judgment of their duly elected representatives that the unused lands at Fort Totten can be readily adapted by the federal and state governments for such purposes now, therefore, be it

"Resolved (if the Senate concur), That the Congress of the United States be and it is hereby respectfully memorialized to enact with all convenient speed such legislation as may be necessary to cede to the state for such purpose jurisdiction over such lands, and such other legislation as may be necessary to authorize the creation of a veterans' hospital at Fort Totten; and be it further

"Resolved (if the Senate concur), That copies of this resolution be immediately transmitted to the Secretary of the Senate of the United States, the Clerk of the House of Representatives of the United States, and to each member of the Congress of the United States duly elected from the State of New York.

"By order of the Assembly,

"DONALD A. CAMPBELL,
"Clerk.

"By order of the Senate,

"ALBERT J. ABRAMS,
"Secretary."

A resolution of the Senate of the State of Hawaii; to the Committee on Foreign Relations:

"S. RES. No. 325

"Resolution requesting the President and Congress of the United States to immediately cease all military activity by U.S. personnel in Cambodia.

"Whereas, the military involvement of the United States in Vietnam has resulted in much tragedy and discord in the Nation; and

"Whereas, the frightful and disillusioning hostilities in Vietnam have torn families apart, brutally deprived young men, husbands, fathers, sons and brothers, of their lives and future, and caused youth to resist the draft and suffer exile and persecution; and

"Whereas, the spread of warfare throughout Indo-China and the commitment of United States military troops and arms to Cambodia by President Nixon does not end the war but further subjects the Nation to continuing loss of lives and human misery; and

"Whereas, the military involvement of the United States in Southeast Asia is unwarranted world policing and contrary to our humanitarian ideals; now, therefore

"Be it resolved by the Senate of the Fifth Legislature of the State of Hawaii, Regular Session of 1970, That the President and Congress of the United States be and they are hereby respectfully requested to immediately cease all military activity by United States personnel in Cambodia; and

"Be it further resolved, That duly certified copies of this Resolution be sent to the President of the United States, the Honorable Richard M. Nixon; the President of the United States Senate, the Honorable Spiro T. Agnew; and the Speaker of the United States House of Representatives, the Honorable John W. McCormack."

A concurrent resolution of the Legislature of the State of Florida; to the Committee on Foreign Relations:

"HOUSE CONCURRENT RESOLUTION No. 3758

"A concurrent resolution urging the President of the United States, the Secretary of Defense, and the Congress of the United States to make every possible effort to obtain the release and repatriation of the American prisoners of war held captive by North Vietnam

"Whereas, there is an important military and psychological struggle occurring today in Southeast Asia, and

"Whereas, many fine and brave men have given up their lives and their freedom on behalf of their country, and

"Whereas, thirteen thousand of these brave Americans have been captured by the North Vietnamese and imprisoned, and

"Whereas, the State of Florida feels a deep concern for the health and physical well-being of these men, and

"Whereas, in recent weeks the North Vietnamese have taken only slight notice of the entreaties of the concerned wives and mothers of these servicemen for information about the welfare of their husbands and son, and

"Whereas, the State of Florida feels that if the President and Congress of the United States indicate to the North Vietnamese their intense concern and interest in these men it will expedite the early release of these prisoners, Now, therefore, be it resolved by the House of Representatives of the State of Florida, the Senate Concurring:

"That Richard M. Nixon, President, United States of America, Melvin Laird, Secretary of Defense, and the Congress of the United States of America, are respectfully requested to demonstrate to the Communist leaders of the Republic of North Vietnam the feeling of the American people, all of whom strongly desire the immediate release and repatriation of all American prisoners now held by North Vietnamese forces in Southeast Asia.

"Be it further resolved that copies of this resolution signed by the officers of the House of Representatives and of the Senate of the State of Florida be dispatched to the President of the United States, the Secretary of Defense, the Speaker of the House of Representatives, and the Vice President of the United States as Presiding Officer of the Senate."

A resolution of the House of Representatives of the State of Hawaii; to the Committee on Labor and Public Welfare:

"HOUSE RESOLUTION No. 45

"House resolution requesting block education grants to the State of Hawaii from the Federal Government

"Whereas, the State of Hawaii would benefit by the adoption of a plan proposed by the Education Commission of the States, which would provide for block education grants to the States and would convert the ten per cent federal income surtax to aid to schools; and

"Whereas, it has been suggested that one-fourth of the money from the surtax go to education in 1970, some $2.75 billion; that half of the money—estimated at $5.5 billion—go in 1971, and in 1972 some nine billion dollars or seventy-five per cent go to education, until in 1973 all of the surtax money—about $14 billion—be spent on schools; and

"Whereas, the State of Hawaii concurs with the concept put forth by the Educational Commission of the States for a "Universal school system in America—a system offering free quality education to every person from the second or third year of his life through grade fourteen"; now, therefore,

"Be it resolved by the House of Representatives of the Fifth Legislature of the State of Hawaii, Regular Session of 1970, That it request the federal government, to institute a program of block education grants to the State of Hawaii; and

"Be it further resolved, That certified copies of this Resolution be transmitted to the President of the United States, to the Speaker of the House, President of the Senate, members of the Hawaii Congressional delegation and the Secretary of Health, Education and Welfare."

ENROLLED BILLS SIGNED

The ACTING PRESIDENT pro tempore (Mr. ALLEN) announced that on today, May 15, 1970, he signed the following enrolled bills, which had previously been signed by the Speaker of the House of Representatives:

S. 856. An act to provide for Federal Government recognition of and participation in international expositions proposed to be held in the United States, and for other purposes; and

S. 2999. An act to authorize, in the District of Columbia, the gift of all or part of a human body after death for specified purposes.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. MAGNUSON, from the Committee on Appropriations, with amendments:

H.R. 16916. An act making appropriations for the Office of Education for the fiscal year ending June 30, 1971, and for other purposes (Rept. No. 91-871).

By Mr. FULBRIGHT, from the Committee on Foreign Relations, with amendments:

S. Con. Res. 64. Concurrent resolution to terminate certain joint resolutions authorizing the use of the Armed Forces of the United States in certain areas outside the United States (Rept. No. 91-872).

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

S.J. Res. 144. Joint resolution to provide for the appropriation of funds to assist school districts adjoining or in the proximity of Indian reservations, to construct elementary and secondary schools and to provide proper housing and educational opportuni-

ties for Indian children attending these public schools (Rept. No 91-874)

PROTECTING PRIVACY AND RIGHTS OF EXECUTIVE BRANCH EMPLOYEES—REPORT OF JUDICIARY COMMITTEE ON S. 782 (S. REPT. NO. 91-873)

Mr. ERVIN. Mr. President, from the Committee on the Judiciary I report favorably, with amendments, the bill (S. 782) to protect the civilian employees of the executive branch of the U.S. Government in the enjoyment of their constitutional rights and to prevent unwarranted governmental invasions of their privacy, and I submit a report thereon.

The committee's approval of the bill is a major step toward enactment of a law to protect certain liberties which citizens who work for the Federal Government possess under the Constitution.

I believe that the fact that this bill is sponsored by 55 Senators and has such widespread support proves that it contains an idea whose time has come: That Congress has a duty to assure by law that simply because he works for government a citizen may not be coerced by that government in personal matters having nothing to do with his employment. Rather, his community activities, his thoughts, habits and beliefs and his personal family relationships are protected by the first amendment, and S. 782 is an effort to implement the guarantees in that amendment.

It is significant that this bill provides further protection to the right not to act in political matters, as well as the right to act; to the right to keep silent as well as the right to speak; to the right to agree as well as the right to dissent.

The purpose of the bill is to prohibit indiscriminate executive branch requirements that employees and, in certain instances, applicants for Government employment:

Disclose their race, religion or national origin;

Attend Government-sponsored meetings and lectures or participate in outside activities unrelated to their employment;

Report on their outside activities or undertakings unrelated to their work;

Submit to questioning about their religion, personal relationships or sexual attitudes through interviews, psychological tests, or polygraphs;

Support political candidates or attend political meetings;

The bill would make it illegal to coerce an employee to buy bonds or make charitable contributions;

It prohibits officials from requiring him to disclose his own personal assets, liabilities, or those of any member of his family unless, in the case of certain specified employees, such items would tend to show a conflict of interest;

It would provide a right to have a counsel or other person present, if the employee wishes, at an interview which may lead to disciplinary proceedings;

It would accord the right to a civil action in a Federal court for violation or threatened violation of the Act, and it would establish a Board on Employees' Rights to receive and conduct hearings on complaints of violation of the Act and to determine and administer remedies and penalties.

S. 782 is sponsored by 55 Senators. Except for subcommittee amendments providing certain exemptions for the CIA, NSA, and FBI, it is identical to S. 1035, approved by the Judiciary Committee in 1967.

This bill of rights for citizens who work for, or apply to work for, the Federal Government, was cosponsored by 54 Members of the Senate in the last Congress. When it came to the floor on September 13, 1967, it won overwhelming Senate approval by a 79 to 4 formal vote, and after absentee approvals were recorded, the total vote was 90 to 4.

Although S. 1035 died in a House Post Office and Civil Service Subcommittee in the last Congress, I believe prospects are much brighter for passage this year. Both major party platforms and position papers by both presidential candidates in 1968 pointed to a bipartisan commitment to further legislative protection for employee privacy of the nature of S. 782. The bill has been endorsed by every major employee association and union and has won widespread support from individual employees and other citizens throughout the country. Over a period of 4 years, the editorial support from major and smaller newspapers has been encouraging and enthusiastic.

I am hopeful that it will receive the same support by the Senate this year and that it will be speedily approved by the House.

It is my belief that the bill can and should be enacted without delay.

The cosponsors of the bill are Senators BAYH, BIBLE, BROOKE, BURDICK, BYRD of Virginia, CHURCH, COOK, COOPER, DODD, DOLE, DOMINICK, EAGLETON, FANNIN, FONG, GOLDWATER, GRAVEL, GURNEY, HANSEN, HARTKE, HATFIELD, HRUSKA, INOUYE, JORDAN of North Carolina, JORDAN of Idaho, MCCARTHY, MCGEE, MCGOVERN, MCINTYRE, MAGNUSON, MATHIAS, METCALF, MILLER, MONTOYA, MUNDT, MURPHY, MUSKIE, NELSON, PEARSON, PERCY, PROUTY, PROXMIRE, RANDOLPH, SAXBE, SCHWEIKER, SCOTT, SPARKMAN, SPONG, STEVENS, TALMADGE, THURMOND, TOWER, TYDINGS, WILLIAMS of New Jersey, and YARBOROUGH.

The PRESIDING OFFICER (Mr. SPONG). The report will be received and the bill will be placed on the calendar; and the report will be printed.

REPORT ENTITLED "DEVELOPMENTS IN AGING, 1969"—REPORT OF A COMMITTEE (S. REPT. NO. 91-875)

Mr. WILLIAMS of New Jersey, from the Special Committee on Aging, pursuant to Senate Resolution 316, February 16, 1970, submitted a report entitled "Developments in Aging, 1969," together with minority views, which was ordered to be printed.

EXECUTIVE REPORT OF A COMMITTEE

As in executive session, the following favorable report of a nomination was submitted:

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

Brig. Gen. Frank C. Camm, Corps of Engineers, U.S. Army, to be a member of the California Debris Commission.

BILLS INTRODUCED

Bills were introduced, read the first time and, by unanimous consent, the second time, and referred as follows:

By Mr. HRUSKA:

S. 3843. A bill for the relief of Armando Alimenti and his wife, Victoria Salazar Alimenti; to the Committee on the Judiciary.

By Mr. WILLIAMS of New Jersey (for himself, Mr. BENNETT, Mr. BIBLE, and Mr. MCINTYRE):

S. 3844. A bill to require under the supervision of the Securities and Exchange Commission a full and fair disclosure of the nature of interests in business franchises, and to provide increased protection in the public interest for franchises in the sale of business franchises; to the Committee on Banking and Currency.

(The remarks of Mr. WILLIAMS of New Jersey when he introduced the bill appear later in the RECORD under the appropriate heading.)

By Mr. MOSS:

S. 3845. A bill for the relief of Eva Semnani; to the Committee on the Judiciary.

By Mr. PROXMIRE (for himself and Mr. NELSON):

S. 3846. A bill to authorize certain uses to be made with respect to lands previously conveyed to Milwaukee County, Wis., by the Administrator of Veterans' Affairs; to the Committee on Labor and Public Welfare:

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

S. 3844—INTRODUCTION OF FRANCHISE FULL DISCLOSURE LEGISLATION

Mr. WILLIAMS of New Jersey. Mr. President, on December 9, 1969, as chairman of the Small Business Subcommittee on Urban and Rural Economic Development, I announced public hearings on the Impact of Franchising on Small Business. I thought it important to schedule these hearings, for as American business enters the 1970's, the significant marketing phenomenon of this century is the amazing growth of franchising. Within the last 5 years, the number of franchisors has more than tripled. Today there are over 1,000 companies offering franchises to potential entrepreneurs who are snapping them up at the rate of 40,000 per year. This means that in the next decade, there will be approximately 500,000 new franchisees complementing the existing 600,000 franchisees now doing business.

Currently, franchising accounts for over $90 billion per year in annual sales or 10 percent of our gross national product. If franchising continues its present rate of growth into the 1970's, by the end of the decade it will account for $165 billion in sales annually.

Mr. President, franchising is not a marketing fad. It is not a flash in the pan, here today—gone tomorrow. Nor is it an overinflated business balloon, ready to burst at any time.

The concept of franchising is basically sound. It has matured and all signs point to its continuing a healthy growth and expansion on a large scale. The field of

franchising is extremely wide, as it covers business opportunities ranging from the sale of burial vaults to the performance of erotic theatrical drama.

But, Mr. President, this $90 billion a year distribution system is totally unregulated either by the Federal or State governments.

As many of my colleagues in the Senate know, my Small Business Subcommittee on Urban and Rural Economic Development just concluded 6 days of public hearings on the impact of franchising on small business. We have received over 700 communications from franchisees complaining about abuses within this system. We heard testimony from 43 witnesses who gave the subcommittee a wealth of valuable information on all aspects of franchising.

While the great majority of franchisors operate their businesses in a legitimate, ethical fashion, con artists and swindlers have been drawn to franchising by its sheet popularity. They have infiltrated this distribution system and are using it to exploit the innocent would-be small businessman who wants to own a piece of the American dream and become his own boss.

During our recent hearings, we found astonishing instances of outright fraud and deception perpetrated by unscrupulous franchisors on innocent potential small businessmen.

They make false and grossly misleading claims through poorly regulated but highly profitable advertising in respectable national newspapers and magazines.

They promise high incomes, good locations, excellent training, and quality products to the prospective franchisee.

They use high pressure tactics at franchise trade shows.

They operate in the same manner as con men have always operated—promise everything—deliver nothing. They merely separate the investor from his money by selling him a franchise that is worth little or nothing and then they move on to the next victim. And in the typical con artist fashion, they attack the vulnerable and the weak. In selling their worthless franchises, they approach the senior citizens and the aspiring minority entrepreneurs with hard-sell promises of riches and success. They seek out the unsophisticated at franchise trade shows and lure them into the back alleys of franchising with similar claims of big profits.

There is an understandable need for a truly effective industry-wide code of ethics. Our hearings showed clearly that the leaders in franchising, in their desire to ride the crest of the current profit wave, left the system defenseless against the invading "blue suede shoe boys" by their failure to implement effective self-policing machinery.

I would much prefer to see the industry regulate itself, but it simply has not happened. And at this late date, too much is at stake to gamble on self-regulation in the near future.

The only course of action to provide protection for the potential franchise holder and to restore an ethical balance to franchising is legislative action at either the State or Federal level.

I believe franchising, by its very unique nature, should be regulated by a properly drawn Federal law.

Therefore, Mr. President, I am today introducing a bill that will better protect and better inform potential small business franchisees by requiring franchisors to make a full and complete disclosure of their business practices.

My bill, the Franchise Full Disclosure Act of 1970, will require all franchisors to submit important financial and other relevant business data to the Securities and Exchange Commission for approval prior to the lawful sale of any franchise.

Under this bill, any franchise sale is voidable at the franchisee's option if he was not given a copy of the registered information at least 48 hours prior to the time he signed the contract. This provision will help eliminate the "hot box" treatment so commonly used at franchise shows.

My bill makes it unlawful for a franchisor to make false or misleading statements or representations in selling a franchise. This provision is designed to cut down or eliminate another form of franchise abuse we discovered—fraudulent or sucker-bait advertising. The SEC is given the injunctive power to prevent false and deceptive advertising.

Another feature of this bill requires a franchisor to disclose any financial arrangements made with a celebrity or public figure for the use of his name in connection with any of the franchisor's business operations.

Aside from the civil causes of action a franchisee can bring, my bill also provides for criminal penalties for persons who will fully violate its provisions.

I submit that my Franchise Full Disclosure Act will enhance the entire concept of franchising by forcing the swindlers out, while truly assisting the legitimate operators.

No honest franchisor has anything to fear from my bill, as it will assist, rather than harm him by making more investment opportunities available in the future.

I should also make this fact perfectly clear: my bill will not guarantee the successful operation of a franchise—only hard work and perseverance can do that.

Nor will it resolve all of the problems in franchising—only hard work by the franchisors, in cooperation with their franchisees, can do that.

But I can guarantee that my legislation will provide the first real step toward insuring the continuation of a dynamic economic force within our private business sector which may well set the pattern of small business growth for the future.

There is ample precedent for this type of legislation, as the Securities Act of 1933 and the Interstate Land Sales Full Disclosure Act of 1968 have been relatively successful attempts by Congress to protect the investor. My bill is intended to accomplish the same results in the hybrid marketing phenomenon known as franchising.

Mr. President, I ask unanimous consent that my bill be printed in full in the RECORD at this point.

The PRESIDING OFFICER (Mr. ALLEN). The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 3844) to require under the supervision of the Securities and Exchange Commission a full and fair disclosure of the nature of interests in business franchises, and to provide increased protection in the public interest for franchises in the sale of business franchises, introduced by Mr. WILLIAMS of New Jersey (for himself, Mr. BIBLE, Mr. BENNETT, and Mr. MCINTYRE), was received, read twice by its title, referred to the Committee on Banking and Currency, and ordered to be printed in the RECORD, as follows:

S. 3844

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

SHORT TITLE

SECTION 1. This Act may be cited as the "Franchise Full Disclosure Act of 1970".

FINDINGS AND PURPOSE

SEC. 2. The Congress finds and declares that it is in the public interest to enact protective legislation against fraud and other practices which have developed in the interstate and nation-wide sale of a wide variety of business franchises by the use of the mails and instrumentalities of interstate commerce. The Congress further finds that in consequence of fraud and other practices numerous purchasers of business franchises have suffered substantial losses as a result of the failure or omission by franchisors to provide full and complete disclosure concerning the prior business experience of the franchisor, the nature of the franchisor-franchisee relationship, the nature of the franchise contract, the prospects of the franchised business and other facts essential to a businessman's determination of the desirability and profitability of the franchise. In consequence of the above findings, the Congress determines that it is in the public interest to (1) require that each prospective franchisee be provided with the information necessary to make an intelligent decision regarding franchises being offered for sale, (2) prohibit the sale of franchises that may lead to fraud or involve the likelihood that the franchisor's promises will not be fulfilled, and (3) provide such administrative, civil, and criminal remedies as are necessary to make such requirements and prohibitions effective.

DEFINITIONS

SEC. 3. As used in this Act—

(1) The term "Commission" means the Securities and Exchange Commission.

(2) The term "person" means an individual, corporation, partnership, joint venture association, or incorporated organization.

(3) The term "franchise" means a contract or agreement, either expressed or implied, oral or written, between two or more persons under which (A) a franchisee is granted the right to engage in the business of offering, selling, or distributing goods or services under a marketing plan or system prescribed in substantial part by the franchisor, (B) the operation of the franchisee's business pursuant to such plan or system is substantially associated with the franchisor's trademark, service mark, trade name, logotype, advertising, or other commercial symbol designating the franchisor or its affiliate, and (C) the franchisee is required to pay, directly or indirectly, a franchise fee. Unless specifically stated otherwise, such term includes an area franchise as hereinafter defined.

(4) The term "franchisor" means a person who grants a franchise.

(5) The term "franchisee" means a person to whom a franchise is granted.

(6) The term "area franchise" means any contract or agreement between a franchisor and a subfranchisor whereby the subfranchisor is granted the right, for a consideration given in whole or in part for such right, to sell or negotiate the sale of franchises in the name of or in behalf of the franchisor.

(7) The term "subfranchisor" means a person to whom an area franchise is granted.

(8) The term "franchise fee" means any fee or charge that a franchisee or subfranchisor is required to pay or agrees to pay for the right to enter into a business under a franchise agreement, including but not limited to, any such payments for such goods or services.

(9) The term "sale" or "sell" includes any contract of sale or disposition of a franchise, or interest in a franchise, for value. The term "offer", "offer for sale", or "offer to sell" includes any attempt or offer to dispose of or solicitation of an offer to buy a franchise, or an interest in a franchise, for value.

(10) The term "interstate commerce" means trade or commerce in franchises or transportation or communication relating thereto among the several States, or between the District of Columbia, any territory of the United States, or any foreign country and any State, territory, or the District of Columbia, or within the District of Columbia.

(11) The term "territory" means the Commonwealth of Puerto Rico, the Canal Zone, the Virgin Islands, and the insular possessions of the United States.

(12) The term "registration statement" means the statement provided for in section 6 and includes any amendment thereto and any report, document, or memorandum filed as a part of such statement or incorporated therein by reference.

(13) The term "write" or "written" shall include printed, lithographed, or any other means of graphic communication.

(14) The term "prospectus" means any prospectus, circular, notice, advertisement, lettter or communication, written, or by radio or television, which offers any franchise for sale or confirms the sale of any franchise, except that (A) a communication sent or given after the effective date of the registration statement shall not be deemed a prospectus if it is proved that prior to or at the same time with such communication a written prospectus meeting the requirements of section 9 was sent or given to the person to whom the communication was made, and (B) a notice, circular, communication, or letter in respect of a franchise shall not be deemed to be a prospectus if it states from whom a written prospectus meeting the requirements of section 9 may be obtained, and does no more than identify the franchise, state the price thereof, state from whom it can be purchased, and such other information as may be prescribed by rule or regulation of the Commission.

AUTHORITY TO EXEMPT FRANCHISES

SEC. 4. The Commission may from time to time by its rules and regulations, and subject to such terms and conditions as it may prescribe, exempt any class of franchises if it finds that the enforcement of this Act with respect thereto is not necessary in the public interest or for the protection of franchisees by reason of the small amount involved or the limited character of the offering.

PROHIBITIONS RELATING TO SALE OF FRANCHISES; VOIDABILITY OF CONTRACTS OR AGREEMENTS

SEC. 5. (a) It shall be unlawful for any franchisor, subfranchisor, or agent thereof, directly or indirectly, to make use of any means or instruments of transportation or communication in interstate commerce or in the mails—

(1) To sell or offer for sale any franchise unless a registration statement with respect to such franchise is in effect in accordance with section 8, and a printed prospectus, meeting the requirements of section 9 is furnished the prospective franchisee at least forty-eight hours in advance of the signing of the contract or agreement for sale by the franchisee.

(2) In selling or offering for sale any franchise—

(A) to employ any device, scheme or artifice to defraud;

(B) to obtain money or property by means of a material misrepresentation with respect to any information included in the registration statement or the prospectus or with respect to any other information pertinent to the franchise and upon which the franchisee relies, or

(C) to engage in any transaction, practice or course of business which operates or would operate as a fraud or deceit upon a franchisee.

(b) Any contract or agreement for the purchase of a franchise covered by this Act shall be voidable at the option of the franchisee, if a prospectus meeting the requirements of section 9 is not furnished the prospective franchisee at least forty-eight hours in advance of his signing such contract or agreement.

REGISTRATION OF FRANCHISES

SEC. 6. (a) Any franchises may be registered by filing with the Commission a registration statement meeting the requirements of this Act and such rules and regulations as may be prescribed by the Commission in furtherance of the provisions of this Act. A registration statement shall be deemed effective only as to the franchises specified therein.

(b) At the time of the filing of the registration statement the franchisor shall pay to the Commission a fee of not more than $1,000, which the Commission shall by rules and regulations determine.

(c) The filing of a registration statement or of an amendment thereto shall be deemed to have taken place upon receipt thereof accompanied by the payment of the fee required by subsection (b).

(d) The information contained in or filed in any registration statement shall be made available to the public under such regulations as the Commission may prescribe and copies thereof shall be furnished every applicant at such reasonable charge as the Commission may prescribe.

INFORMATION REQUIRED IN REGISTRATION STATEMENT

SEC. 7. The registration statement shall contain the information and be accompanied by the documents specified in schedule A, except that the Commission may by rules and regulations provide that any such information or document need not be included in respect of any class of franchises if it finds that the requirement of such information or document is inapplicable to such class and that disclosure fully adequate for the protection of investors is otherwise required to be included within the registration statement. Any such registration statement shall contain such other information and be accompanied by such other documents as the Commission may by rules and regulations require as being necessary or appropriate in the public interest or for the protection of investors.

EFFECTIVE DATE OF REGISTRATION STATEMENT AND AMENDMENTS THERETO

SEC. 8. (a) Except as hereinafter provided, the effective date of a registration statement shall be the twentieth day after the filing thereof or such earlier date as the Commission may determine having due regard to the public interest and the protection of purchasers. If any amendment to any such statement is filed prior to the effective date of such statement, the registration statement shall be deemed to have been filed when such amendment was filed; except that an amendment filed with the consent of the Commission, prior to the effective date of the registration statement, or filed pursuant to an order of the Commission, shall be treated as part of the registration statement.

(b) If it appears to the Commission that a statement or any amendment thereto is on its face incomplete or inaccurate in any material respect, the Commission shall so advise the franchisor within a reasonable time after the filing of the statement or amendment, but prior to the date the statement or amendment would otherwise be effective. Such notification shall serve to suspend the effective date of the statement or the amendment until thirty days after the franchisor files such additional information as the Commission shall require. Any franchisor, upon receipt of such notice, may request a hearing and such hearing shall be held within twenty days of receipt of such request by the Commission.

(c) If at any time subsequent to the effective date of a registration statement, a change shall occur affecting any material fact required to be contained in the statement, the franchisor shall promptly file an amendment thereto. Upon receipt of any such amendment the Commission may, if it determines such action to be necessary or appropriate in the public interest or for the protection of purchasers, suspend the registration statement until the amendment becomes effective.

(d) If it appears to the Commission at any time that the registration statement includes any untrue statement of a material fact or omits to state any material fact required to be stated therein or necessary to make the statements therein not misleading, the Commission may, after notice and an opportunity for hearing (at a time fixed by the Commission) within fifteen days after such notice, issue an order suspending the effectiveness of the registration statement. When such statement has been amended in accordance with such order, the Commission shall so declare and thereupon the order shall cease to be effective.

(e) The Commission is empowered to make an examination in any case in order to determine whether an order should issue under subsection (d). In making such examination, the Commission, or any officer or officers designated by it, shall have access to and may demand the production of any books or papers of, and may administer oaths and affirmations to and examine, the franchisor, subfranchisor or any agents or any other person, in respect of any matter relevant to the examination. If any such franchisor, subfranchisor, agent, or person fails to cooperate, or obstructs or refuses to permit the making of an examination, such conduct shall be proper ground for the issuance of an order suspending the registration statement.

(f) Any notice required under this section shall be sent to or served on the franchisor or his authorized agent.

(g) A franchise offering shall be deemed duly registered for a period of one year from the effective date of the registration. The registration may be renewed for additional periods of one year each. The registration renewal statement shall be in the form and content prescribed by the Commission and shall be accompanied by an amended offering prospectus. Each such renewal registration statement shall be accompanied by the fee prescribed by the Commission.

INFORMATION REQUIRED IN PROSPECTUS

SEC. 9. (a) A prospectus relating to franchises shall contain such of the information contained in the registration state-

ment and any amendments thereto as the Commission may deem necessary. A prospectus shall also contain such other information as the Commission may by rules and regulations require as being necessary or appropriate in the public interest or for the protection of purchasers.

(b) The prospectus shall not be used for any promotional purposes before the registration statement becomes effective, and then only if it is used in its entirety. No person may advertise or represent that the Commission approves or recommends the sale of any franchise. No portion of the prospectus shall be underscored, italicized, or printed in larger or bolder type than the balance of the statement unless the Commission requires or permits it.

CIVIL LIABILITIES

SEC. 10. (a) In case any part of a registration statement, when such part becomes effective, contains an untrue statement of a material fact or omits to state a material fact required to be stated therein, any person acquiring a franchise covered by such registration statement from the franchisor, subfranchisor, or agent thereof, during such period as the statement remains uncorrected (unless it is proved that at the time of such acquisition he knew of such untruth or omission), may sue at law or in equity, in any court of competent jurisdiction, the franchisor, subfranchisor, or agent.

(b) Any franchisor, subfranchisor, or agent who sells a franchise—

(1) in violation of section 5, or

(2) by means of a prospectus containing an untrue statement of a material fact or omitting to state a material fact required to be stated therein,

may be sued by the purchaser of the franchise.

(c) The suit authorized under subsection (a) or (b) of this section may be brought to recover damages up to three times the cost of the franchise, including reasonable attorney's fees and reasonable court costs.

(d) Any person who becomes liable to make payment under this section may recover contribution as in cases of contract from any person who, if sued separately, would have been liable to make the same payment.

JURISDICTION OF STATE AUTHORITIES

SEC. 11. Nothing in this Act shall affect the jurisdiction of any State or territory of the United States, or the District of Columbia, over any franchise or any person.

REVIEW OF ORDERS

SEC. 12. (a) Any person aggrieved by an order of the Commission may obtain a review of such order in the court of appeals of the United States, for any circuit wherein such person resides or has his principal place of business, or in the United States Court of Appeals for the District of Columbia, by filing in such court, within sixty days after the entry of such order, a written petition praying that the order of the Commission be modified or be set aside in whole or in part. A copy of such petition shall forthwith be transmitted by the clerk of the court to the Commission, and thereupon the Commission shall file in the court the record upon which the order complained of was entered, as provided in section 2112 of title 28, United States Code. No objection to the order of the Commission shall be considered by the court unless such objection shall have been urged before the Commission. The finding of the Commission as to the facts, if supported by substantial evidence, shall be conclusive. If either party shall apply to the court for leave to adduce additional evidence and shall show to the satisfaction of the court that such additional evidence is material, and that there were reasonable grounds for failure to adduce such evidence in the hearing before the Commission, the court may order such additional evidence to be taken before the Commission and to be adduced upon the hearing in such manner and upon such terms and conditions as to the court may seem proper. The Commission may modify its findings as to the facts by reason of the additional evidence so taken, and it shall file such modified or new findings, which, if supported by substantial evidence, shall be conclusive, and its recommendation, if any, for the modification or setting aside of the original order. The jurisdiction of the court shall be exclusive and its judgment and decree, affirming, modifying, or setting aside, in whole or in part, any order of the Commission shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28 of the United States Code.

(b) The commencement of proceedings under subsection (a) shall not, unless specifically ordered by the court, operate as a stay of the order of the Commission.

LIMITATION OF ACTIONS

SEC. 13. No action shall be maintained to enforce any liability created under section 10 unless brought within two years after the discovery of the untrue statement or the omission, or after such discovery should have been made by the exercise of reasonable diligence, or if the action is to enforce a liability created under section 10(b)(1), unless brought within two years after the violation upon which it is based occurred. In no event shall any such action be brought by a franchisee more than three years after the sale of the franchise to the franchisee.

CONTRARY STIPULATIONS VOID

SEC. 14. Any condition, stipulation, or provision binding any person acquiring any franchise to waive compliance with any provision of this Act or of the rules and regulations prescribed thereunder shall be void.

ADDITIONAL REMEDIES

SEC. 15. The rights and remedies provided by this Act shall be in addition to any and all other rights and remedies that may exist at law or in equity.

POWERS OF THE COMMISSION

SEC. 16. (a) The Commission shall have authority from time to time to make, amend, and rescind such rules and regulations as may be necessary to carry out the provisions of this Act, including rules and regulations governing registration statements and prospectuses, and defining accounting, technical and trade terms used in this Act. Among other things, the Commission shall have authority, for the purposes of this Act, to prescribe the form or forms in which required information shall be set forth, the items or details to be shown in the balance sheet and earnings statement, and the methods to be followed in the preparation of accounts, in the determination of depreciation and depletion, in the appraisal or valuation of assets and liabilities, in the differentiation of investment and operating income, and in the preparation, where the Commission deems it necessary or desirable, of consolidated balance sheets or income accounts of any person directly or indirectly controlled by the franchisor. No provision of this Act imposing any liability shall apply to any act done or omitted in good faith in conformity with any rule or regulation of the Commission, notwithstanding that such rule or regulation may, after such act or omission, be amended or rescinded or be determined by judicial or other authority to be invalid for any reason.

(b) Whenever it shall appear to the Commission that any person is engaged, or is about to engage, in any acts or practices which constitute or will constitute a violation of this Act, or any rule or regulation prescribed thereunder, it may in its discretion, bring an action in any district court of the United States, United States court of any territory, or the United States District Court for the District of Columbia to enjoin such acts or practices, and upon a proper showing a permanent or temporary injunction or restraining order shall be granted without bond. The Commission may transmit such evidence as may be available concerning such acts or practices to the Attorney General who may, in his discretion, institute the necessary criminal proceedings under this Act.

(c) Whenever it shall appear to the Commission, either upon complaint or otherwise, that the provisions of this Act, or any rules or regulations prescribed thereunder, have been or are about to be violated, it may, in its discretion, either require or permit such person to file with it a statement in writing, under oath, or otherwise, as to all the facts and circumstances concerning the subject matter which it believes to be in the public interest to investigate, and may investigate such facts.

(d) For the purpose of any investigation, which in the opinion of the Commission is necessary and proper for the enforcement of this Act, any member of the Commission, or any officer or officers designated by it, are empowered to administer oaths and affirmations, subpoena witnesses, take evidence and require the production of any books, papers, or other documents which the Commission deems relevant or material to the inquiry. Such attendance of witnesses and the production of such documentary evidence may be required from any place in the United States or any territory at any designated place of hearing.

(e) In case of contumacy or refusal to obey a subpoena issued to any person, the Commission may invoke the aid of any court of the United States within the jurisdiction of which such investigation or proceeding is carried on, or where such person resides or carries on business, in requiring the attendance and testimony of witnesses and the production of books, papers, correspondence, memoranda and other records and documents. Such court may issue an order requiring such person to appear before the Commission, or any officer designated by it, there to produce records, if so ordered, or to give testimony touching the matter under investigation or in question. Any failure to obey such order of the court may be punished by the court as a contempt thereof.

(f) No person shall be excused from attending and testifying or from producing books, papers, contracts, agreements, or other documents before the Commission, or in obedience to the subpoena of the Commission or any member thereof or any officer designated by it, or in any cause or proceeding instituted by the Commission, on the ground that the testimony or evidence, documentary or otherwise, required of him, may tend to incriminate him or subject him to a penalty or forfeiture; but no individual shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter or thing concerning which he is compelled, after having claimed his privilege against self-incrimination, to testify or produce evidence, documentary or otherwise, except that such individual so testifying shall not be exempt from prosecution and punishment for perjury committed in so testifying.

HEARINGS

SEC. 17. All hearings shall be made public and may be held before the Commission or an officer or officers of the Commission designated by it, and appropriate records thereof shall be kept.

JURISDICTION OF OFFENSES AND SUITS

SEC. 18. The district courts of the United States, the United States courts of any territory, and the United States District Court for the District of Columbia shall have jurisdiction of offenses and violations under this Act and under the rules and regulations prescribed pursuant thereto, and concurrent

with State courts, of all suits in equity and actions at law brought to enforce any liability or duty created by this Act. Any such suit or action may be brought in the district wherein the defendant is found or is an inhabitant or transacts business, or in the district where the offer or sale took place, if the defendant participated therein, and process in such cases may be served in any other district of which the defendant is an inhabitant or wherever the defendant may be found. Judgments and decrees so rendered shall be subject to review as provided in sections 1254 and 1291 of title 28 of the United States Code. No case arising under this Act and brought in any State court of competent jurisdiction shall be removed to any court of the United States. No costs shall be assessed for or against the Commission in any proceeding under this Act brought by or against it in any court.

UNLAWFUL REPRESENTATIONS

SEC. 19. The fact that a registration statement with respect to any franchise has been filed or is in effect shall not be deemed a finding by the Commission that the registration statement is true and accurate on its face, or be held to mean that the Commission has in any way passed upon the merits of or given approval to such franchise. It shall be unlawful to make, or cause to be made, to any prospective purchaser any representation contrary to the foregoing.

PENALTIES FOR VIOLATIONS

SEC. 20. Any person who willfully violates any provision of this Act, or any rule or regulation promulgated thereunder, or any person who willfully, in a registration statement filed under this Act, makes any untrue statement of a material fact or omits to state any material fact required to be stated therein or necessary to make the statements therein not misleading, shall upon conviction be filed not more than $5,000 or imprisoned not more than five years, or both.

JURISDICTION OF OTHER GOVERNMENT AGENCIES

SEC. 21. Nothing in this Act shall relieve any person from submitting to the respective supervisory units of the Government of the United States information, reports, or other documents which may be required by law. The filing of a registration statement hereunder shall not be deemed to confer any immunity from liability for violation of any other laws.

SUBSTITUTE SERVICE OF PROCESS

SEC. 22. Each franchisor or subfranchisor which is registered or applying for registration under this Act shall furnish to the Commission, in a form prescribed by or acceptable to it, a written irrevocable consent and power of attorney—

(1) designating the Commission as an agent upon which may be served any process, pleadings, or other papers in any civil suit or action, brought in any appropriate court in any place subject to the jurisdiction of the United States, which (A) arises out of any activity in any place subject to the jurisdiction of the United States in connection with a course of business, and (B) is founded directly or indirectly upon the provisions of this Act; and

(2) stipulating and agreeing that any such civil suit or action may be commenced upon the service of process upon the Commission, and that such service of any process, pleadings, or other papers upon the Commission shall be taken and held in all courts to be as valid and binding as if due personal service thereof had been made.

SCHEDULE A

(1) The name of the franchisor, the name under which he intends or is doing business, and the name of any parent or affiliated company that will engage in transactions with franchisees.

(2) The name of the State or other sovereign power under which the franchisor is organized and the location of the franchisor's principal place of business.

(3) The names and addresses of the directors or persons performing similar functions and the chief executive, financial, accounting and principal executive officers, chosen or to be chosen, if the franchisor is a corporation, association or other entity; of all partners, if the franchisor is a partnership, and of the franchisor if the franchisor is an individual.

(4) A statement disclosing whether any person identified in the registration statement

(a) has been convicted of a felony, or pleaded nolo contendere to a felony, or been held liable in a civil action by final judgment, if such felony or civil action involved fraud, embezzlement, fraudulent conversion, or misappropriation of property; or

(b) is subject to any currently effective order or ruling of any State or federal agency.

Such statement shall indicate the court, date of conviction or judgment, or any penalty imposed or damages assessed.

(5) The general character of the business actually transacted by the franchisor for the past five years, and the business to be transacted by the franchisor.

(6) Recent financial statements of the franchisor. The Commission may by rule or regulation prescribe the form and content of financial statements required under this Act, the circumstances under which consolidated financial statements may be filed, and the circumstances under which financial statements shall be certified by independent certified public accountants or public accountants.

(7) A copy of the franchise agreement proposed to be used.

(8) A statement of the franchise fee charged, the proposed application of the proceeds of such fee by the franchisor, and the formula by which the amount of the fee is determined if the fee is not the same in all cases.

(9) A statement describing any payments or fees other than franchise fees that the franchisee or subfranchisor is required to pay to the franchisor, including royalties and payments or fees which the franchisor collects in whole or in part on behalf of third parties.

(10) A statement of the conditions under which the franchise agreement may be terminated or renewal refused, or repurchased at the option of the franchisor.

(11) A statement as to whether, by the terms of the franchise agreement or by other device or practice, the franchisee or subfranchisor is required to purchase from the franchisor or his designee services, supplies, products, fixtures, or other goods relating to the establishment or operation of the franchise business, together with a description thereof.

(12) A statement as to whether, by the terms of the franchise agreement or other device or practice, the franchisee is limited in the goods or services offered by him to his customers.

(13) A statement of the terms and conditions of any financial arrangements when offered directly or indirectly by the franchisor or his agent.

(14) A statement of any past or present practice or of any intent of the franchisor to sell, assign, or discount to a third party any note, contract, or other obligation of the franchisee in whole or in part.

(15) A statement of available earnings of past and present franchises.

(16) A statement of the number of franchises presently operating and proposed to be sold.

(17) A statement as to whether franchisees and subfranchisors receive an exclusive area or territory.

(18) A statement setting forth such other information as the Commission may require.

(19) A statement setting forth such information as the franchisor may desire to present.

(20) A statement of any compensation or other benefit given or promised to a public figure arising, in whole or in part, from the use of the public figure in the name or symbol of the franchise.

(21) When the person filing the registration statement is a subfranchisor, the statement shall include the same information concerning the subfranchisor as is required from the franchisor pursuant to this schedule.

Mr. BENNETT. Mr. President, today I am joining with the Senator from New Jersey (Mr. WILLIAMS) as a cosponsor of the Franchise Full Disclosure Act. By my cosponsorship, I am not supporting all of the provisions of the bill but I am supporting the basic concept of the bill which is to provide disclosure of information about a franchise to a prospective franchisee. If the prospective buyer has sufficient factual information about a franchise, he can then make a rational decision based on the facts disclosed whether or not to enter a new field of business. In the absence of such information, he may very well make a decision based on inflated claims and irresponsible representations. Much of the information required under this proposal if already required by the Securities and Exchange Commission when a franchise company files for a stock offering. I see no reason why this same information should not be disclosed to the prospective franchisee and thus help those desiring to own their own business make better decisions.

Franchising itself as a system of marketing has made great strides in recent years. Figures show that there are presently over 1,000 firms offering franchises, and recent hearings before Small Business Subcommittee on Rural and Economic Development of the Select Committee on Small Business revealed that franchising accounts for more than $90 billion in annual sales of goods and services. The franchising system is vital to our economy—especially to the small businessman. In fact, Donald Brewer, Deputy Administrator of the Small Business Administration, has said:

> Franchising fosters the entrepreneurial spirit of America. For members of minority groups and for those in rural America who now are deprived of the opportunity to own their own business, franchising may well be their shining opportunity and, possibly, their port of last hope. We, therefore, believe the Federal Government should do everything appropriate to assist those Americans who have the necessary spirit and enterprise to operate a successful franchise establishment.

I believe the time has come for us to seriously consider appropriate legislation to assure that full disclosure of material facts is provided to prospective franchisees and hope that as a result of further consideration, we may work out any problems which may be contained in this proposal.

S. 3846—INTRODUCTION OF A BILL RELATING TO A NEW RECREATIONAL CENTER FOR MILWAUKEE COUNTY

Mr. PROXMIRE. Mr. President, on behalf of Senator NELSON and myself, I am introducing legislation today that will

enable Milwaukee County to arrange for construction of a new recreational Pladium. This legislation will permit the county to lease property for this purpose to a nonprofit corporation without violating the provisions governing the original conveyance from the Federal Government. The land is presently owned by the county.

Since this bill explicitly restricts the lease of this land to recreational or civic use, and since Milwaukee County paid 50 percent of fair market value at the time it purchased the property, this transaction will be perfectly consistent with the Morse formula which protects Federal property rights.

Mr. President, the Pladium will be an outstanding asset to Milwaukee County. In addition to providing facilities for the Milwaukee Bucks, it will be a year-round site for hockey, boxing, indoor track, concerts and stage shows, and other activities. By utilizing the most modern assistance and advice on every aspect of development—from acoustics to television camera placement to soil testing—the Milwaukee County Pladium will provide the ultimate in recreational facilities.

Construction of the Pladium will mean a tremendous increase in the county's entertainment capabilities, and will provide a healthy supplement to downtown Milwaukee's convention facilities. And the presence of a beautiful and exciting entertainment and sports center will greatly enhance the pride and community spirit of the entire Milwaukee area. Its close proximity to the Milwaukee County Stadium means that 11,000 parking spaces already owned by the county will be available to Pladium spectators. And its location near a modern expressway in the geographical and population center of the county insures that the Pladium will be easily accessible to all.

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

The PRESIDING OFFICER (Mr. EAGLETON). The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 3846) to authorize certain uses to be made with respect to lands previously conveyed to Milwaukee County, Wis., by the Administrator of Veterans' Affairs, introduced by Mr. PROXMIRE (for himself and Mr. NELSON), was received, read twice by its title, referred to the Committee on Labor and Public Welfare, and ordered to be printed in the RECORD, as follows:

S. 3846

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding any provision of the Act entitled "An Act to authorize the Administrator of Veterans' Affairs to convey certain lands and to lease certain other lands to Milwaukee County, Wisconsin", approved September 1, 1949 (63 Stat. 683), or the Act entitled "An Act authorizing the Administrator of Veterans' Affairs to convey certain property to Milwaukee County, Wisconsin", approved August 27, 1954 (68 Stat. 866)—

(1) Milwaukee County, Wisconsin, is authorized to lease all or any part of the land conveyed to it pursuant to such Acts subject to the following conditions—

(A) such land or part thereof may be leased by Milwaukee County only to a nonprofit corporation, which corporation shall construct and equip on such land structures, facilities, and other permanent improvements useful for either public recreational purposes, general civic purposes, or both such purposes; and

(B) after completion of the improvements specified in subparagraph (A) above, such lands or parts thereof shall be leased back to Milwaukee County.

(2) Neither the lease of lands pursuant to paragraph (1) nor the use therefor for public recreational purposes or general civic purposes, shall be deemed to be grounds for the reversion to the United States of the title to the lands conveyed to Milwaukee County pursuant to such Acts.

SEC. 2. The Administrator of Veterans' Affairs shall issue such written instruments as may be necessary to bring the conveyances made to Milwaukee County, Wisconsin, on January 11, 1950, and April 19, 1955, pursuant to the Acts referred to in the first section of this Act, into conformity with such first section.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, May 15, 1970, he presented to the President of the United States the following enrolled bills:

S. 856. An act to provide for Federal Government recognition of and participation in international expositions proposed to be held in the United States, and for other purposes; and

S. 2999. An act to authorize, in the District of Columbia, the gift of all or part of a human body after death for specified purposes.

AMENDMENT OF THE FOREIGN MILITARY SALES ACT—AMENDMENTS

AMENDMENT NO. 630

Mr. HOLLINGS submitted an amendment, intended to be proposed by him, to the bill (H.R. 15628) to amend the Foreign Military Sales Act, which was ordered to lie on the table and to be printed.

AMENDMENT NO. 631

Mr. WILLIAMS of Delaware submitted an amendment, intended to be proposed by him, to House bill 15628, supra, which was ordered to lie on the table and to be printed.

ADDITIONAL STATEMENTS OF SENATORS

INVASION OF OFFICE OF SECRETARY FINCH

Mr. TALMADGE. Mr. President, on Wednesday of this week the office of Secretary of Health, Education, and Welfare Robert H. Finch, was subjected to an invasion.

The invaders were not representatives of a foreign government; they were not militant college students. Mr. Finch's office was invaded and occupied by a group which called themselves the National Welfare Rights Organization.

This group of lawbreakers came to Secretary Finch to demand their "rights"—a $5,500 per year income with no strings attached. Chanting their slogan of "$5,500 or fight," these professional welfare recipients swooped down upon Secretary Finch and subjected him to all manner of insults—calling him a pig.

The Secretary was a model of courtesy and forbearance. He calmly bore the indignity of this intrusion for about an hour before leaving his office.

Finally, after 21 demonstrators had occupied the Secretary's office for more than 8 hours, the demonstrators were arrested on disorderly conduct charges.

About 100 welfare activists again invaded the Department of Health, Education, and Welfare yesterday. This group indicated its intention of causing repeated disruptions in Washington and all over the country. The group has made clear its intent to bully Congress into voting a $5,500 welfare handout.

Mr. President, these disgusting exhibitions should provide a lesson for us all.

They point out the fact that the administration's guaranteed income plan can cause the Congress and the administration nothing but trouble. Under the administration's bill the guaranteed annual income level is set at $1,600 per year.

As I have previously pointed out on the floor of the Senate, the important aspect of the administration's program is not the income level, but the fact that the bill, if enacted, would establish by act of Congress the principle of a guaranteed annual income. Once this principle is established, Congress and the administration will be subjected to unbearable pressure from such groups as the National Welfare Rights Organization.

The Senators who support a guaranteed annual income of $1,600 or a minimum of $3,600 should beware. Although they are the "heroes" of today, they will be the "pigs" of tomorrow if they do not support the impossible demands of groups such as the NWRO.

Already, the administration estimates that the $1,600 minimum benefit level will entail an additional Federal expenditure of $4.4 billion annually. As I pointed out in the Finance Committee hearings, the $4.4 billion figure is far too low to be considered realistic. If the administration's plan were changed to a $3,600 minimum benefit level, we would have to spend $20.7 billion additional dollars in order to underwrite these benefits.

Under this benefit level at least 76 million Americans would qualify for welfare.

Under a $5,500 benefit level, well over half the country would receive welfare.

Mr. President, already our Government is spending $30 billion annually on Federal aid to the poor. I believe in doing everything reasonable to help the poor of this Nation to help themselves. I believe in providing assistance to those who are unable to help themselves.

However, I am unalterably opposed to any plan which insures a guaranteed annual income for everyone, whether he works or not.

I will not be a party to passing legislation which will subject this Congress and subsequent Congresses and every administration to intimidation by a mob which will always demand more money.

Mr. President, I ask unanimous consent that a news article from the Evening Star of May 14 be printed in the RECORD.

There being no objection, the article

was ordered to be printed in the RECORD, as follows:

SIT-IN STAGED AT FINCH OFFICE

(By David Holmberg)

Demanding that Health, Education, and Welfare Secretary Robert Finch make a "commitment" against U.S. policy in Southeast Asia and for higher welfare benefits, 21 demonstrators occupied his office for more than eight hours yesterday before being arrested on disorderly conduct charges.

The demonstrators, most of them members of the National Welfare Rights Organization and led by its director, Dr. George Wiley, filed peacefully out of Finch's 5th floor office at 7:50 p.m., shouting their slogan "$5500 or Fight." A few college students who had joined the demonstration were among those arrested.

The slogan referred to the demonstrators' demand for a guaranteed annual income of $5,500 for a family of four.

They also asked for cuts in military spending, particularly in Southeast Asia, an end of foreign subsidies, closing of tax loopholes, a curtailing of "high expense accounts" for government office holders, and an increase in corporation taxes.

Finch, in a brief press conference following a mid-afternoon meeting with a representative of the NWRO, said many of the demonstrators' demands were not within the jurisdiction of his department. He noted that the administration has called for a $1,600 minimum income, which would be supplemented with additional payments by individual states.

The secretary, who labeled the takeover of his office "totally inappropriate" and "counter productive," said the demonstrators appeared to "Think that all things can be solved at the federal level, and this is not realistic."

Undersecretary John G. Veneman, who sat in on the session with Finch, then reported back to the demonstrators, who acknowledged that some of their demands were out of the range of the department but emphasized that their main concern was a commitment from Finch against the war and for the $5,500 plan.

"All we get from Finch," Wiley told Veneman, "is a lot of soft soap, and the appearance of liberalism . . . If Agnew can speak up, why can't he?"

With the demonstrators shouting their support, Wiley then repeated an earlier statement that the "occupation" would not end until Finch made a commitment on the war and on the guaranteed annual income plan.

OFFICIALS READ RULES

Veneman then withdrew, but returned two hours later along with General Service Administration officials and U.S. marshals to inform the demonstrators they would have to leave when the building was closed for the day a half-hour later. Finch had noted earlier that GSA regulations required the building be cleared at the end of the working day.

The officials, reading from GSA regulations, ignored the demonstrators' shouts of, "get Finch in here."

After dismissing the press from the secretary's office, the officials then engaged in a lengthy negotiation with the demonstrators over the terms of their arrest. They were finally held on a violation of the city code, which carries a penalty of $50 fine or 30 days in jail. They could have been held under a federal statute with a maximum penalty of a $100 fine or 6 months in jail.

BRIEF SCUFFLE

The demonstrators were taken to a waiting paddy wagon and greeted with shouts of "power to the people" from about 50 other protestors who had held a vigil in support of those in Finch's office throughout the day. Police arrested one youth following a brief scuffle after those arrested had been taken away.

The occupation of the secretary's office began at 11:30 a.m., when about 15 of the protestors burst in while Finch was being interviewed by two reporters.

Finch, according to an HEW spokesman, reacted "calmly" to the intrusion.

Wiley seated himself in the secretary's large leather chair and the demonstrators then held an hour's discussion with Finch, emphasizing their demands relating to the war and to welfare benefits.

POLICY DIRECTIVES

Finch left his office for an appointment at about 12:30 p.m. and the demonstrators then spent the next seven hours shouting out the window to their supporters outside, confronting HEW officials who wandered in, lounging on the office's leather chairs and plush blue carpet, and watching the secretary's color television set.

Mrs. Beulah Sanders, of New York, a vice chairman of the NWRO, occupied the secretary's leather chair most of the day, and was labeled "Secretary Sanders" by Wiley, who said that "policy directives" would be issued by the NWRO during the occupation of the office.

Mrs. Sanders conferred with her fellow demonstrators on strategy, read documents on the secretary's desk, and ate the peanut butter and jelly sandwiches which NWRO members had supplied for the occasion.

The NWRO leaders continued to maintain throughout the afternoon that they would occupy the office indefinitely. One demonstrator said mattresses were available and, referring to the food which was placed on a mahogany table next to the secretary's ornate desk, said: "For once NWRO came prepared."

DAILY OKLAHOMAN'S ARTICLE DEROGATORY OF SENATOR SMITH OF MAINE

Mrs. SMITH of Maine. Mr. President, recently the Daily Oklahoman, morning newspaper of Oklahoma City, Okla., published a derogatory article by its Washington correspondent, Allan Cromley, against me. The article was seriously erroneous as to significant facts and seriously fallacious in its interpretative speculation.

That it was derogatory is not unusual—for I have had my share of press attacks. That, in its derogation of me, it was defensive of a hometown boy is somewhat understandable.

But misrepresentation of such a specific fact as to the time of day is inexcusable—premising derogatory speculation on such an obvious misrepresentation of time further compounds the journalistic irresponsibility—and failure to publish a refutation of the misrepresentation reveals calloused journalistic rejection of fair play.

Shortly after publication of Mr. Cromley's derogatory, erroneous, and fallacious article, my assistant wrote E. K. Gaylord, editor of the Daily Oklahoman, specifying the error and fallacy. Most newspapers grant space opportunity for rebuttal, but the Daily Oklahoman did not in this case. Wednesday the Washington office of the newspaper stated that the letter of my assistant had not been published.

Since the readers of the Daily Oklahoman have not been given the truth in this matter, I ask unanimous consent that the letter from my assistant to the editor of the Oklahoman be printed in the RECORD. It is possible that the truth in this manner may get through to some residents of Oklahoma City who read the CONGRESSIONAL RECORD as well as to the Members of the Oklahoma congressional delegation.

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

APRIL 24, 1970.

E. K. GAYLORD,
Editor, the Daily Oklahoman,
Oklahoma City, Okla.

DEAR MR. GAYLORD: One of your readers sent Senator Smith a clipping from your editorial page on which appeared Mr. Cromley's piece on Senator Smith.

There are certain inaccuracies in his account but I will confine myself only to the last three paragraphs of his piece.

He states that Senator Smith found out about the Harlow calls "at about 11:20 a.m." and then in the next two paragraphs he speculates that, on the basis of that timing, and on the basis of anger at the Harlow calls, she made her decision after that time because I said she made her decision "about lunch time."

Mr. Cromley is in error as to the time and, therefore, in error as to his speculation based upon that erroneous time.

The truth is that Kenneth E. BeLieu states that he received the erroneous report at 11:20 a.m. while he was talking to Mr. Harlow. I so stated this to Mr. Cromley and this is how he got the 11:20 a.m. time.

The further truth is that Senator Smith did not learn of the calls of Mr. Harlow until 12:40 p.m. (one hour and twenty minutes later) when Senator Brooke so informed Senator Smith. Thus, the fallacy of Mr. Cromley's speculation is illustrated.

For your further information, when Mr. BeLieu called on Senator Smith the day after the vote to express his regrets about the incident, he showed both Senator Smith and me his pre-vote tally prediction sheet (drawn up before his 11:20 a.m. talk with Mr. Harlow) on which he had predicted that Senator Smith would vote *against* Carswell.

If you have the slightest doubt about the accuracy of what I have stated in this letter, I invite you to ask Mr. BeLieu and Senator Brooke if my statements about them are inaccurate. For their information, I am sending them a copy of this letter.

Sincerely,

WILLIAM C. LEWIS, JR.,
Executive Assistant to Senator Smith.

STEWARDESS SERVICE BY SCHEDULED AIRLINES IS 40 YEARS OLD

Mr. RANDOLPH. Mr. President, today, May 15, marks the 40th anniversary of the introduction of stewardess service by U.S. scheduled airlines. Four decades ago eight stewardesses took to the air in eight 20-passenger trimotor aircraft—the Boeing 80A—operated by Boeing Air Transport, a predecessor company of today's United Airlines. Now approximately 34,000 stewardesses fly for U.S. airlines in domestic and international service in planes carrying up to 360 passengers, with as many as 14 stewardesses covering their needs in a single flight.

Soon the other airlines then in existence—most of which were parent companies of those we know today—saw the value of the stewardess in creating public confidence in air transportation and began adding them to their flights. Today, of course, the stewardess is an indispensable feature of the passenger-service pattern of the entire airline industry.

I believe the ability to create "public

confidence" has been the outstanding quality of the airline stewardess. One of the reasons for this feeling of confidence is that the early stewardesses had to be registered nurses. And they had to be registered nurses not only because such training and experience were considered advantageous in the event of air sickness or other illness in flight, but, as one of the airline officials of the day said:

We want institutionally trained persons accustomed to discipline, since discipline is paramount at all times.

Today, that philosophy is still paramount. The airlines spend many millions of dollars a year training their stewardesses in such disciplines as the theory of flight, emergency procedures, first aid, and psychology. To familiarize them with their life aloft, stewardess trainees become oriented in exact models of the galleys and cabin sections in which they will fly.

From this tradition of training and discipline has emerged yet another quality that characterizes the girls who make air travel so attractive. That quality is "courage."

In the context of the Nation's stewardesses, I think that the late Ernest Hemingway's definition of courage is most applicable:

Grace under pressure.

It is in recognition of this spirit that I call attention to the U.S. scheduled airline industry in saluting airline stewardesses on their 40th anniversary of service to the public.

RIGHTS OF WAR PRISONERS VIOLATED

Mr. BELLMON. Mr. President, for some time, now, I have heard a lot about the rights of various people and groups. There has been a lot of talk in the Senate about the rights of Congress and the rights of the President. Much has been written and said in the media about the rights of student dissenters and the rights of students who want to study.

But, Mr. President, I hear almost nothing about the rights of a small group of Americans—the 1,500 men who are being held prisoners by the North Vietnamese.

These men have served their country well in battle. They serve now as prisoners.

Under international agreements to which all civilized nations subscribe, prisoners of war are to be treated in such fashion as to preserve at least their minimum rights. These include medical care, an adequate diet, notification of their families—through their Government—and communication between prisoners and families.

The North Vietnamese have violated these rights as a matter of consistent policy for over 5 years. There are Americans lost in action back in 1965 who, we believe, are still being held by the North Vietnamese. I say we believe they are being held because we do not actually know whether they are or not. The Communists have never notified this Government, nor any international agency such as the Red Cross, nor have they permitted communication between these men and their families.

The international code governing treatment of war prisoners is at best a bare-bones system of protection. It is designed only to protect these otherwise helpless men, to prevent them from being used as political hostages, and to insure their safety.

Where possible, the Communists have violated every aspect of this code. They have used prisoners to make propaganda broadcasts. They have suggested to American women concerned over the fate of their husbands that it might be possible to get the information they so desperately want by turning against their own Government.

Mr. President, in discussing human rights in this Chamber, let me suggest strongly that the rights of this particular segment of humanity not be overlooked.

These men have served America. Americans cannot desert them.

RETROACTIVE DENIAL OF BENEFITS FOR NURSING HOME PATIENTS

Mr. WILLIAMS of New Jersey. Mr. President, today the medicare extended care program is in serious danger of complete abandonment by nursing homes. More than 500 nursing homes have already withdrawn from the program.

A major reason for this critical problem is the retroactive denial of benefits to elderly persons by fiscal intermediaries. In many instances, this occurs several weeks after the patient enters the extended care facility after proper certification by his attending physician.

During the past few weeks, I have received dozens of complaints from patients, physicians, and nursing homes concerning the hardships that this practice can produce.

On May 7, the Subcommittee on Long-Term Care, of the Committee on Aging, under the chairmanship of the Senator from Utah (Mr. Moss), held a hearing on this problem and related issues.

A statement by Dr. Frederick Offenkrantz, medical director of the Health and Extended Care Center in Crawford, N.J., aptly described the severity of this matter and the dilemma for the parties affected.

So that Senators can have further information about this urgent problem, I ask unanimous consent that the written testimony by Dr. Offenkrantz and my statement at the hearing be printed in the RECORD.

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

STATEMENT BY FREDERICK W. OFFENKRANTZ, MEDICAL DIRECTOR

Mr. Chairman, Members of the Committee:

My name is Frederick M. Offenkrantz. I am a physician, the Medical Director of the Cranford Health and Extended Care Center in Cranford, New Jersey. This is a Facility operated by the non-profit New Jersey Rehabilitation Care Foundation as one of a number of projects designed to give the most advanced long-term care possible in areas of New Jersey, extending from Princeton to the inner-city ghetto of Newark. The foundation's basic purpose is to serve people who might not otherwise be able to afford or obtain such long-term care.

As I am sure the committee knows, Extended Care is post acute general hospital institutional care, designed to cut down on the days required in an acute hospital. The E.C.F. patient needs both medical and skilled nursing care beyond that of simple custodial care.

My purpose in coming here is to, on behalf of our patients, protest the number and method of Medicare cutoffs at our facility through our fiscal intermediary, New Jersey Blue Cross. Within the past year there have been over 50 such cut-offs, and only recently we were notified of 18 such terminations in one day. The tempo appears to be increasing, apparently by design, and I am here to protest these actions on the following bases:

1. Every cut-off was made despite referrals from general hospitals whose utilization review procedures embody referrals to E.C.F.'s. Further, in every instance a referring physician from a general hospital certified to the need for E.C.F. care. These patients are involuntarily sent to us from their hospitals in accordance with the Medicare rules.

2. Cut-offs were made with total disregard to the certification by the attending physician at the Cranford facility as to need for E.C.F. care, plus a pre-admission review by the Administrator, the very capable and experienced Director of Nursing, and by the Medical Director.

3. The Utilization Review Committee of this non-profit community facility is comprised of, among others, a physiatrist, the medical director and a practitioner of many years standing not admitting patients to this facility. In each instance of retroactive cut-offs, this committee had certified to the necessity of additional E.C.F. care, within the guide lines from the Social Security Administration as best we can interpret them, plus our mutual judgment.

4. In many cases, no portion of the patient's chart, except for an initial check list was requested or reviewed by the individual making these cut-offs, which of course, should be medical judgments.

5. In every instance the cut-off was made retroactive up to as much as seven weeks from the date of our notification, sometimes this was to the date of the patient's admission to this facility. In several instances the date of cut-off was actually after the death of the patient.

6. In many instances the attending physician has flatly refused to order discharge of patients following these cut-offs. Because of the severity of the patients' illnesses, these physicians felt strongly that discharge would constitute malpractice. I must call your attention to the fact that if this constitutes malpractice on the part of the attending physician, it constitutes malpractice on the part of the intermediary in so ordering, contrary to our combined medical advice. Since many of these victims came from poor areas, many being inner-city ghetto residents from Newark and Elizabeth, New Jersey, they cannot afford the charges; and as a non-profit facility, are deeply in debt because of those denials which are made long after we, in all good faith and honesty, have rendered the service.

7. Despite repeated efforts, no appeal to reason, no appeal for review and no appeal to professional judgment or humanitarian need has been entertained by the New Jersey Blue Cross Plan or the Social Security Administration.

8. In no instance during my almost two years of tenure as the Medical Director, has a physician from the intemediary or the U.S.A. contacted me regarding a cut-off. This, in my opinion, constitutes a serious defect in the entire program. It permits unnamed persons to effect virtually a life and death decision on these patients, whose require-

ment for additional care is certified to by referring physicians, treating physicians, consultants, and utilization review physicians at this extended care facility.

May I beg the indulgence of this committee in reviewing my background, to explain my qualifications for appearing before you with this appeal. I am by training a pathologist, graduated from Bucknell University and the Columbia College of Physicians and Surgeons. In addition, I hold a Master's Degree in Public Health Legislation from Columbia University.

My attention to the problems of pathology which are inherently those of diagnosis and the course of disease; or, in the aged, the course of multiple diseases; has given me interest in several associated activities. The one in which I appear before you is that of the admission, treatment, supervision and discharge of the geriatric patient under Medicare. In the opinion of the Foundation leadership, which comprises trained educators and administrators in the Health Field, a pathologist so interested constitutes a proper and valuable medical person to objectively evaluate the sick and afflicted geriatric patients being admitted for E.C.F. care. It was felt that having someone trained exclusively in the evaluation of illness rather than subjectively in the treatment of patients was a step towards fully scientific, objective procedure. This was intended to assist the treating physician along the path of every scientific requirement on behalf of the Medicare statutes. We attempted to avoid, by such guidance, the possibility of subjective over-involvement of a treating physician with his patient.

Appearing before you as I do now, I find that my more than 20 years of relationship with scientists within and outside of government gives me an interesting basis for comparison with medical supervision for E.C.F.'s under Medicare. As I have indicated to this committee, there is a remarkable lack of scientific approach, medical control, and generally accepted medical attitude on the part of our intermediary and/or S.S.A., towards the admission, care and discharge of patients in E.C.F.'s. I will be pleased to discuss this to whatever extent this interests the commitee. However, I can only conclude that judgments on the part of the government and its agent are being made by incompetent, unskilled, disinterested, uninformed or misguided personnel. Further, the custom in most large organizations, either government or private, is to open avenues of appeal and discussion to those who might question, on a scientific basis, the original medical phenomena described. Such avenues appear closed in total administration of this program. If they are open, we have been unable to find them.

If I may digress with relevancy for a moment I would also point out my service of over 6 years as a Medical Officer in the Army during World War II. More than half of this was spent in the southwest Pacific area of command. For a great part of this time, during the early 1940's, I was the sole laboratorian and public health officer in the more forward areas of the U.S. Army effort. On two occasions the unit which I commanded was responsible for very unpalatable decisions involving our Australian hosts. In the first, it was my duty to label the entire water supply of Townesville, Australia as contaminated and unfit for our troops use. In the second, the largest single epidemic of botulism poisoning was discovered and diagnosed by my command through autopsy, following the death of several American servicemen from contaminated food. In each instance, I was the recipient of questions and communiques from the ranking medical officer in that area, one of which resulted in a meeting with General MacArthur on the water problem. Even here, being subject to the explicit direction of higher command, there was discussion and suggestion with regard to scientific medical problems but at no time was I issued a directive as to mode of thinking or judgment to be stated.

I am at a loss, therefore, having functioned for many years under the authoritarian arrangements of the military and the rather strongly-held opinions of other agencies such as the F.D.A. to understand the mechanics of this governmental program which appears to operate only by fiat. Nowhere in government or public services does the question of human life and well-being become a matter of large numbers and special concern as it does with the Medicare admission to hosiptals and E.C.F.'s. The citizens affected here are not young people with tremendous powers of recovery. They are geriatric patients in whom errors of judgement can very well be fatal. Obviously, the Congress recognized this by giving the final authority for hospital and E.C.F. stay into the hands of the medical profession, with appropriate and fully acceptable safeguards involving systems of review and certification. The question of a patient's stay in our E.C.F. comprises the considered judgement of as many as ten different unrelated, and, often, unknown to each other, physicians. How can all of this be discredited at the whim of a clerk or young nurse functioning in Baltimore or Newark for the thousands of E.C.F. patients in New Jersey and elsewhere?

Other government agencies, up to, and including the staff of Douglas MacArthur have always seen fit to obtain the judgment of medical officers with regard to those problems in their jurisdiction and to accept that judgment if the physician, upon discussion, could sustain his beliefs. Why then do the administrators of the E.C.F. component in Medicare with life maintenance at stake, afford no such discussion to any of the physicians involved and, to my knowledge, refuse reversal upon appeal in almost every instance. Appeals of all types are handled in an unprofessional and frequently insulting manner in our area.

There is inherent in this problem, gentlemen, a further contradiction which may make this entire situation indeed the farce it is rapidly becoming. If S.S.A. and the fiscal intermediary can successfully cut-off the patients in E.C.F. certified to by competent medical judgment, why may they not then refuse payment to the attending physicians who cared for the patient during the interval subsequently cut-off? Logically, this should follow. If the patient should not have been in the E.C.F. by the judgment of the intermediary, contrary to the opinions of the physician, does not the fee, for professional attendance upon that patient, to the doctor, become cut-off also? This has not happened to my knowledge.

The system of doctors in authority checking upon doctors in attendance upon patients has worked reasonably well in medical education, accredited hospitalization, all forms of medical insurance and in governmental agencies. Where does S.S.A. and the fiscal intermediary derive the privilege of negating all of these activities over and over again? I am certain that in cases I have drawn to your attention the will of the Congress with regard to the Medicare patient receiving proper and just E.C.F. attention is being thwarted.

Please accept this urgent plea from a physician who has come to see this program as the life-giving activity it is. Please look at this problem. Look at the patients who are being cut-off in what appears to be a cold, inhuman, and unjust manner. These people helped to build the greatest nation on earth. They have been given a promise by that nation. Please senators help us keep that promise.

I beg you to trust the physicians participating in this type of patient care and evaluation. They are healing the elderly, sick and disabled; returning them to a status of self care so as not to be the great burden on family and community so frequently seen. They are doing this well below the 100-day limit envisioned by the Medicare Act.

I pledge to you my support in making this program work. But neither I nor the doctors can do anything when people of inadequate background are able to upset our best judgment with immunity from basic factors, such as reference to a patient's medical record, including utilization review, or an appeal by the patient's attending physician.

Mr. Chairman, I am deeply honored that you would take the time to hear me today, and I hope, I pray, that I have spoken in an effective manner on behalf of our patients who have suffered under this program's administration.

REMARKS BY THE HONORABLE HARRISON A. WILLIAMS BEFORE THE SUBCOMMITTEE ON LONG-TERM CARE OF THE U.S. SENATE SPECIAL COMMITTEE ON AGING, MAY 7, 1970

Thank you, Senator Moss, for aptly describing our mutal interest in the matters before your Subcommittee today. Since you have a full witness list, I will be brief.

First, however, I must take a moment to thank you personally for the outstanding and dedicated contributions that you are making to the Committee's overall work.

You are also to be commended for seeking clearcut answers this morning concerning the impact of recent regulations which may have the effect of dismantling the Medicare extended care program—a program which you have worked so hard to develop as an effective alternative to costly hospital care.

Reports to this Committee from nursing home patients and staff personnel express deep concern principally over two regulatory changes. One directive prohibits reimbursement under Medicare for nursing home patients who are merely custodial. Although these individuals may need an extension of the type of care previously received during their hospital stay, payment can be made only if they have rehabilitative potential.

Another restriction permits reimbursement under Medicare only if a patient comes within the meaning of "skilled nursing home care." Several directors at extended care facilities, including one of our witnesses this morning, have criticized this limited definition as being artificial and arbitrary.

This hearing today, I believe, is particularly timely and appropriate. During the past six months, it is reported that more than 500 nursing homes throughout the country have refused to admit Medicare patients. Others are cutting back on the number of Medicare patients that they will admit.

At issue is the practice by certain insurance intermediaries of denying eligibility under Medicare to nursing home patients long after they have been admitted.

This situation is reaching crisis proportions for extended care facility administrators, staffs, patients, and their families.

Nursing homes are in a quandary because of inconsistent and confusing decisions by fiscal intermediaries concerning eligibility and entitlement to reimbursement for covered services. When Medicare benefits are denied retroactively, extended care facilities receive no payment for services they have already rendered in good faith, unless, of course, they can collect from the patient or his family. In order to avoid the risk of denied payment, nursing homes by the hundreds are dropping out of the Medicare program.

For most extended care facilities, it is extremely difficult to determine with any degree of certainty which patients will be covered. This is true although a competent physician certifies in writing that the patient needs extended care. Because of this problem, many doctors are reluctant to refer needy patients to nursing homes for extended care—even though such care would be of important therapeutic value and less costly than continued hospitalization.

The net effect is to increase hospital stays and to reduce days of nursing home care, although this care may cost the Government only one-third of the amount for hospitalization. Many physicians believe that it is preferable to leave the patient in a hospital for convalescence rather than to submit him to such uncertainty. However, shaving one hospital day from Medicare's national average could result in a savings of $400 million.

Unfortunately, in the middle of this "no-man's land" is the unsuspecting patient. At the time of admission, no patient can be absolutely certain of having his bills paid by Medicare, even though he has been certified by his physician. Moreover, this risk for payment of non-covered services by the patient is substantial, since only about one-half of the claims for nursing home care last year were approved. This problem is particularly onerous for the poor and near-poor elderly who are especially hard-hit by these unanticipated bills. In many instances, their financial resources are completely wiped out.

Because of this urgent problem, confusion and widespread public misunderstanding have developed over extended care. Most elderly patients believe Medicare will cover 100 days of post-hospital care provided:

They have been in a hospital for at least 3 days in a row before admission to the extended care facility.

They are admitted within 14 days after leaving the hospital, and

Their doctor certifies that they need extended care for further treatment of a condition treated in the hospital.

However, little effort has been made to inform the public adequately about the program's limitations, such as the coverage for "skilled nursing care" but not for "custodial" care.

Consequently, families and patients become upset, especially if their doctor or the nursing home assured them of coverage. And who can blame them for being upset! A retroactive cut-off in coverage of benefits can mean a charge of well over a thousand dollars in many instances.

Yet, a large number of attending physicians have refused to discharge patients following a denial of their claims. To do so, in their judgment, would be tantamount to malpractice. The result is a vicious circle in which no one is happy.

The patient is angry because his claim will not be reimbursed.

The attending physician is upset because his decision has been overruled by a non-professional, who may not fully understand the medical exigencies of the situation.

And, the extended care facility is frustrated because they have rendered services, but have not been paid.

With this in mind, I am sure, Senator Moss, that your Subcommittee will seek answers to many perplexing questions:

What can be done to correct the present uncertainty for older persons in need of nursing care?

How can more effective procedures be developed to assure extended care facilities of reimbursement for services which they perform?

Should a non-professional have the power to overturn the medical judgment of the physician?

BROTHERHOOD AWARD TO DR. LAWRENCE DAVIS, PINE BLUFF, ARK.

Mr. FULBRIGHT. Mr. President, one of my State's outstanding citizens, Dr. Lawrence Davis, of Pine Bluff, was recently honored as the recipient of the Brotherhood Award given by the Arkansas Council of the National Conference of Christians and Jews.

This is a well-deserved tribute, for Dr. Davis has rendered many years of service to his community and the State and has made a notable record as president of Arkansas A. M. & N. College.

Mr. President, I ask unanimous consent that an editorial entitled "Dr. Davis' Honor," published in the Arkansas Gazette of May 9, be printed in the RECORD.

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

DR. DAVIS' HONOR

It was a memorable moment for Dr. Lawrence Davis on Thursday night when he became the seventh recipient of the brotherhood award given by the Arkansas Council of the National Conference of Christians and Jews. The annual award dinner is a large, impressive affair attended by distinguished community leaders representing a cross-section of the state.

It is especially memorable when one of these honors of such special significance is won in Arkansas, in the South by a Negro. Dr. Davis, president of AM and N college, has come a long way from the year 1929 when as a boy he shined shoes in a barber shop in McCrory, Ark., for Dr. Davis, as for other Negroes, it has been an especially hard road as well as a long one and, for this reason, the success and recognition he has earned is all the sweeter.

In the future in Arkansas, and elsewhere in the country, there is fresh hope for a day to come when a success story like Lawrence Davis's will be no more exceptional for men of one color than for men of another. The hope is refurbished on each occasion when men and women of good will gather, as they did at the NCCJ dinner, to declare that there must be full room and an equal welcome for all of us in the American society.

EXPANSION OF WATER RESOURCES RESEARCH ACT

Mr. JORDAN of North Carolina. Mr. President, 6 years ago, Congress recognized the need for Federal assistance to individual States in development and management of their resources and approved the Water Resources Research Act to initiate that program.

If the need was apparent then, it is even more obvious now with water pollution emerging as one of the Nation's most pressing domestic problems.

Proposals have now been offered in both the Senate and House for expanding the research program and enlarging its scope as a means of finding new ways of coping with that problem.

Because I support the concept and want to see its potential more fully utilized, I invite the attention of the Senate to the way in which the program is already being utilized in my own State of North Carolina.

For that purpose, I ask unanimous consent to have printed in the RECORD a letter from Dr. David H. Howells, director of the Water Resources Research Institute at the University of North Carolina, outlining the purpose and progress of that agency. I hope the information it contains will be useful to Senators in their assessment of the program-expansion proposals.

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

THE UNIVERSITY OF NORTH CAROLINA,
Raleigh, N.C., May 1, 1970.

Hon. B. EVERETT JORDAN,
New Senate Office Building,
Washington, D.C.

DEAR SENATOR JORDAN: Recent bills introduced into Congress to amend the Water Resources Research Act of 1964 (S. 3553 and H.R. 15957, 16274, 16279, 16285) re-emphasize the importance of this act to the individual states in the development and management of their water resources. The bills would increase the authorized annual allotment from $100,000 to $250,000 and authorize programs for the transfer of research results into practice. We deeply appreciate the support given to this pending legislation by you, Senator Ervin, Representative Taylor, Representative Galifianakis and other members of the North Carolina Congressional Delegation.

The Water Resources Research Institute in North Carolina is a unit of the Consolidated University of North Carolina and is located on the campus of North Carolina State University at Raleigh. All senior colleges and universities in the state are encouraged to participate in its program and research is now being conducted on the campuses of N.C. State University at Raleigh, the University of North Carolina at Chapel Hill, Duke University and East Carolina University.

The Water Resources Research Institute of the University of North Carolina works hand in hand with the N.C. Department of Water and Air Resources and other agencies in the formulation of research studies responsive to the state's water resource problems. A twenty-five man advisory committee representative of state and federal water agencies, private industries, agriculture and local government provides program guidance and review.

The North Carolina Institute has pioneered in efforts to bring the research capabilities of a state's universities to bear on state water problems. Methods used include symposia and conferences, workshops, study committees and a steady initiative toward continuing the dialogue with state agencies and other research users to improve university program. A great deal of progress has been made and we are convinced that Title I of the Water Resources Research Act of 1964 authorizes the most effective possible use of federal funds for water resources research. This program has been very effectively administered by the Office of Water Resources Research, U.S. Dept. of the Interior. Maximum latitude has been given to the states in the development of programs unique to their particular problems. The principal limiting factor has been the size of annual allotment which present legislation limits to $100,000. As small as it is however it has generated state support of water resources research which did not exist prior to the Act. In North Carolina, for example, the state legislature is now appropriating approximately $150,000 per year to the Institute—50% in excess of the federal allotment.

All research now underway at the Institute is highly relevant to water resource problems in North Carolina. Some examples are as follows:

WATER RESOURCES PLANNING

Land development in the vicinity of large reservoirs such as the New Hope and Falls of the Neuse is a major problem in resource development and utilization. Contiguous development interacts with the primary purposes of the reservoirs and is one of the most important determinants of the quality of secondary benefits. Demand for reservoir shoreline usage is increasing rapidly. This extends from mass recreational usage to the increasing demand for home sites and even industry. Conflicts between uses of the reservoir and shoreline development can become very acute. The operating cycle of many res-

ervoirs interacts with and frequently determines the desirability of shoreline land uses. Shore-line development may restrict access to the water and hinder primary purposes of the reservoir. The limited knowledge of the processes of development of land in the vicinity of reservoirs has restricted the extent to which these factors are taken into account prior to development. The Institute is supporting the development of a forecast model for the testing of alternative policy mixes for their effectiveness in promoting desirable land development patterns around multipurpose reservoirs.

Water demands are expected to increase by at least a third in the next decade and the search for dependable sources of usable water must be intensified. One major, logical place to concentrate the search is in the headwaters of North Carolina streams. These arise in areas where forests comprise the dominant vegetation. Enough knowledge about streamflow behavior in relation to land treatment has been accumulated to justify an attempt at economic evaluation of increases in water yield and quality which might be anticipated from the application of this information to municipal watersheds in North Carolina. The Lake Michie watershed serving the City of Durham is being used as a study site for this purpose.

North Carolina has the potential for the development of a major waterbased recreation industry. As the public use and demand for this type of recreational activity continues to accelerate, the absence of rationale for estimating the recreation output of natural and artificial bodies of water leaves an ever-widening gap in the credibility of resource development plans. Reliable information on the capacity of water bodies to support recreation is essential to the compilation of recreation resource inventories, management plans, programs, budgets, and cost-benefit comparisons. A project to formulate concepts and methodology for estimating the volume of recreation use which can be properly supported by reservoirs is now nearing completion.

Research and planning associated with the water resources of North Carolina require rapid access to climatological and hydrological data. During the past three years, the Institute has provided funds for the acquisition of these data from ESSA and USGS and conversion to computer storage at the Triangle Universities Computer Center. The system will retrieve records from storage by element, location, area and period—including streamflow, rainfall, temperature, snowfall and evaporation and includes programs for statistical analysis. The system is being made available to state water agencies for use in water resource planning and management.

GROUND WATER MANAGEMENT

To most North Carolinians, the ground water difficulties related to phosphate mining in Beaufort County symbolize the state's water crisis. Protection of the ground water supply from salt water intrusion is essential to the continued development of Eastern North Carolina. An Institute project involves the construction of a computer model that can be used to forecast and evaluate the response of ground waters to alternate strategies of development. It is being carried out in close association with the North Carolina Department of Water and Air Resources.

The Outer Banks are of great importance to the state for their recreational value and protection of the mainland from the open seas. A key factor on both counts is the continued availability of a fresh water supply for domestic use and the growing of dune grasses for dune stabilization. It is imperative that a determination of the fresh water supply be made and that criteria for safe yield be determined to avoid overdraft resulting in salt water contamination. One method of determining the amount and movement of fresh water is to model a cross-sectional area of the Outer Banks. If this model can be used to predict fresh water in one cross-sectional area, other areas can be easily modeled in the laboratory and expensive field investigations eliminated. Such a project is being carried out by the Institute in close cooperation with the District Office, U.S. Geological Survey.

Present drainage practice in the coastal plain threatens the destruction of 1½ million acres of organic soils through oxidation because of overdainage. Drainage plans should provide for water control—keeping the water level sufficiently low for agricultural use and high enough to prevent severe drying and oxidation. In the case of mineral soils, high productivity cannot be attained without proper irrigation and drainage. The extent to which the agricultural potential of the coastal plain is realized will depend upon good water management in both organic and mineral soils. Yet, no criteria exist for surface drainage, surface irrigation, or subsurface irrigation in this area. A study to develop such criteria is now underway.

WATER QUALITY MANAGEMENT

The waters of lakes and impoundments undergo seasonal, chemical, and biological changes which materially transform the quality of the water. Streams flowing into impoundments which carry municipal and industrial waste treatment plant effluents and land runoff may supply sufficient quantities of nitrogen and phosphorus to permit explosive growths of algae. Excessive algal growths can restrict the use of impounded waters for recreational and other purposes. The release of deep water through the dams, unless suitably mixed with surface water, may discharge water of inadequate oxygen content for the support of downstream aquatic life. Tributaries to the New Hope Reservoir now under construction, carry large quantities of nitrogen and phosphorus and lead to the development of a management plan for the New Hope Reservoir to prevent adverse effects and loss of beneficial uses because of water quality deterioration.

The Pamlico River estuary will be markedly changed as a result of phosphate mining and related industrial and population growth. The quality of estuarine waters is important because of their value as fishery nursery areas, for commercial and sport fisheries, and recreational use. Institute studies of the effects of increased phosphorus and nitrogen levels on the quality of the Pamlico estuary are providing the information necessary for state regulation of water use and waste control in this area.

The demand for electric power is doubling every ten years. Fossil and nuclear-fueled steam electric power production involves the disposal of massive volumes of heated cooling waters into North Carolina waters. Only limited information is available concerning the impact of increased temperatures on aquatic ecosystems. A study of temperature effects on whole ecosystems is expected to contribute to the setting of realistic temperature standards for estuaries receiving thermal wastes from electrical generating plants.

Some sections of North Carolina are now confronted with water quality problems requiring the highest possible degree of waste treatment to comply with water quality standards in receiving streams. In this situation the role of runoff from rainfall over urban lands in the management of water quality assumes increasing importance. The relatively small incremental reductions in municipal and industrial wastes derived from adding advance waste treatment to conventional treatment facilities may be masked by wastes from land runoff. The impact of all sources of wastes capable of degrading water quality—controllable or not—must be understood if rational economic decisions are to be made. An Institute study of pollutants contributed to the Research Triangle area by rainfall runoff from a typical urban watershed in Durham, North Carolina is providing useful new information for water quality management.

The use of pesticides in agriculture continues to be intensive—including the persistent chlorinated hydrocarbons. Surface and ground waters must be kept free of these chemicals. A recent study developed a recommended pesticide monitoring system for North Carolina waters for use by the State Department of Water and Air Resources. A current project will determine pesticide runoff from cotton growing which utilizes large amounts of DDT and toxaphene as well as certain herbicides and will provide information useful for water quality management in areas draining agricultural lands.

It is widely believed that agricultural fertilizers are a prime source of nitrogen and phosphorus enrichment of lakes, reservoirs, and estuaries which is producing excessive quantities of algae and other nuisance aquatic plants. However, there are almost no quantitative data on the amounts contributed by agriculturally applied fertilizers. If agriculture is an important source, it is possible that adjustments in fertilizer usage and in cropping systems can be made to maintain high crop production and yet reduce loss to surface waters. If it is not a significant contributor, this fact should be established and corrective efforts directed toward municipal and industrial sources. A current investigation will better define the direct contribution of fertilizers to nitrogen and phosphorus contamination of surface and subsurface runoff and consequent enrichment of streams and lakes.

In North Carolina, the wastes from farm animals are equivalent to the domestic wastes from a population of more than 15 million. A study is now being directed toward a better characterization of these wastes and the development of design standards for animal waste disposal systems.

Most municipal sewerage systems handle industrial as well as domestic wastes. The industrial waste component has rapidly increased in recent years. Municipal charges for receiving and treating these wastes are generally related to the metered water sold, not the amount and strength of the waste. Because of this, there is little incentive for industry to reduce its wastes through in-plant control measures and the net output of treated wastes from municipal systems is higher than it need be regardless of the degree of treatment provided. The Institute is investigating industrial response to sewer surcharges and related social gains to assist local government in the setting of water and sewage charges more in keeping with current needs.

A research program which seeks relevance to water resource problems must be built upon a foundation which includes the characterization of the problems and related research needs, knowledge of what has been done and is being done and techniques for assuring that research results are made available to prospective users in forms that are comprehensible to the variety of disciplines and levels of skill involved. The North Carolina Institute has initiated a special study to further strengthen the present capability to identify research needs and transfer of research results into practice. One of the principal weaknesses of federal water resources research programs lies in this area and failure to develop more effective means severely limits the utilization of current research output. While some progress is being made—the state is severely handicapped by the limited amount of the present $100,000 annual authorization, which is far too small for research alone irrespective of related needs to facilitate the utilization of new research information.

The proposed amendments are imperative to a sustained research effort on state water problems and the efficient utilization of new

information now being generated by all federally supported water research programs.

Sincerely yours,

DAVID H. HOWELLS,
Director.

ARLEN R. WILSON, CASPER, WYO., COMMISSIONED A FOREIGN SERVICE OFFICER

Mr. McGEE. Mr. President, Mr. Arlen R. Wilson, of Casper, Wyo., has recently been commissioned a Foreign Service officer of the United States. Today, I pay tribute to Mr. Wilson for success in achieving this highly competitive and difficult attainment. I am delighted that Wyoming has a new representative in the Foreign Service Officer Corps and to know that it is a man of the caliber of Arlen Wilson.

Mr. Wilson is the son of Mr. and Mrs. Bernard D. Wilson, of Casper, a graduate of Natrona County High School there, and of Casper College. He received his B.A. from Oklahoma State University in 1964 and an M.A. from the Univesity of Wyoming in 1967. He is fluent in Spanish.

His wife, the former Donna Neely, is, like Mr. Wilson, a Casperite who attended Casper College, was graduated from Oklahoma State, and received an M.A. degree from the University of Wyoming.

Mr. President, I congratulate this young couple on their decision to serve the United States in the Foreign Service. We gain by their decision.

BRUNO BITKER THOROUGHLY COVERS THE QUESTION OF "INCITEMENT TO COMMIT THE CRIME" IN REGARDS TO THE GENOCIDE CONVENTION

Mr. PROXMIRE. Mr. President, last month Mr. Bruno Bitker, a prominent Milwaukee lawyer with an outstanding record in the field of human rights, testified before a special foreign relations subcommittee convened to consider the Genocide Convention. Mr. Bitker's presentation to the subcommittee dealt convincingly and forcefully with the major arguments that have been raised against the treaty.

The section of this testimony dealing with "incitement to commit the crime" deserves special emphasis. This particular point has been greatly confused and distorted by opponents of the treaty, who contend that this provision of the Genocide Convention would rob Americans of their rights to free speech.

Mr. Bitker conclusively demonstrates that this argument has no merit, and that American citizens will have all the protections now available under the first amendment if the Senate ratifies the Genocide Convention. He focuses on the crucial distinction between advocacy of a crime, which is protected by the first amendment, and incitment to commit a crime, which the first amendment does not protect. And he concludes that the opponents of the treaty have failed to distinguish between the two in their specious argument.

Mr. Bitker's testimony is an informative and comprehensive discussion of the legal aspects of the Genocide Convention which clearly outlines the provisions of this important treaty.

Mr. President, I ask unanimous consent that a portion of Mr. Bitker's testimony be printed in the RECORD.

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

HEARINGS ON GENOCIDE CONVENTION

(Testimony of Bruno V. Bitker)

Mr. Chairman and Members of the Committee: I appear today as a private citizen in support of the Senate's advice and consent to ratification of the Genocide Convention.

I am a practicing lawyer in Milwaukee, Wisconsin. As a member of the U.S. National Commission for UNESCO, and the chairman of its Human Rights Committee, I would like to file with this Committee a statement concerning the resolution adopted by the Commission at its annual meeting on March 30, 1965, urging ratification of the Genocide Convention. I would like, also, to file a copy of the resolution of the Milwaukee Bar Association, dated March 21, 1969. The Milwaukee Branch of the Federal Bar Association has adopted a similar resolution.

THE SPECIAL COMMITTEE OF LAWYERS

In 1968 I served on the President's Commission for the Observance of Human Rights Year and was a member of its Special Committee of Lawyers under the chairmanship of Justice (Retired) Tom C. Clark. This latter committee included members of the Federal Court, law professors, the present and former presidents of the American Bar Association, and other practicing lawyers knowledgeable in this field. Its Report in Support of the Treatymaking Power of the United States in Human Rights Matters was released in October 1969. The brief deals with the basic legal and constitutional questions respecting all of these treaties rather than with any specific treaty. I believe it answers all the fundamental questions that might be raised. In the words of Justice Clark in his letter of transmittal:

"I would like to reiterate here, however, our finding, after a thorough review of judicial, Congressional and diplomatic precedents, that human rights are matters of international concern: and that the President, with the United States Senate concurring, may, on behalf of the United States, under the treaty power of the Constitution, ratify or adhere to any international human rights convention that does not contravene a specific Constitutional prohibition."

Because of its pertinency to the issue now before you, I secured and would like to leave with the Clerk sufficient copies of the Clark Report for each member of the Committee.

What I have to say beyond what has been said in that Report relates to specific questions which may effect the Genocide treaty per se.

CONSTITUTIONAL POWER TO ENTER INTO TREATIES

The treaty making power documented in the Clark Report, is almost unlimited so long as it does not rise above the Constitution. The rule has been frequently stated by the Supreme Court and is thus summarized in Geofrey v. Riggs, 133 U.S. 258, 267 (1890):

"It would not be contended that it extends so far as to authorize what the Constitution forbids, or a change in the character of the government or in that of one of the States, or a cession of any portion of the territory of the latter without its consent. But with these exceptions, it is not perceived that there is any limit to the questions which can be adjusted touching on any matter which is properly the subject of negotiations with a foreign country."

See, too, the brief analysis by Professor Lous Henkin in 63 A.S.I.L. April 1969, p. 272 on the broad interpretation of the power.

INTERNATIONAL CONCERN OR DOMESTIC CONCERN

There has been a suggestion that if a matter is of domestic concern it excludes it as a proper subject for a treaty. The rule has long been to the contrary. The United States has frequently exercised its treaty making power on a subject over which the Congress has also exercized its power domestically.

In the original hearings of this Senate Committee in 1950 on Genocide the then Solicitor General of the United States cited various subjects of local concern which have also been covered by treaties. (81 Congress, 2d Sess.; Hearings on Executive O, Jan. 23, 1950, p. 25) A list thereof was also included in the 1967 hearings before this Committee on the Slavery Treaty. (90th Congress, 1st Sess. pt. 2, p. 87)

The recognized authority which obliterates any notion that a local or domestic interest bars it from being one of international interest is the Supreme Court decision of 1920 in Missouri v. Holland 252 U.S. 416. The question was on the right of a state to the sole control over the killing of migratory birds as against the asserted national power to deal with the subject through an international treaty. Presumably this decision which upheld the treaty power should have resolved the issue. But those who object to a treaty on the basis of the domestic versus international basis, in effect seek to overthrow the Court's decision and impose a presently non-existent limitation on the President and the Senate.

It has been said many times, but it should be repeated, that since the country has been able to exercise its power to protect the lives of birds through treaties, it should not hesitate to attempt to prevent mass murder of human beings by international agreement.

ALL GROUPS NOT COVERED

When the Senate originally considered this matter, strenuous objections were advanced on the ground that another group, "political group" was not protected. Article II, which defines the crime, provides that it shall protect every "national, ethnical, racial or religious group". More recently the same notion that the definition is not broad enough has been advanced as a fatal objection to ratification.

The covered groups are so broadly inclusive that it is difficult to understand this as supporting rejection of the treaty. There appears no basis for asserting that the exclusion of any group would be legally fatal. It is true that the United States, during the initial drafting stages, would have included "political group". However, during the extensive deliberations at the UN it became obvious that not only was there the difficult problem of defining a "political group", but insistence on inclusion presented a serious obstacle to the ratification of the Convention by a large number of States. Accordingly the Sixth Committee of the General Assembly did not include it. It did, however, add "ethnical" groups to the rest of the list. As thus reported out by the Sixth Committee, the General Assembly unanimously adopted it.

IMPLEMENTING CONGRESSIONAL ACTION REQUIRED

Some thought has been expressed concerning the possibility that the treaty might be self-executing. If this would have been a valid objection, it does not exist because the specific terms of the Convention make it non-self executing. Article V required the parties "to enact, in accordance with their respective Constitutions, the necessary legislation to give effect" to the Convention and "to provide effective penalties for persons guilty of the punishable acts under Article III."

INCITEMENT TO COMMIT THE CRIME

One of these punishable acts is the "direct and public incitement to commit Genocide". Objectors to making Genocide an international crime cite this provision as an infringement of our constitutional guarantees of free speech and free press. It is hard to conceive that Congress would adopt statutes abridging the 1st Amendment guarantees. But if it actually happened, the U.S. Courts would prevent enforcement. Congress could, of course, adopt legislation to punish incitement to commit the criminal act. This has long been recognized as proper. In objecting on this ground the objectors have failed to distinguish between advocacy, which is protected, and incitement to commit a crime, which is not. Thus in *Frohwerk* v. *U.S.*, 249 U.S. 204, 206 (1920) the Court said:

"The 1st Amendment, while prohibiting legislation against free speech as such, cannot have been, and obviously was not intended to give immunity for every possible use of language. We venture to believe that neither Hamilton nor Madison, nor any other competent person then or later, ever supposed that to make criminal the counseling of a murder within the jurisdiction of Congress would be an unconstitutional interference with free speech".

In a more recent case, *Brandenburg* v. *Ohio*, (395 U.S. 444, 447, 1969) the Court said: ". . . the constitutional guarantees of free speech and free press do not permit a State to forbid or proscribe advocacy of the use of force or of law violation except where advocacy is directed to inciting or producing imminent lawless action and is likely to incite or produce such action".

In any event, absent the Article requiring implementing legislation by the Congress, the rule has long been that a treaty alone will not suffice for a criminal prosecution. As was said in Over The Top, 5 F. 2d; 838, 1925: "It is not the function of treaties to enact the fiscal or criminal law of a nation. For this purpose no treaty is self-executing".

GEN. WLADYSLAW ANDERS: POLISH NATIONAL HERO

Mr. BYRD of West Virginia. Mr. President, at the request of the able Senator from Connecticut (Mr. DODD), I ask unanimous consent that a statement prepared by him entitled "Gen. Wladyslaw Anders: Polish National Hero" be printed at this point in the RECORD.

There being no objection, the statement by Senator DODD was ordered to be printed in the RECORD as follows:

GEN. WLADYSLAW ANDERS: POLISH NATIONAL HERO

Mr. DODD. Mr. President, I join the entire Polish people in mourning the death yesterday in London of General Wladyslaw Anders, a great Polish patriot and military leader whose name has become synonymous with continued resistance to the Communist subjugation of his motherland.

In Connecticut and throughout the nation, wherever there are Polish-American communities, there will be mourning. For General Anders was more than a Polish hero. In his lifetime it is no exaggeration to say that he had become a symbol of the Polish nation.

General Anders fought against the Nazis and the Russians when they invaded Poland in 1939, in the wake of the Hitler-Stalin pact. He remained a prisoner of war in Russia until mid-1941 when the Nazi invasion of the Soviet Union and the imperative need of Western help obliged Stalin to release the surviving Polish POW's.

Originally, the Russians thought they could get General Anders to organize a Polish army which would fight on the Russian front against the Nazis. But when Anders began looking around for the Polish officers whom he knew to be prisoners of war, he discovered that some 10,000 of them had mysteriously disappeared. As subsequent events revealed, they had been massacred on the orders of Stalin in the Katyn Forest.

Because he was convinced that the Polish army in Russia would be destroyed after Moscow had used it, General Anders persuaded the Allies to urge the removal from the Soviet Union of former Polish POW's and Polish civilians who had been incarcerated in slave labor camps. In a remarkable political and logistical operation, a Polish army more than 100,000 strong was moved out of the Soviet Union via Iran, Iraq and Israel, to the Italian front which had just been opened up.

It is not commonly realized that, after the British and Americans, the Polish army which General Anders commanded was the third largest army to participate in the war on the Allied side.

The heroism of the Polish army in Italy is a legend which those of us who lived through those difficult times will never forget. In the historic battle of Monte Cassino, where the Germans had held out for many weeks against attacking Allied forces, it was the Polish army which finally seized the castle on top the mountain after storming up its bloody slopes; and in doing so, they opened the way to Rome for the Allied forces.

General Anders' death is a sad blow to the Polish exile community and to all men who cherish freedom throughout the world.

In recognition of the very great contribution which he made to the Allied cause in World War II, I have today written to the Postmaster General of the United States urging that the Post Office issue a commemorative stamp in honor of Gen. Wladyslaw Anders. I earnestly hope that this proposal will meet with the approval of the Citizens' Stamp Advisory Committee.

SENIOR CITIZENS MONTH THE NO. 1 ISSUE

Mr. WILLIAMS of New Jersey. Mr. President, May has become the Senior Citizens Month each year. By paying heed during this month to the many contributions made by the elderly to our society—and by focusing our attention on new or chronic problems—units of government and private organizations contribute much to national understanding of important issues affecting aged and aging Americans.

It is my earnest hope that, at all observances this year, adequate attention be given to the major issue facing 20 million older Americans today. I am referring, of course, to inadequate retirement income.

Over the past year, the Special Committee on Aging has conducted hearings and received reports on the "Economics of Aging: Toward a Full Share in Abundance." As chairman of that committee, I have been much impressed by the weighty evidence of widespread income inadequacy among older Americans. There can be no doubt that a retirement income crisis exists in this Nation. There can be no doubt that it affects a majority of Americans of age 65 and up.

But the retirees of today are not the only Americans affected by our lack of full national commitment to reforms in retirement income. Today's workers—the retirees of the future—stand to suffer from the same problem in future decades unless hard decisions and major changes in policy are made.

That point was forcefully and eloquently made in a working paper published last week in conjunction with the final committee hearings on the economics of aging. It was prepared by Mr. Nelson Cruikshank, president of the National Council of Senior Citizens and former director of the Social Security for the American Federation of Labor-Congress of Industrial Organizations.

Mr. Cruikshank's report should be must reading for today's breadwinners, men and women now so beleaguered by bills and expenses of all kinds that they may give far too little thought to retirement income.

But Mr. Cruikshank, in a report addressed directly to them, shows today's workers that they have good reason to support major reforms in social security as a vital foundation for other advances in retirement income maintenance.

His report, entitled "The Stake of Today's Workers in Retirement Income," cannot be reproduced in its entirety here. But I ask unanimous consent that the concluding statements from that paper be printed in the RECORD.

In addition, Mr. President, I wish to thank publicly the many task force members who prepared working papers or other documents for the hearings conducted during the last year on the economics of aging. They, and dozens of witnesses, gave generously of their time and expertise. The consultant for the study, Miss Dorothy McCamman provided the patience, tact, and extensive knowledge needed to bring many facts and people together for this effort.

At the close of the hearings on May 6, I submitted a statement which makes several observations about the study and about the next steps that should be taken. I ask unanimous consent to have it printed in the RECORD.

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

CONCLUSION: THE NEED FOR BOLD REFORM

Our Social Security program, when enacted 35 years ago, was a bold and forward-looking step for a nation acutely suffering from a gigantic depression. But most of the steps to improve the program over the years have been far from bold. These actions—and the 15-percent increase in benefits is the most recent of a long line of examples—have been aimed primarily at alleviating the all too obvious hardship of a retired population that was struggling to keep abreast of rising price levels.

In combination, these efforts have not attempted to tap the Nation's rising productivity or to keep benefits abreast of our rising standard of living. They have instead perpetuated the depression philosophy which gave birth to our social security program.

Bold new steps are long overdue, steps that would immediately enable today's retirees to share in the abundance they helped to create and that would assure to future retirees—today's workers—an income that is adequate in relation to their standard of living prior to retirement. Such assurances can be provided only through major improvements in our time-tested social security system.

To provide such assurance requires a *meaningful increase* in benefit levels. The benefit level has not been significantly raised since 1950 when, after a long period during which only minor adjustment had been made, benefits were increased by an average of 77 percent. The two decades since have been marked by dramatic increases in productivity, earning capacity, costs, and standards of

living. It is time now for a major overhaul in the benefit structure and financing of the system.

A carefully designed plan for social security reform has been proposed by Senator Williams and Congressman Gilbert and their numerous cosponsors in their identical bills (S. 3100 and H.R. 14430). The proposal includes:

An immediate increase of 5 percent in monthly cash benefits with a further 20-percent increase effective January 1, 1972. This two-step increase would raise the minimum benefit to $120 a month in 1972. The maximum benefit (now approximately $190 a month) would go to $340 a month in 1974.

Thereafter, automatic increases geared to increases in living costs.

A widow's benefit at age 65 equal to the husband's benefit.

Improved benefits for workers retiring before age 65.

Liberalized disability benefits.

An increase from $1,680 to $1,800 a year in earnings permissible for retirees without loss of any social security benefits and a liberalization in the treatment of earnings above $1,800.

Elimination of the monthly premium—slated to rise to $5.30 this July—for Medicare part B (doctor insurance).

Extension of Medicare to out-of-hospital prescription drugs.

Coverage under Medicare of disabled persons under age 65.

Earnings up to $15,000 a year credited for social security benefits with benefits based on 10 years of the 15 years of highest earnings.

A more equitable financing method through a higher earnings base for payroll taxes and through a gradually increasing Government contribution eventually equal to approximately one-third the total cost of the cash benefits program.

These major improvements in Social Security would immediately greatly enhance the economic security of workers already retired. Equally important, they would make long-range changes appropriate to the dynamic nature of our economy. Through this major reform, today's workers can come closer to realizing their full stake in retirement security.

CONCLUDING STATEMENT: SENATOR WILLIAMS

The committee of aging, after a year of hearings and research. now concludes its study of the "Economics of aging: Toward a full share in abundance."

And I think we may say that we have provided solid, startling evidence on the nature and dimensions of the retirement income crisis in this Nation.

Witness after witness has told us that the committee has performed an important service by putting the facts together, and by telling the Nation that every American, no matter what his age, has a stake in our deliberations.

We have tried to show that today's crisis, affecting the great majority of the more than 20 million persons past 65 today, will continue and worsen unless major reforms are made.

That point should sink deeply into the national consciousness. And it is now up to the committee to issue a report which will do just that.

Just yesterday, a witness told us that the grimness of the news on college campuses and in Cambodia might well cause many Americans to feel that problems of aging should be set aside for the time being. The elderly should wait their turn.

But then the witness declared—and I agree with him—that the elderly have waited long enough. Their future is now. If our Nation is not able to recognize and deal with one of the most fundamental and deep-rooted problems of our time—widespread poverty among a third of our aged population and widespread want among a large proportion of the remainder—then our nation will be weakened. And if our inaction continues, weakness will cause bitterness and despair, not only among the elderly, but among younger people who will dread, with good cause, the prospect of economic helplessness in old age.

Just this week, the House Ways and Means Committee approved a 5 percent, across-the-board increase in social security. Among the other provisions was much-needed liberalization of the earnings limitation, or retirement test, and 100 percent benefits for widows.

I certainly endorse these changes. But I think that we in this Nation would make a grave mistake if we do not press for more.

We need a cost-of-living adjustment benefit for future changes.

Within the next two years, we need to raise benefit levels by another 20 percent.

We should put general revenues to wise use to broaden certain social security benefits.

And there is also much to do on medicare.

Even these reforms will deal only with a few of the problems described to this committee during the past year. But they are essential.

The committee has a formidable set of hearings in which many other suggestions for action are made. The Congress—and the people of this Nation—can be sure that this committee will give those recommendations careful attention in the weeks and months ahead.

THE TOTAL ENVIRONMENT

Mr. EAGLETON. Mr. President, last month we observed Earth Week. We must not forget the concern for our environment now that that week is passed. The Senator from Maine (Mr. MUSKIE), chairman of the Subcommittee on Air and Water Pollution, spoke both at Harvard University and the University of Pennsylvania for Earth Week observances. Senator MUSKIE has focused the attention of the Senate and the Nation on problems of environmental pollution since 1963. Moreover, he has led the effort to establish effective programs of pollution control. Until only recently, his was a lonely effort.

During Earth Week, the Senator addressed himself to the concern that we not let environmental protection become just a fad—and that we not let it obscure our deep commitment to ending this ever-widening Indochina war and to securing racial justice and harmony at home. Mr. President, I ask unanimous consent that excerpts from his remarks be printed in the RECORD.

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

POWER OF ENVIRONMENTAL CONSCIENCE

(Excerpts from the remarks of Senator EDMUND S. MUSKIE, Democrat of Maine, at Harvard University teach-in, Cambridge, Mass., April 21, 1970)

I do not want to take up very much time this evening with formal remarks. I do not think you have come to hear me talk about my legislative program, about what I have done in the past, or about what the President has not done this year.

That is not the point of this program and it should not be. There are some much more fundamental issues that we should discuss.

First, I want to define for you what I think the environmental crisis means.

It means that we must outgrow our traditional way of solving problems one at a time—each in its own limited context—and unrelated to side effects.

It means that we must rethink what we mean by "cost", what is economical or not economical, or what we can afford or cannot afford to do.

It means, at bottom, that our old value systems—whatever may be said for or against them—no longer respond to our needs or fit goals relevant to our future.

Those who believe that the environmental crisis related to trees and not people are wrong.

Those who believe that we are talking about the Grand Canyon and the Catskills, but not Harlem and Watts are wrong.

And those who believe that we must do something about the SST and the automobile, but not ABM's and the Vietnam War are wrong.

We pay twenty times more for the Vietnam War than we pay for water pollution control. We pay twice as much for the SST than we pay for air pollution control. And we pay seven times as much for arms research and development than we pay for housing.

These are some of the first changes we have to make. These changes are part of the fight to save the environment.

But the entire challenge is not one of national priorities and federal spending. Other priorities are involved. They are personal priorities that all of us have shared in the past and that all of us must change. We must do nothing less than forge a wholesale change in our attitudes and our values. This will not be easy. It will not be for motherhood and apple pie. It will not be a summertime war.

We have become an industrialized and technologically sophisticated society. Yet we persist in our faith in the old frontier ethic—belief in infinite expansion and unlimited growth. Now all of us face an internal and personal frontier. It is a moral frontier, defined by our willingness to cut back our selfish exploitation in favor of selfless conservation.

We ought to rethink our concepts of growth and prosperity and progress in light of the kind of society we want to achieve.

Our goal has never been to create a society where human greatness took a back seat to economic growth and technological change. We have sought a society where men could live in harmony with their environment and in peace with each other. In many respects, our growing economy and our mushrooming technology have moved us toward that goal. But in too many other ways, the costs of unrestrained and uncontrolled growth have caught up with us.

If economic growth means rivers that are fire hazards, we had better redirect economic growth.

If prosperity means children dying of lead poisoning, we had better redistribute prosperity.

And if progress means technology that produces more kinds of things than we really want, more kinds of things than we really need and more kinds of things than we can live with, we had better redefine progress.

We are not powerless to effect these changes.

We must go to the ballot box with an environmental conscience and elect leaders who have made a commitment to a healthy total environment.

We must go to stockholders' meetings with the power of proxies, as Campaign GM seeks to do, and require industries to change their ways of doing business.

And we must go to the cash register with the power of our dollars and buy from industries that do not pollute.

If one phrase can characterize our traditional outlook as Americans, that phrase has been "there's more where that came from."

We have thought that there was always more of everything. But now the time is coming—or it is here—when there is no more—

No more clear air or clean water;

No more room for our garbage and trash;

No more patience for poverty; and,

No more tolerance for energy-sapping wars, overseas or at home.

Whether or not we can find ways to achieve fundamental change in a free society is the acid test of a democratic experiment.

The environmental conscience may be the way to turn the nation around. All we need is hard-headed decisions to save our own skins.

A WHOLE SOCIETY (EXCERPTS FROM THE REMARKS OF U.S. SENATOR EDMUND S. MUSKIE, DEMOCRAT OF MAINE, AT THE PHILADELPHIA EARTH WEEK RALLY, FAIRMOUNT PARK, APRIL 22, 1970

One hundred and eighty-three years ago, a small group of men gathered in this city in an effort to bring order out of chaos. They met in the shadow of failure. America had won her independence but was now in danger of breaking up into small and quarrelsome states. Their objective was to build "a more perfect union."

We have met in this city to help build a *whole society*—for we have seen the birthright of a free nation damaged by exploitation, spoiled by neglect, choked by its own success, and torn by hatred and suspicion.

The Founding Fathers did build "a more perfect union." They created a nation where there was none, and they built a framework for a democratic society which has been remarkable for its successes. We are now concerned with its failures.

We have learned that their creation was not infallible, and that our society is not indestructible.

We have learned that our natural resources are limited and that, unless those limitations are respected, life itself may be in danger.

We have also learned that, unless we respect each other, the very foundations of freedom may be in danger.

And yet we act as though a luxurious future and a fertile land will continue to forgive us all the bad habits which have led us to abuse our physical and our social environment.

If we are to build a whole society—and if we are to insure the achievement of a life worth living—we must realize that our shrinking margins of natural resources are near the bottom of the barrel.

There are no replacements, no spare stocks with which we can replenish our supplies.

There is no space command center, ready to give us precise instructions and alternate solutions for survival on our spaceship earth.

Our nation—and our world—hang together by tenuous bonds which are strained as they have never been strained before—and as they must never be strained again.

We cannot survive an undeclared war on our future.

We must lay down our weapons of self-destruction and pick up the tools of social and environmental reconstruction.

These are the dimensions of the crisis we face:

No major American river is clean anymore, and some are fire hazards.

No American lake is free of pollution, and some are dying.

No American city can boast of clean air, and New Yorkers inhale the equivalent of a pack and a half of cigarettes every day—without smoking.

No American community is free of debris and solid waste, and we are turning to the open spaces and the ocean depths to cast off the products of our effluent society.

We are horrified by the cumulative impact of our waste, but we are told to expect the use of more than 280 billion non-returnable bottles in the decade of the seventies.

Man has burst upon the environment like an invader—destroying rather than using, discarding rather than saving, and giving the environment little chance to adapt.

We have depleted our resources and cluttered our environment—and only recently have we been shocked by the enormity of our errors.

As long as Americans could escape the confines of the soot and clutter of our cities, the voices of those who were trapped and the warnings of those who understood were never really heard.

Pollution was isolated by the size and openness of America. A river here, a forest there, a few industrialized cities—these examples of environmental destruction seemed a small price to pay for prosperity.

This was the frontier ethic: America pushing ahead and getting ahead. We had an unlimited future under "manifest destiny."

Now we find that we have over-reached ourselves. The frontier ethic helped us build the strongest nation in the world. But it also led us to believe that our natural and human resources were endless, that our rivers could absorb as much sewage as we could pour into them, that there was automatic, equal opportunity for everyone, that our air would always be clean, and that hunger and poverty were always a temporary condition in America.

Early in the life of our country, we were absorbed in harnessing the energy of a people and the resources of the land and water.

But we are finding today—hopefully in time—that we have done much more than harness our resources; we have conquered them and we are on the verge of destroying them in the process.

We moved and changed and grew so fast that tomorrow came yesterday.

Man has always tended to use up his resources, but never have so many used up so much. We have behaved as if another Creation were just around the corner, as if we could somehow manufacture more land, more air, and more water when we have destroyed what we have.

We have reached the boundaries of the land, and the tide of our civilization has now washed back into our cities.

Today's frontier is internal and personal. We now face—collectively and individually—a moral frontier.

That frontier is the point at which we are willing to cut back selfish exploitation in favor of selfless conservation.

That frontier is marked by the extent of our concern for future generations. They deserve to inherit their natural share of this earth—but we could pass on to them a physical and moral wasteland.

We have reached a point where (1) man, (2) his environment, and (3) his industrial technology intersect. They intersect in America, in Russia and in every other industrial soicety in the world. They intersect in every country which is trying to achieve industrial development.

On this day, dedicated to the preservation of man's earth, we confront our deteriorated environment, our devouring technology, and our fellow man. Relative harmony has become the victim of a three-cornered war—a war where everyone loses.

Our technology has reached a point where it is producing more kinds of things than we really want, more kinds of things than we really need, and more kinds of things that we can really live with.

We have to choose, to say no, and to give up some luxuries. And these kinds of decisions will be the acid test to our commitment to a healthy environment.

It means choosing cleaner cars rather than faster cars, more parks instead of more highways, and more houses and more schools instead of more weapons and more wars.

The whole society that we seek is one in which all men live in brotherhood with each other and with their environment. It is a society where each member of it knows that he has an opportunity to fulfill his greatest potential.

It is a society that will not tolerate slums for some and decent houses for others, rats for some and playgrounds for others, clean air for some and filth for others.

It is the only kind of society that has a chance. It is the only kind of society that has a future.

To achieve a whole society—a healthy total environment—we need change, planning more effective and just laws and more money better spent.

Achieving that whole society will cost heavily—in forgone luxuries, in restricted choices, in higher prices for certain goods and services, in taxes, and in hard decisions about our national priorities. It will require a new sense of balance in our national commitments.

Consider the national budget for 1971. That "balanced budget" represents unbalanced priorities.

That budget "balances" $275 million for the SST against $106 million for air pollution control.

That budget "balances" $3.4 billion for the space program against $1.4 billion for housing. And that budget balances $7.3 billion for arms research and development against $1.4 billion for higher education.

It does not make sense to say we cannot afford to protect our environment—just yet.

It does not make sense to say that we cannot afford to win the fight against hunger and poverty—just yet.

It does not make sense to say we cannot afford to provide decent housing and needed medical care—just yet.

We can afford to do these things, if we admit that there are luxuries we can forgo, false security we can do without, and prices we are willing to pay.

I believe that those of you who have gathered here to save the earth are willing to pay the price to save our environment.

I hope, however, that your view of the environment will not be a narrow one.

The environmental conscience which has been awakened in our nation holds great promise for reclaiming our air, our water and our land. But man's environment includes more than these natural resources. It includes the shape of the communities in which he lives; his home, his schools, his places of work, and those who share this planet and this land.

If the environmental conscience which has brought us together this day is to have any lasting meaning for America, it must be the instrument to turn the nation around. If we use our awareness that the total environment determines the quality of life, we can make those decisions which can save our nation from becoming a class-ridden and strife-torn wasteland.

The study of ecology—man's relationship with his environment—should teach us that our relationships with each other are just as intricate and just as delicate as those with our natural environment. We cannot afford to correct our history of abusing nature and neglect the continuing abuse of our fellow-man.

We should have learned by now that a whole nation must be a nation at peace with itself.

We should have learned by now that we can have that peace only by assuring that all Americans have equal access to a healthy total environment.

That can mean nothing less than equal access to good schools, to meaningful job

opportunities, to adequate health services, and to decent and attractive housing.

For the past ten years we have been groping toward the realization that the total environment is at stake.

We have seen the destructiveness of poverty, and declared a war on it.

We have seen the ravages of hunger, and declared a war on it.

We have seen the costs of crime, and declared a war on it.

And now we have awakened to the pollution of our environment, and we have declared another war.

We have fought too many losing battles in those wars to continue this piece-meal approach to creating a whole society.

The only strategy that makes sense is a total strategy to protect the total environment.

The only way to achieve that total strategy is through an Environmental Revolution—a commitment to a whole society.

The Environmental Revolution must be one of laws, not men; one of values, not ideology; and one of achievement, not unfulfilled promises.

We are not powerless to accomplish this change, but we are powerless as a people if we wait for someone else to do it for us.

We can use the power of the people to turn the nation around—to move toward a whole society.

The power of the people is in the ballot box—and we can elect men who commit themselves to a whole society and work to meet that commitment.

The power of the people is in the cash register—and we can resolve to purchase only from those companies that clean themselves up.

The power of the people is in the stock certificate—and we can use our proxies to make industries socially and environmentally responsible.

The power of the people is in the courts—and through them we can require polluters to obey the law.

The power of the people is in public hearings—where we can decide on the quality of the air and the water we want.

And the power of the people is in peaceful assembly—where we can demand redress of grievances—as we are doing here today and all across the land.

Martin Luther King once said that "Through our scientific and technological genius we have made of this world a neighborhood. Now through our moral and spiritual genius we must make of it a brotherhood."

For Martin Luther King, every day was an Earth Day—a day to work toward his commitment to a whole society. It is that commitment we must keep.

AIRCRAFT CARRIER FLEET

Mr. CASE. Mr. President, during last year's debate on the military procurement authorization bill, the Senator from Minnesota (Mr. MONDALE) and I raised some basic questions about the use of attack aircraft carriers and the proper size of the carrier fleet. As a result of this debate, an amendment was adopted requiring the creation of a joint House-Senate Armed Services subcommittee to make a complete and comprehensive study of the Navy's carrier program.

On April 23, 1970, this subcommittee issued a report recommending the funding of a new attack carrier—the CVAN 70—in fiscal year 1971. This recommendation was made despite the fact that the subcommittee concluded that there is "as yet no acceptable formula" for determining the relative cost-effectiveness of sea-based versus land-based tactical air power; and the recommendation was made despite the subcommittee's admission that it was unable "to resolve the question of the number of carriers" needed by the end of the decade.

Senator MONDALE and I have already stated our objections to the subcommittee's recommenation. We both believe that such a recommendation is unjustified in light of the subcommittee's inability to answer the most fundamental questions concerning the carrier fleet.

On April 8, 1970, Senator MONDALE testified before this joint subcommittee. In his testimony, he raised some basic questions about the Navy's insistence on maintaining a 15-carrier fleet and about the need to fund an additional carrier prior to fiscal year 1975.

I ask unanimous consent that the following items be printed in the RECORD:

First, Senator MONDALE's testimony of April 8, 1970, before the Joint House-Senate Subcommittee on CVAN-70;

Second, the subcommittee's report;

Third, Senator MONDALE's statement on that report.

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

TESTIMONY OF SENATOR WALTER F. MONDALE BEFORE ARMED SERVICES SUBCOMMITTEE ON CVAN-70—APRIL 8, 1970

Mr. Chairman: I appreciate the opportunity to testify before this Subcommittee.

Your study of the Navy's attack carrier program is of vital importance. Literally billions of dollars are at stake in determining the proper carrier force level needed to meet various defense contingencies.

At the outset, I want to make it clear that I do not advocate the elimination of the attack carrier from our fleet. Nor have I ever advocated such a position.

Rather, it has been my contention that there is little justification for a fleet of fifteen attack carriers. While carriers have played an important military role in the past, and can continue to do so in the future, the available evidence clearly indicates that fewer than 15 carriers are needed to carry out this role.

The issue, then, which Senator Case and I raised last year—and which I assume you will consider—involves the determination of the number of carriers required in the foreseeable future and the timing of the building and replacement program to maintain the carrier fleet.

The specific question facing Congress this year is whether to begin funding for the CVAN-70, which would be our fourth nuclear attack carrier. I believe that a thorough analysis of the present carrier force level will lead to the conclusion that Congress should authorize no funds for the CVAN-70 until FY 1975, at the earliest.

Before dealing with the more specific issue of funding the CVAN-70, I would first like to discuss my reasons for questioning the continued reliance on a fleet of fifteen attack carriers.

THE LACK OF RATIONALE FOR A 15-CARRIER FLEET

Origin of current force level and carrier's present role

It is generally thought that the force level of 15 carriers originated with the Washington Naval Disarmament Treaty of 1921. This treaty allotted 15 "capital ships" to the United States Navy. When the battleship became virtually obsolete in World War II, the carrier became the capital ship, and the Navy switched from a fleet of 15 battleships to one of 15 carriers.

Since the end of the Second World War, the Navy has maintained, with few exceptions, a fleet of at least 15 attack carriers. This number has been exceeded in only 5 of these years.

During last year's Senate debate on this issue, it was argued that the 15-carrier fleet is a myth and that the actual number of carriers has greatly fluctuated in the past 25 years. But at that time, I pointed to the results of a study by Dr. Desmond Wilson—a Naval Historian employed by the Center for Naval Analysis—showing that the modal number of attack carriers since 1946 has been 15. I am submitting a copy of this study for the record. (See attachment I.)

It is evident, then, that this number "15" is a legacy of the past, maintained without reference to the changing role of the carrier, the changing international situation, or the changing weapons against which the carrier must defend itself. The advocates of 15 attack carriers—like their predecessors who defended the battleship—are following a path of tradition rather than reason.

After World War II, the attack carrier became a force in search of a mission. There were no other surface fleets to engage, and the very existence of the Navy was threatened by the competition of new long range aircraft capable of delivering nuclear payloads. The Navy responded to these events by seeking justification for the attack carrier in strategic nuclear warfare. It appeared to the Navy planners that if the carrier task force was to survive as a major offensive weapon, it would have to get into the business of strategic bombing.

With the advent of land and sea-based missiles such as the Minuteman and the Polaris in the early 1960's, the carrier no longer had any role as part of our nuclear retaliation forces. The Defense Department's posture statement of February 4, 1964, concluded that by 1966, the U.S. would "have a large enough number of strategic missiles in place" to relieve the carrier forces of their strategic retaliatory mission.

Faced with the loss of the *strategic* retaliatory role, the Navy began to emphasize the carrier's potential tactical role in providing air support for ground troops, maintaining air superiority, and destroying supply lines. However, the argument that 15 attack carrier task forces is needed to provide sea-based tactical air power throughout the world is not a persuasive one in view of these changing circumstances.

Land versus carrier-based air power

It is true that where land based air power is not immediately available or where political constraints limit the use of land bases, the carrier may well serve as a *complement to* our overseas bases. But where the carrier clearly *competes with,* rather than complements, land based air power, the role of the carrier must be justified on the basis of its effectiveness and its efficiency.

On these criteria, the maintenance of 15 carrier task forces for the provision of tactical air support around the world appears to be both wasteful and ineffective.

(a) *Overlap and Duplication.*—In the first place, the sustained use of carrier sorties duplicates and overlaps existing and potential U.S. capability for providing land-based tactical air power.

Carrier task forces are assigned to the two major "trouble areas" of the world—9 are available for the Western Pacific and 6 for the Mediterranean. But it is quite clear that our capacity to deploy land-based tactical air power is more than adequate in these areas, as well as in most other parts of the globe where peace or U.S. interests may be threatened.

The United States Air Force maintains 23 wings of tactical fighters and bombers in active forces at home and abroad.

The geographic spread of overseas bases either operated by, or available to, the United States gives us an impressive land-based

tactical capability, especially in the Mediterranean and the Western Pacific. In Europe, the U.S. alone—not including NATO forces—has bases in 6 countries, with over 400 tactical aircraft, at least 4 of those bases are within striking distance of the Mediterranean. In the Pacific, we have bases in 7 countries, with over 800 tactical aircraft.

Furthermore, our capacity for creating new land bases as needs arise is almost limitless. There are at least 1000 overseas civilian air fields which the Air Force, within three days time, claims it can convert to a fully equipped tactical air base using the "pre-positioned kits" of the Bare Base Support Program.

These existing and potential bases do not tell the full story of the effectiveness of our land-based tactical air forces. Another important factor is that the range of modern tactical aircraft is between 2 and 3 times greater than that of the older jets.

Secretary McNamara, in calling for a reduced carrier fleet, pointed out in the Defense Department's February 1964 posture statement that "the increasing range of land-based tactical aircraft has reduced our requirement for forward based air power." This increased range is expanded even further by the use of mid-air refueling. Consequently, our overseas land-based planes are capable of reaching many more targets than they were even 10 years ago; and U.S. based tactical aircraft can be operational anywhere in the world in a short period of time.

The Navy contends that the reduction in the number of our bases justifies the need for a 15-carrier fleet. While these bases have decreased from 119 in 1957 to 47 at the present time, the number of tactical air wings has increased from 16 to 23 during the same period. More important, the greatly increased range of these planes—both in the U.S. and overseas—means that far fewer land bases can provide ample tactical air support in any areas of potential conflict. And the Bare Base Support Program enables the U.S. to supplement existing land bases to the extent that it is necessary to do so. Even with fewer overseas land bases, then, carriers still overlap and duplicate our land-based capability.

This point about overlap and duplication was dramatically illustrated in a September 1969 letter and memorandum from the Department of the Air Force to Senator Hatfield. Senator Hatfield asked whether the loss of overseas land bases had jeopardized the Air Force's tactical air capability. The Air Force responded that "the capability of USAF tactical air has in no sense been diminished by land base activations." The memorandum to Senator Hatfield also contained an extremely significant statement about the overall capability of land-based tactical air power, which reads as follows:

"There are enough land air bases in Southeast Asia and Europe to base all the tactical fighter aircraft which the Joint Chiefs of Staff estimate are required to meet a major contingency in those areas."

I am submitting for the record a copy of this letter and the accompanying memorandum. (See attachment II.)

The Navy, of course, rejects this evaluation by the Air Force of its tactical air capability. It continually relies on the loss of overseas land bases as a primary justification for a 15-carrier fleet.

Thus, the Navy argues that a carrier can always be counted upon for tactical air support in a limited engagement where land bases may not be available because of political constraints. To be sure, there may be times, as in the early days of the Korean War, where land bases are actually held by enemy forces, and carrier-based air support may be a valuable temporary complement to nearly all land bases.

But how much of our over-all defense capability should be devoted to that unlikely possibility where we might be called upon to defend a nation and, at the same time, be denied the use of its bases for tactical support? And, if the commitment arises out of a multi-nation treaty, such as SEATO, should there not be land bases available to us in at least some of these nations in the treaty organization? If we need carrier-based air power to allow us to meet foreign commitments in areas where the U.S. is denied the use of land base, or it may well be that there is something amiss about the nature of these commitments.

In 1969 Congressional testimony, the Chief of Naval Operations stated that "the carrier will be necessary in the future if the U.S. is to have the flexibility and the selectivity of operations in areas *without first having to make some political arrangement to do so*" (emphasis added). While Senator Case will discuss the foreign policy questions arising from the use of carriers, it should be noted that the carrier's capacity for unilateral action can cause serious problems for the United States.

But leaving aside these foreign policy implications, the Navy's contention that the potential loss of overseas land bases justifies the present carrier force level is a "red herring". Such an argument is only responsive to those critics of the carrier program who favor the elimination of all attack carriers from the fleet.

However, this argument is *not* a relevant response to those of us who have called for a reduced carrier fleet and a delay in the funding of CVAN-70. For in taking such a position, we are acknowledging that *some* carriers are needed (perhaps 10 or 12, or perhaps less) to ensure flexibility in our over-all tactical air capability. And since a delay in the funding of CVAN-70—or a reduction of the present force level—will not impair this flexibility, it makes no sense to use the loss of a base in Lybia as a justification for maintaining 15 carriers. We will still have more than enough carriers to meet this type of contingency.

(b) *Cost.*—More important than overlap alone, however, is the vastly greater cost of carrier-based air power. The Navy itself concedes that the carrier fleet accounts for 40% of its total budget.

The cost of building an attack carrier rose from about $83 million in World War II to $171 million during the Korean War. The original end cost estimate for the first Nimitz-class carrier, the CVAN-68, was $427.5 million; that figure has now risen to $536 million.

But even this figure is not the final chapter on the cost of this carrier. The Navy acknowledges that "if improvements in shipbuilder efficiency do not compensate for the higher than budgeted escalation of labor and national costs which has been occurring, the end cost will increase." A Defense Department official and others have estimated that the cost of this carrier and the CVAN-69 (approved last year) could each run as high as $700 million. That amounts to a cost escalation of 600% since World War II, which is quite high even considering the decreased value of the dollar.

Since the precise cost of a modern nuclear carrier is so difficult to pin down, I strongly recommend that this Subcommittee undertake a study to determine the true cost of these ships. Such a study should also include an analysis of the cost comparisons between land and sea-based air power.

We do know that the cost of the carrier itself is just the beginning of the story. The Navy only operates the carrier with a task force, consisting of various escort and logistical ships. And every carrier is equipped with an air wing.

The Navy estimates a $1.4 billion procurement cost for a nuclear carrier task force—consisting of the carrier and 4 destroyer escorts. The air wing costs an additional $409.5 million—bringing the total procurement cost for the task force—which does not include operating costs, basing costs, and other logistical ships—to $1.8 billion. Needless to say, these costs will often run a great deal higher.

But even this is not a complete picture. For the Navy normally deploys two task forces "on station" in the Mediterranean and three in the Western Pacific on a continual basis. For every carrier task force "on station", two must be held in reserve as backups, since the normal rotation time of a carrier is 4 months. Since each task force contains an air wing, the Navy must pay for 3 wings to keep one "on station." The investment cost of maintaining one nuclear task force on continued deployment, therefore, amounts to a multiple of 3 times the cost of one carrier task force—or $5.4 billion.

These of course, are capital costs, and do not include the operating cost of each carrier. During last year's debate, Senator Ellender supplied valuable data showing that the *annual* operating cost for 16 attack carriers is over $1.5 billion. I am submitting for the record a copy of the chart detailing those costs. (See attachment III.)

The question of the proper attack carrier force level is therefore extremely important. For it is determined that a smaller force level is needed, we will not only save the investment and operating costs of additional carriers, but the cost as well, of numerous escorts, support ships, and air wings.

A land base is a far cheaper operation. According to the Air Force, a base in the Pacific can be built for $53 million; the Bare Base Support Program can convert an existing civilian runway for about $36 million.

The high cost of carrier based air power must be viewed in relation to its effectiveness. The Navy has failed to demonstrate the cost-effectiveness of carrier air power.

For example, we know that the two carrier task forces "on station" in the Mediterranean are capable of providing a maximum of 150 offensive sorties per day. But what is the military significance of this number of sorties? Since we are flying almost 1000 offensive sorties per day in Vietnam, it is clear that 150 sorties would only be of marginal value in a conflict of similar size in the Mediterranean. Given this fact, it is important to determine whether the Navy's policy of continually maintaining a certain number of carriers "on station" is worth the costs.

(c) *Vulnerability.*—The reliance upon carrier rather than land-based air power is made even more questionable by the high degree of vulnerability of the carrier in light of modern weaponry. Carriers are vulnerable to attacks by submarines, aircraft, ship-to-ship and air-to-ship missiles.

Submarines pose a particularly ominous threat to carriers. Because of the very rudimentary nature of anti-submarine warfare, there is very little a carrier can do to defend itself adequately from submarine attacks. The Navy has acknowledged in Congressional testimony that one of the primary missions of the large Soviet submarine fleet is anti-carrier warfare.

Rapid technological innovations in missile development have made the carrier unusable in all but the most limited conflicts. The lethal nature of even the older missiles, such as the Soviet STYX, was recently demonstrated when an Egyptian PT boat sunk an Israeli destroyer with a single STYX. Both the Soviet and the American arsenals contain far more advanced anti-ship missiles, with greater range and higher speed.

Unique to the Soviet inventory, according to the Chief of Naval Operations, is the guided cruise missiles. The Navy estimates that 16% of the Soviet fleet carry 400 nautical mile cruise missiles designed primarily for use against land or sea targets.

In his testimony last year before the Senate Armed Forces Committee, Secretary of

the Navy John H. Chafee spoke of the "wide scope and gravity" of the missile threat to our surface fleet:

In an effort to counter the surface forces, the Soviet Union is developing the capabilities of the terminal-homing cruise missile which may be launched from aircraft, surface units, surfaced submarines, or land sites, at short or long ranges . . . our capability to defend against a cruise missile attack continues to concern us, but we are moving forward with programs directed toward significant long-term improvements.

During secret briefings by the Navy last year, I was told of the rapid advances in missile technology which have led to the development of highly sophisticated anti-ship missiles capable of extremely high speeds. Thus, a vessel designed for combat in World War II will be increasingly threatened by a wide variety of dangerous anti-ship missiles. The implications of this threat should be carefully reviewed, both as to the current and projected state of the art in anti-ship warfare and as to the carrier's capacity to respond to the threat.

The carrier is not completely defenseless against existing threats. Rather, the ever present fear of enemy attack causes the carrier task force to concentrate its resources on defense, thereby substantially reducing its offensive capability. This idea was best expressed in a 1966 dissertation on attack carriers by Desmond Wilson of the Center for Naval Analysis. In Dr. Wilson's words:

"Most of the carriers' usefulness when functioning in support of a land campaign during a limited war appears to be significant only under conditions of little or no submarine opposition. It is a matter of some doubt that the carrier force could continue providing combat sorties in support of a land campaign if the task force commander had to worry about air or submarine attacks."

As Wilson observed, effectiveness of the carrier task forces in limited war is closely related to the problem of vulnerability, which in turn is conditioned by the "rules" of "limits" by which the war will be fought. Threats of escalation, such as the introduction of submarines or aircraft, can diminish carrier effectiveness:

By forcing carriers to stay far at sea, thus diminishing the fuel available to the aircraft for combat purposes; and

By requiring continual movement of the carriers from area to area, thereby preventing it from staying in one locale to provide continual air support.

James Field, a Naval Historian, noted that a carrier task force, in fear of enemy attacks, cannot successfully participate in a campaign of interdiction. He wrote that in Korea, for example, "logistic considerations and the dangers of air and submarine attack made it undesirable for carriers to operate for more than two days in the same location."

Perhaps the most crucial limitation on the carrier's effectiveness is that the threat of attack diverts potentially offensive carrier sorties to defense of the task force. Thus during the World War II and the Korean War, 23% of the total combat sorties flown from carriers were defensive. This contrasts with 2.7% flown by planes from land bases during the Korean War.

Fears and uncertainties concerning an enemy's anticarrier warfare potential also affects the "rapid responsiveness" of the attack carrier, which is its strongest attribute. Wilson noted that uncertainties as to weapons, belligerents, and the "limits" of the war did in fact impede carrier deployment early in the Korean conflict. Future limited wars will also be surrounded by "uncertainties as to who will fight and with what weapons."

Because of the tremendous investment in a carrier and its task force and because of the recognition of the vulnerability of the carrier under certain conditions, the Navy is naturally hesitant to commit the carrier to a conflict or potential conflict. Once committed, the ever present fear of enemy attack may prevent the carrier from serving as an effective sea-base for tactical air strikes.

It should be emphasized that the threats which have limited a carrier's responsiveness and effectiveness in past wars are far more dangerous today. And since Naval doctrine, as Wilson points out, "as yet says nothing about treating the attack carrier as expendable in a limited war", there is every indication that the carrier will be even less effective in future conflicts with a sophisticated enemy.

The Navy, however, refuses to fully recognize the vulnerability of carriers. Its planning for the use of carriers illustrates this fact.

The Navy assumes that the carrier will be a vital participant in the full range of conventional conflicts—the relatively minor Dominican Republican type, the "mid-range" Vietnam type, and the full-scale conventional war—whatever that would be in this nuclear era.

By allocating to itself such a major role in such a range of possible conflicts, the Navy is refusing to acknowledge that events have changed the proper role of the carrier since 1945 by limiting the "scenarios" in which carriers can be effective.

When engaged in a major conventional war with a sophisticated enemy, the carrier task force will be exposed to a complete range of anti-carrier weapons. While the Soviet Union represents the greatest military threat to the carrier, other countries possess various weapons designed for anti-carrier warfare. Many of these weapons have been supplied to other nations by the Soviet Union, including such items as long-range bombers, MIG 21's, the STYX and other anti-ship missiles, and long-range conventional submarines.

There are therefore relatively few "scenarios" in which you can imagine a carrier free from threats of enemy action and thus able to function effectively in an offensive tactical capacity. This is not to say that the carrier has no role in a conflict where the enemy has some anti-carrier capability. But as the capability increases, so does the threat, and carriers simply do not operate effectively in such an environment.

The Navy is quick to remind us that land bases for tactical aircraft are also vulnerable to enemy attack. This is of course true. Land bases are subject to attack by aircraft and missiles; in addition, they are uniquely subject to ground attack and artillery, particularly in a guerrilla war as in Vietnam.

But in examining the relative vulnerability of land and sea-based tactical air power, we must look at their relative effectiveness. The historical record strongly suggests that land bases are less inhibited than carriers by the *threat* of attack and that they are capable of delivering more offensive sorties.

The threat of enemy attack also makes the carrier less desirable from a cost point of view. It has been estimated that at least one-half of the cost of a carrier task force is allocated for carrier defense. This high allocation of resources to defense sharply raises the cost of each carrier-based offensive sortie. In return for this large investment in carrier defense, we have carrier task forces which, in all probability, would be of little value against high-level threats . . . and are overly-oriented toward defense against low level threats.

In response to these arguments about the carrier's vulnerability, Admiral Moorer, the Chief of Naval Operations, told a VFW Convention that "in some 50 wars or near wars since 1946, we have not lost a carrier or had one damaged owing to hostile action." At my request, the Navy sent me a classified list of these "wars or near wars", and I am submitting a copy for the record. (See attachment IV for declassified version.)

The list includes 6 "wars or near wars" in which a carrier was merely "alerted" and was not actually present. In at least half of the total incidents, the carrier was only remotely involved, and the alleged enemy had absolutely no capacity—and usually no desire—to damage an attack carrier. Thus, the list included such "wars or near wars" as the "Haiti disorders" and the "Zanzibar riots." The original classified list submitted by the Navy included other incidents of this type, but the Navy refused to declassify several of them.

The fact that the Navy would resort to this type of argument in response to questions concerning the carrier's vulnerability may be indicative of their uneasiness about this problem. In any event, these questions still remain.

This list is interesting for another purpose. With the exception of Korea, Vietnam, and a few other events, the list demonstrates the relatively minor nature of the carrier's use since World War II. Based on this record of the carrier's rather limited role, a serious question can be raised as to whether 15 attack carriers are really necessary to perform this role.

Failure of other nations to build carriers

It may well be that all of these considerations explain the reluctance of the Soviet Union (and almost every other nation) to rely on attack carriers. In fact, the United States is the only major military power with an attack carrier in its fleet. Neither the Soviet Union or China has built a single attack carrier, and neither plans to do so.

According to a 1969 Report by the Seapower Subcommittee of House Committee Armed Services, the Soviet Union in recent years has built over 500 surface ships in 20 classes. The Report states that the Soviet Union "is developing a massive, well-balanced program in virtually all phases of seapower."

The U.S. Navy not only agrees with this assessment—it constantly stresses the growing menace of the Soviet's surface fleet. Only the absence of attack carriers prevents the Soviet fleet from surpassing ours, according to the Navy. The Chief of Naval Operations recently stated that these carriers "are the key to our present superiority", and that "with too few, or none" in the U.S. fleet, "the Soviets would probably be the leading Naval power."

Even assuming that carriers are the key to our Naval superiority, it is obvious that we do not need as many as 15 carriers to maintain this superiority.

If the carrier is really such a vital ship, the Soviets must not be aware of this fact. They have not constructed a single attack carrier and they have no plans to do so. Since the Soviets are currently in the midst of a massive shipbuilding program and since they obviously have the technological capability to build carriers, their decision to rely on other surface ships cannot be due to limited resources.

The U.S. Chief of Naval Operations offered the following explanation for the Soviet failure to build attack carriers: "Geography, more than any other reason has kept the Soviets out of the aircraft carrier business. The routes of egress from Soviet Naval bases to the open oceans, are by way of choke points, controlled by other powers. For an aircraft carrier such a situation could spell disaster in a shooting war. If the Soviets were to gain control of the points, however, the situation might change."

But this constriction of egress from Soviet Naval Bases to the open seas has not deterred the Soviets from building a large number of almost every other type of surface war ship. If the Soviets can move their carriers and destroyers through those "choke points", then why would a carrier pose a different problem? It would seem that Soviet Naval planners have decided that attack carriers simply are not worth their enormous cost.

The Navy implies on occasion that the Soviets *are* developing a carrier fleet. But the fact is that the Soviet Navy has only two helicopter carriers, and the Soviets apparently have no intention of building the larger attack carriers.

Regardless of the reasons for the Soviet decision not to build attack carriers, our Navy cannot have it both ways. Either carriers are not that vital to a surface fleet and the Soviet Navy is a threat without them *or else* the Soviet's surface fleet is not a significant Naval threat.

Failure of Navy to recognize complementary role

All of these arguments are not intended to prove that there is no need for attack carriers. Indeed, carriers can serve as a complement to land-based air power—but primarily in limited conflicts where land bases are not immediately available.

Despite the Navy's recognition that carriers should be complementary to land-based air power, it has been unwilling to accept the fact that the need for carriers is reduced where there is ample land-based air capability.

Carriers, for example, were useful in the beginning of the Vietnam conflict when land bases were still limited. But a serious question can be raised whether the Navy's *continuing* level of involvement in the Vietnam conflict—once sufficient land bases were constructed there—reflects as much the need to give the Navy a "piece of the action" as a reasoned military judgment.

The designation of 6 carrier task forces to the Atlantic and 9 to the Pacific also attests to the Navy's unwillingness to recognize the complementary nature of carrier-based air power. Commenting on the Mediterranean task forces, Desmond Wilson wrote:

"With the subsequent development of land-based air covering NATO's southern flank, and with the later introduction into the region and coverage of the region by the sea and land-based missile systems, the Sixth Fleet may have become increasingly redundant. It almost certainly became increasingly vulnerable with the marked growth of the Soviet nuclear capability, along with submarine, aviation, and missile delivery systems."

But even this type of fleet development can be carried out with less than 15 attack carriers. To begin with, the Navy claims that 15 attack carrier task forces are required to keep 5 continually "on station"—2 in the Mediterranean and 3 in the Western Pacific. While the Navy points out that the rate of "on station" deployment has actually been higher in the past, they continue to insist that 3 task forces are needed to maintain one "on station" throughout the year. This method of deployment is explained as arising from the need to rest the crew, make necessary repairs, and take care of other logistical problems.

The Navy does concede that, but for the need to relieve the crew, a carrier task force could remain "on station" for a longer period of time. However, they have never satisfactorily explained why the relief of the crew should force the carrier to be withdrawn from forward deployment.

The Navy itself has successfully dealt with this problem in the operation of Polaris Submarines by using what is called a "blue and gold" crew concept—the submarine stays on active duty and the crew is simply rotated. By this method, a Polaris sub is able to stay on active duty for a significantly longer time than the carrier. And yet, the Navy has failed to adapt this method or a similar one to the attack carrier. Such a procedure would make it possible to deploy 5 task forces "on station" with a reduced attack carrier fleet.

Furthermore, it should be pointed out that the Navy's carrier fleet is not limited to attack carriers. There are, in addition, 4 smaller carriers, used primarily for anti-submarine warfare. These carriers are capable of handling several types of tactical jet fighters, and one of them is being currently used in Vietnam in an "attack capacity."

Surely, such carriers could be used to supplement the existing attack fleet in many cases where limited tactical air power is called for. And if carriers are going to be used for evacuating citizens and for the other relatively minor missions depicted in the Navy's list of "wars or near wars" then these smaller carriers are more suited for this purpose than the modern attack carrier. It becomes all the more difficult, therefore, to justify the beginning of a brand new attack carrier in light of the overwhelming cost of a fleet which actually numbers 19.

The "one for one" replacement policy

The Navy not only opposes any delay in the funding of CVAN-70; it also maintains that as each new carrier enters the fleet, only one of the oldest carriers should be retired.

But the attack carriers which have joined the fleet since the mid-1950's are almost double the size of the older carriers, are equipped with the most modern aircraft, and, therefore, have far greater capability for tactical air than the oldest carriers which they replace. The Navy has stated that the nuclear carrier air wing is tactically more than twice as effective as that of the World War II carriers.

For the record, I am submitting copies of two charts prepared by the Navy. The first lists all active attack carriers. The second illustrates the tactical air capacity of each class of attack carrier. This chart clearly demonstrates that the newest classes have far more tactical air capability than the World War II carriers. (See attachement V for 2nd chart.)

But since the Navy has followed a "one for one" replacement policy in the past, the actual capacity of the carrier fleet in terms of providing tactical airpower is far greater than the 15 carrier force level would imply. The Navy's carrier replacement policy would, therefore, more accurately be described as a "two for one" policy—an escalation in fact, of the carrier force level. Even if the Navy can support a case for replacing the older carriers with nuclear carriers, there is no reason why at least two of the older carriers could not be replaced as each new carrier joins the fleet.

This increased capability of the carrier fleet means that today's 15 attack carriers can deliver more tactical air support than the 15 carriers which comprised the fleet in the mid-1950's.

That is why Secretary McNamara relied on the increased capability of the newer carriers as a justification for reducing the size of the carrier fleet. Unless it is assumed that the need for tactical air power has substantially increased in the past fifteen years, a decision to defer the building of an additional nuclear carrier will not endanger national security.

The emerging criticism of present carrier policy

These questions about our present carrier policy have been expressed in the past by Defense and other government officials, as well as by military historians.

There has been serious criticism within the Pentagon of the attack carrier force level. Much of this debate has been kept from public view. For example, the Defense Department's Office of Systems Analysis has often recommended cuts in the attack carrier fleet, but the studies underlying these recommendations have not been made public.

One such study conducted by the Office of Systems Analysis was orally summarized for me last year. This study showed that over a 10 year period, the carrier based wing costs almost $1 billion more than a land-based wing. I urge this Subcommittee to obtain this study, as well as others which may be available.

Criticism of present policy did come to light in the Defense Department's posture statement for fiscal 1965—presented by Secretary McNamara on February 4, 1964—which called for "some reduction in the number of attack carriers by the early 1970's." The factors underlying this decision were the increased tactical air capability of modern carriers and modern carrier-based aircraft, the end of the carrier's role as part of our strategic nuclear forces, and the reduced need for forward based airpower due to the increased range of land based tactical aircraft.

Criticism of the carrier force level from within the Defense Department has persisted. Dr. Arthur Herrington, a Department official, questioned the size of the carrier fleet in a recent speech at the Naval War College (published in the September 1969 issue of *The Naval War College Review*.) He said:

"Today we still plan a 15-(attack carrier) force for the future. Yet over this 25-year period we have seen: a polarization of the world into Communist and non-Communist camps, and lately an increasing fragmentation of both; the development of the Marshall Plan, NATO, the conversion of our enemy in the Pacific, Japan, to an ally, and the conversion of our old ally, China, to an enemy; a doubling of the size of the attack carrier; nuclear propulsion; jet aircraft and nuclear weapons. In truth, 15 attack carriers (or 15 capital ships in the U.S. Navy if you will) appears to be close to an 'eternal verity' in U.S. military planning."

The most revealing admission of the Pentagon's own doubts about the justification for 15 attack carriers can be found in a Departmental Statement filed last year with the Joint Economic Committee. Representative Moorhead of that Committee asked the Defense Department to explain the necessity for a force of 15 attack carriers. "It is very difficult," a Department spokesman wrote in reply:

"To determine the precise division of effort between land-based and sea-based forces which will meet our worldwide commitments at the least cost. The program supported by the previous administration included 15 attack carriers. In response to a directive by the National Security Council to examine alternative General Purpose Force strategies, we are currently reassessing both the total requirement for tactical aircraft to meet each alternative strategy and the relative costs and effectiveness of different mixes of land-based and sea-based aircraft. Pending completion of this study, we are not recommending any major changes in the previous program."

When asked to justify a 15-carrier force level, the Defense Department tells a Congressional Committee that the matter is under study. In the meantime, we are asked to spend millions of dollars to maintain this force level, until Defense officials find the time to determine the proper size of the attack carrier fleet.

Other high level government officials directly responsible for defense planning have also expressed doubts about our carrier policy. Charles Schultze, a former Director of the Bureau of the Budget, testified before the Joint Economic Committee that the request for an additional attack carrier was the first item to be examined in eliminating unnecessary military expenditures.

Similar reservations have also been expressed by military strategists and military historians. In a lengthy case study on the evolution of the attack carrier, Dr. Desmond Wilson raised serious questions about the justification for 15 attack carriers. Dr. Wilson is presently at the Center for Naval Analysis and I recommend that he be called as a witness before this Subcommittee.

RECOMMENDATION FOR DELAYING FUNDING OF CVAN-70

On the basis of the preceding arguments, I believe this Subcommittee should recommend a delay in the funding of CVAN-70 until FY 1975, at the earliest.

The Navy opposes any delay in the funding of this carrier for two reasons.

The first reason was presented by Secretary Laird in the FY 1971 posture statement:

"The Navy considers it important to proceed with advance procurement for CVAN-70 in FY 1971 . . . to avoid having to shut down the Special Nimitz-class carrier nuclear component production lines. Such a shutdown," the Secretary stated, "would further increase the cost for CVAN-70, if we decide later to proceed with it."

Before accepting this assertion by the Navy, it should first be determined whether the companies which produce the nuclear components for the Nimitz class carriers also produce nuclear components for our submarines. I believe they may. If this is the case, then it might be possible to keep the carrier component production lines open indefinitely by using them to produce components for submarines and other nuclear vessels—since the need for the latter type of nuclear components will exist for at least several years. Alternatively, the component production lines for these other ships might be adaptable to the carrier components at some later date.

I do not pretend to be an expert in these matters. But I think it might be possible to delay funding the CVAN-70 for several years without increased costs as a result of closing component production lines.

However, even if such a delay would cause a rise in the final cost of CVAN-70, it would be better to accept this increase rather than to fully fund the carrier in the next two years. For his carrier will cost at least $600 million, and probably will run much higher; and this does not include the cost of the air wing, as well as the cost of escort ships comprising the carrier task force.

Thus, instead of spending at least $1 billion in the next two years to buy a carrier which is not needed, the more responsible action would be to delay in the funding of this extremely expensive ship. While the Navy has not specified the loss which it claims will result from such a delay, I do not believe that it can be significant compared to the budgetary and economic impact of a billion dollar plus Federal expenditure over the next two years.

Aside from these reasons, there is something very troublesome about justifying a major military program on the basis of the need to keep production lines open. Such a justification could be used as an excuse for continuing almost any type of weapons system, regardless of military necessity. In the case of this carrier, it is quite possible that subsequent events will make it unnecessary to begin funding even in FY 1975.

The Navy's reason for opposing any delay in the funding of CVAN-70 does not rest on this argument of increasing costs. The Navy contends that "regardless of the attack carrier force level that may be decided upon in the future," funding for this ship cannot be delayed. The assumption underlying this contention is that a substantial percentage of the attack carrier fleet will soon become obsolete if the Navy's current building program is not maintained.

But the truth is that the request for funding CVAN-70 in FY 1971 *is* based on the Navy's conception of a proper carrier force level. And the force level which the Navy favors calls for *more than* 12 modern attack carriers.

Consider these facts about the present carrier fleet:

(1) Excluding the oldest carriers, the attack carrier fleet consists of one nuclear carrier (the Enterprise); 8 Forrestal carriers; and 1 Midway which has just completed modernization.

(2) The two Nimitz-class nuclear carriers which have already been funded will both have joined the fleet by 1976.

(3) Under the Navy's "rule of thumb" that an attack carrier is obsolete after 30 years, the oldest of these carriers—the Midway—will not be obsolete until 1980; the oldest of the remaining carriers is the first Forrestal, and it will not become obsolete until 1985.

By 1976, then, the carrier fleet will consist of 12 fully modern attack carriers. To maintain a fleet of this size, we will not need to replace the oldest of these carriers—the Midway—until 1980. Given the 5-year lead time required to build an attack carrier, it will therefore not be necessary to fund the Midway's replacement until FY 1975.

That is why my recommendation to delay the funding of the CVAN-70 until *at least* FY 1975 assumes that at the maximum, the force level should consist of 12 modern carriers. It may well be that fewer than 12 carriers of this type will be required to meet future defense contingencies. But unless it is assumed that more than 12 modern carriers are needed, there is no valid reason for funding CVAN-70 before FY 1975.

The Navy is incorrect, in my opinion, in saying that a determination of the proper carrier force level is irrelevant in deciding whether to fund the CVAN-70 at this time. We would be ignoring our obligation to the already hard-pressed American taxpayer if we approve such a huge expenditure in the next two years without first making this determination.

If the Navy believes that the CVAN-70 should be funded now, then it must show why more than 12 modern attack carriers are required. The burden is, and should be, on the Navy, and this burden should not be disregarded because of the Navy's assertion that force level decisions are irrelevant to the funding of CVAN-70.

In determining whether the fleet should consist of more than 12 of these carriers, the following points should be considered.

To begin with, each carrier over 12 should be evaluated in terms of how it adds to the tactical air capability of the carrier fleet. We know that one carrier can provide a maximum of 150 offensive sorties per day—which has only marginal military significance in a conflict such as that in Vietnam, where we are flying over 1,000 such sorties per day. The question, then, is whether this limited increase in tactical air capability is worth the high cost of another carrier task force.

Even if it is considered necessary to increase our overall tactical air capability, this can be accomplished without funding an additional carrier. The fact that a land base is significantly cheaper than a carrier task force means that we can acquire more tactical air capability by investing in a land-based operation rather than in a 13th modern carrier task force. In short, if our aim is to buy the best defense at the least possible cost, we must take into account this cost-differential between land- and sea-based air power.

It should also be kept in mind that the decision to delay the CVAN-70 funding—thereby relying on a fleet of 12 modern carriers—will not impair our flexibility to provide carrier-based air power where land bases are unavailable. A 12-carrier fleet will more than enable us to meet such contingencies, and it is difficult to see how an additional carrier adds very much to this capability.

And finally, I again call your attention to the Air Force letter of September, 1969, addressed to Senator Hatfield. The Air Force statement that the U.S. has sufficient land-based tactical air capability in Southeast Asia and Europe to meet a major contingency in effect means that no carriers are needed in those areas. If we accept the Air Force evaluation, then it is clear that even a 12-carrier fleet is far too large.

It may be argued that this statement by the Air Force should be disregarded, since it is merely a reflection of the long-standing Air Force-Navy controversy over the role of land- versus sea-based air power. But before rejecting this evaluation as "anti-Navy propaganda," I urge you to consider whether or not the Navy's insistence on funding the CVAN-70 in FY 1971 might also be classified as the effort by one service to maintain its position—with little regard for military realities.

In short, the Congress is faced with conflicting claims: on the one hand, the Air Force asserts that carriers are essentially redundant in furnishing tactical air power; on the other hand, the Navy claims that the CVAN-70 is badly needed within the next several years and that the fleet must include more than 12 modern attack carriers. Without thorough investigation, I do not believe we can reject as self-serving the claim of one service, while accepting the claim of another service as the complete truth.

My own view is that the truth lies somewhere between the two conflicting claims: while *some* modern carriers might be required, there is little justification for more than twelve and even less justification for the continued maintenance of a 15-carrier fleet.

Regardless of whether this Subcommittee shares my view, you are still faced with these conflicting claims. And the Department of Defense has never adequately resolved this particular conflict. We know the Air Force position. We know the Navy position. But we do not know the Defense Department's position.

The National Security Council's study now underway may define the proper "mix" between carrier and land-based air power. But that study will not be completed until September, 1970, and it may be delayed even further. The existence of such a study, however, should not relieve the Defense Department of its own duty to present Congress with a rational and coherent plan for providing tactical air power.

I hope that this Subcommittee, before recommending the funding of CVAN-70 in FY 1971, will insist on a consistent position by the Executive Branch and will then attempt to strike a balance between these two claims by determining the proper carrier force level. If the Navy is unable to demonstrate a clear need for more than 12 modern carriers, the prudent course would be to delay the funding of CVAN-70.

ATTACHMENT I

TABLE XIV.—ACTIVE CARRIER FORCE (1946-64) (ATTACK CARRIERS OR THEIR EARLY EQUIVALENTS)[1]

Year	Atlantic/ Mediterranean	Pacific	Total
1946	7	11	18
1947	9	6	15
1948	7	5	12
1949	7	5	12
1950	9	2	11
1951	9	6	15
1952	10	7	17
1953	9	9	18
1954	9	8	17
1955	7	10	17
1956	6	9	15
1957	6	8	14
1958	6	9	15
1960	6	9	15
1961	6	9	15
1962	6	9	15
1963	6	9	15
1964	6	9	15

[1] See app. A for complete listing of carrier force by ship type.

ATTACHMENT II

DEPARTMENT OF THE AIR FORCE,
Washington, D.C.

Hon. MARK HATFIELD,
U.S. Senate,
Washington, D.C.

DEAR SENATOR HATFIELD: A few days ago, Mr. Michaelson of your Staff asked the Air Force to provide you with information regarding air bases overseas, quick construction of bases and the performance capability of the F-16. More specifically, I understand your questions were:

1. What is the number of overseas air bases the Air Force has relinquished since the Korean War; why were these bases given up; and has the loss of these bases jeopardized the USAF tactical air capability?

2. What is meant by the "Kit" method of quick construction of land bases as briefly described in the August 25 edition of the *Washington Post?*

3. What is the capability of the Air Force's new air superiority fighter, the F-15?

Although an attempt was made to keep the answers to these questions unclassified, to be completely responsive, an additional classified answer was required for the F-15 because some of the performance parameters of the aircraft was classified and similarly, a portion of the information relating to base closures is classified.

If we can be of any further assistance, please call.

Sincerely,

JOHN MURPHY,
Major, USAF.

MAJOR BASE CLOSINGS

Of the major air bases closed since the Korean War (attachment 1), only those in Morocco, France and Saudi Arabia could be classified as involuntary or political closures. All others and some in France were closed because they either were no longer needed or were closed for economic reasons. Dhahran, Saudi Arabia retains a USAF presence. Many of the bases were used by the Strategic Air Command and as auxiliary bases for tactical air units. Although listed as major installations, those designated "AFB" and "ASN" were not used to base tactical flying units on a permanent basis.

None of the other base changes to date have jeopardized contingency plans nor prevented the formulation of contingency plans to meet current commitments. There are enough land air bases in Southeast Asia and Europe to base all the tactical fighter aircraft which the Joint Chiefs of Staff estimate are required to meet a major contingency in those areas.

In addition, as demonstrated in Attachment 2, there are airfields all over the world that are adequate to support tactical air combat operations. There are more than 1,700 Free World airfields with runways 5,000 feet or longer and there are 685 airfields with runways 8,000 feet or longer. Any nation which requests the assistance of U.S. military forces can be expected to permit use of its airfields. The Air Force is developing bare base equipment which will provide the capability to deploy to any base which has a runway, taxiways, ramp space and potable water source.

In summary, the majority of the land air bases that have been inactivated were not needed or were closed to decrease expenses, although some were closed for political reasons. The capability of USAF tactical air has in no sense been diminished by land base inactivations. Attachment 3 summarizes the number of inactivated and operational USAF bases and the Free World airfields.

ATTACHMENT III

ATTACK AIRCRAFT CARRIERS

Number and name	Date commissioned	Capability to operate all modern aircraft	Capability to operate F-14 aircraft	Total crew	Estimated annual operation cost (millions)
CVA-14, Ticonderoga [1]	1944	No	No	3,625	$62.7
CVA-19, Hancock	1944	No	No	3,625	62.7
CVA-31, Bon Homme Richard	1944	No	No	3,625	62.7
CVA-34, Oriskany	[2] 1950	No	No	3,625	62.7
CVA-41, Midway [3]	1945	All but RA-5C.	Yes	3,417	85.4
CVA-42, Roosevelt	1945	do	Yes	3,417	95.4
CVA-43, Coral Sea	1947	do	Yes	4,474	102.3
CVA-59, Forrestal	1955	Yes	Yes	4,948	106.9
CVA-60, Saratoga	1956	Yes	Yes	4,948	106.9
CVA-61, Ranger	1957	Yes	Yes	4,948	106.9
CVA-62, Independence	1959	Yes	Yes	4,948	106.9
CVA-63, Kitty Hawk	1961	Yes	Yes	4,952	108.4
CVA-64, Constellation	1961	Yes	Yes	5,022	108.4
CVAN-65, Enterprise	1961	Yes	Yes	5,499	115.0
CVA-66, America	1965	Yes	Yes	4,952	108.4
CVA-67, Kennedy	1968	Yes	Yes	4,952	108.4
Total				70,977	1,510.1

[1] To become a CVA (ASW carrier) when the "Midway" joins the fleet in fiscal 1970.
[2] Construction stopped for about 5 years following World War II.
[3] Now undergoing $202,300,000 conversion. To rejoin the fleet during fiscal 1970.

ATTACHMENT IV

SUMMARY OF WARS/NEAR WARS SINCE 1946

(The following list represents only major/minor conflicts or crises where U.S. Naval units were involved as prime factors, alerted or redeployed.)

Place, date, and event

Turkey, April 1946: USSR-Iran hostilities and USSR-Turkey diplomatic tensions; Naval unit deployed as affirmation of U.S. intentions to shore up Turks against Soviet imperialism.

Trieste, July 1946: Trieste ownership dispute; U.S. and British Naval units dispatched to scene with open warfare imminent. Commenced Adriatic Patrol which lasted until Trieste issue resolved in 1954.

Greece, September 1946: Political crisis. Naval Units visit requested by U.S. Ambassador. One carrier was on the scene.

Indochina War, November 1946–July, 1954: Naval units employed in evacuation, assistance, alert status. Three carriers on the scene during latter stages of the conflict.

Israel, June 1948–April 1949: Naval units assigned UN mediator for the Palestine Truce Evacuated UN team eventually in July.

Greek Civil War, 1946–49: Presence and alert. Carriers deployed in the Mediterranean during period of crisis.

Korea, 1950–53: Ten carriers engaged in combat operations during the period of the conflict.

Tachens Crisis, July 1954–February 1955: Evacuation of civilians/military personnel. Five carriers on the scene.

Vietnam Guerrilla War, September 1955–Present: Presence, assistance, combat operations. During the period between February 1965 to date a total of 15 attack carriers have conducted combat operations.

Red Sea, February 1956: Naval unit patrols established in view of developing Suez Crisis.

Jordan Tension, May 1956: Provided presence. Two carriers alerted and deployed to the eastern Mediterranean.

Pre-Suez Tension July 1956: Two carriers alerted.

Suez War October-November 1956: Evacuation, provided presence. Two carriers on the scene, two additional carriers alerted and deployed from East Coast.

Jordan Crisis, April 1957: External conspiracy charged with intent to subvert Jordan. Naval units dispatched. Three carriers on the scene.

Kinmen Island, July 1957: Communist shelling. Naval units dispatched to defend Taiwan. Four carriers on the scene.

Haiti Disorders, June 1957: Alert, surface patrols.

Syria Crisis, August-December 1957: Provided presence. Two carriers on the scene.

Lebanon Civil War, May 1958: Support operations. Three carriers provided air cover for marine landings.

Jordan/Iraq Unrest, August–December 1958: Alert, surveillance, surface patrol.

Cuba Civil War, December 1956–December 1958: Evacuation, provided presence. One carrier on the scene.

Quemoy-Matsu Crisis, September–October 1958: Evacuation, combat operations. Three carriers on the scene, two additional carriers alerted.

Panama Invasion, April 1959: Provided presence.

Berlin Crisis, May 9, 1959: Two carriers alerted and brought to an advanced state of readiness.

Nationalist China-Communist China Crisis, July 1959: Provided presence. Two carriers on the scene.

Panama Demonstrations, August and November 1959: Alert.

Laos Civil War, December 1960–May 1961: Provided presence. Three carriers on the scene.

Congo Civil War, July 1960–August 1963: Alert, evacuation.

Caribbean Tension, April 12, 1960: Alert, air and surface patrols.

Guatemala-Nicaragua, November 1960: Air and surface patrols. One carrier on the scene, one additional carrier alerted.

Bay of Pigs Crisis, May 1961: One carrier alerted.

Zanzibar Riots, June 1961: Alert.

Berlin Crisis, September 1961–May 1962: Two carriers alerted and brought to a higher state of readiness.

Dominican Republic, November 12, 1961: Air and surface patrols. One carrier on the scene.

Guantanamo Tension, January and July 1962: Alert, provided presence.

Guatemala, March 1962: Alert, provided presence. Two carriers alerted.

Thailand, May 1962: Provided presence. Two carriers on the scene.

Quemoy-Matsu Crisis, June 1962: Provided presence. Three carriers on the scene.

Cuban Missile Crisis, October–November 1962: Provided presence and intervention. Eight carriers on the scene.

Yemen Revolts, February–April 1963: Alert, provided presence, surface patrols.

Laos Tension, April 1963: Provided presence. Two carriers on the scene.

Jordan Crisis, April 1963: Provided presence, surface patrols. Two carriers on the scene.

Caribbean Tension, 1963: Alert, air and surface patrols. One carrier alerted.

Vietnam Civil Disorders, August, September and October 1963: Air and surface patrols. Two carriers on the scene.

Dominican Republic, September 1963: Alert.

South Vietnam Crisis, November 1963: Following death of President Diem. Provided three carriers on the scene.

Indonesia-Malaysia, December 1963: Alert, provided presence. Two carriers alerted.

Panama, January 4, 1964: Alert, provided presence and evacuation.

Guantanamo Tensions, April 7, 1964; Provided presence, surface patrols.

Panama, May 1964: Provided presence.

Dominican Republic, June and July 1964; Air and surface patrols.

Tonkin Gulf, August 1964: See item 9.

Dominican Republic, April 1965: Intervention and combat operations. Two carriers alerted.

Arab-Israeli War, June 1967: Provided presence. Covered evacuation of U.S. citizens. Two carriers on the scene.

Pueblo Capture, January-April 1968: Redeployment of force; maintained presence in area to take actions as directed. Three carriers on the scene (five carriers participated).

EC-121 Loss, April 1969: Redeployment of forces: maintained presence to take actions as directed. Four carriers on the scene.

ATTACHMENT V

NOMINAL AIR WING COMPLEMENTS

Enterprise/Kitty Hawk/Forestal classes

2 Fighter Squadrons (F-4).
2 Light Attack Squadrons (A-7).
1 Attack Squadron (A-6)
1 Electronics Warfare/Tanker Squadron (EKA-3).
1 Airborne Early Warning Squadron (E-2).
1 Reconnaissance Squadrom (RA-5C).
1 Rescue Squadron Detachment (UH-2).
Total A-4 equivalents, 132.

Midway class

2 Fighter Squadrons (F-8) F-4s assigned when available.
2 Light Attack Squadrons (A-7).
1 Attack Squadron (A-6).
1 Electronics Warfare/Tanker Squadron (EKA-3).
1 Airborne Early Warning Squadron (E-2).
1 Reconnaissance Squadron (RF-8G).
1 Rescue Squadron Detachment (UH-2).
Total A-4 equivalents, 108.

Hancock class

2 Fighter Squadrons (F-8).
3 Light Attack Squadrons (A-4).
1 Electronics Warfare/Tanker Squadron (EKA-3).
1 Airborne Early Warning Squadron Detachment (E-1B).
1 Reconnaissance Squadron Detachment (RF-8G).
1 Rescue Squadron Detachment (UH-2).
Total A-4 equivalents, 83.

Nimitz class (the air wing listed below is planned for the Nimitz in fiscal year 1973)

2 Fighter Squadrons (F-14).
2 Light Attack Squadrons (A-7).
1 Attack Squadron (A-6).
1 Tanker Squadron (KA-6).
1 Electronics Warfare Squadron (EA-6).
1 Airborne Early Warning Squadron (E-2).
1 Reconnaissance Squadron (RA-5C).
1 Rescue Squadron Detachment (UH-2).
Total A-4 equivalents, 152.

(NOTE.—The *types* of aircraft which can be operated by a carrier depend primarily upon the flight deck and its installations such as the catapults, arresting gear and elevators. Ship-installed support facilities also limit aircraft types which can be operated. The *number* of aircraft which can be carried depends upon deck area and the mix of types. Some types of aircraft are considerably larger than others, and a smaller total of generally larger aircraft can be physically accommodated. The smallest tactical aircraft in the U.S. Navy's carrier inventory is the A-4 Skyhawk. Therefore, for standardization purposes, the Navy expresses carrier aircraft capacity in terms of A-4 equivalents.)

REPORT OF THE JOINT SUBCOMMITTEE OF THE HOUSE OF REPRESENTATIVES AND SENATE COMMITTEES ON ARMED SERVICES ON THE STUDY FOR THE CVAN-70

STATUTATORY REQUIREMENT

This report responds to the requirement set forth in the Military Procurement Authorization Act for fiscal year 1970 (Sec. 402 of Public Law 91-121). The provision is as follows:

"SEC. 402. (a) Prior to April 30, 1970, the Committee on Armed Services of the House of Representatives and the Senate shall jointly conduct and complete a comprehensive study and investigation of the past and projected costs and effectiveness of attack aircraft carriers and their task forces and a thorough review of the considerations which went into the decision to maintain the present number of attack carriers. The result of this comprehensive study shall be considered prior to any authorization or appropriation for the production or procurement of the nuclear aircraft carrier designated as CVAN-70.

"(b) In carrying out such study and investigation the Committees on Armed Services of the House of Representatives and the Senate are authorized to call on all Government agencies and such outside consultants as such committees may deem necessary."

BACKGROUND

The cited statutory study requirement resulted from a House-Senate conference agreement to delete, from the fiscal year 1970 procurement program recommended by the Department of the Navy, an item proposing the procurement of the long leadtime items required for the construction of a new nuclear-powered attack aircraft carrier, the CVAN-70.

SUBCOMMITTEE ACTION

Pursuant to the statutory requirement, the following members were appointed by the respective chairmen of the Armed Services Committees to serve on this special subcommittee;

From the Senate Committee on Armed Services: Senators John C. Stennis, Stuart Symington, Henry M. Jackson, Strom Thurmond, John G. Tower, and George Murphy.

The House members designated were Charles E. Bennett, Samuel S. Stratton, and Robert T. Stafford.

By unanimous consent of the group, Senator Stennis and Congressman Bennett served as co-chairmen.

The subcommittee in its desire to fully discharge its statutory responsibilities agreed to solicit the expert testimony of those individuals who by their previous identifications with this complex subject matter, could make a meaningful contribution to the subcommittee's effort.

These individuals, except in a few instances, accepted the invitation of the subcommittee to participate in this study and apı eared as witnesses in the following order.

April 7, 1970—Hon. John H. Chafee, Secretary of the Navy; Adm. Thomas H. Moorer, Chief of Naval Operations; Rear Adm. James L. Holloway III, CVAN program coordinator.

April 8, 1970—Senator Walter F. Mondale and Congressman William S. Moorehead, Senator Case submitted a statement for the record.

April 10, 1970—Adm. Thomas H. Moorer, Chief of Naval Operations, and Rear Adm. James L. Holloway III, CVAN program coordinator.

April 13, 1970—Dr. Desmond P. Wilson, professional staff member, Center for Naval Analyses.

April 15, 1970—Gen. Earle G. Wheeler, Chairman of the Joint Chiefs of Staff, and Vice Adm. H. G. Rickover, Deputy Commander for Nuclear Propulsion, Naval Ship Systems Command.

April 16, 1970—Dr. William W. Kaufmann, senior fellow, Brookings Institution, on leave as professor at Massachusetts Institute of Technology.

The testimony received by the subcommittee during its proceedings will be printed, and except for deletions made necessary by national security considerations, will be published in its entirety as a public document. The subcommittee, in fulfillment of its statutory obligation, has completed its hearings and study of the past and projected costs and effectiveness of attack aircraft carriers and their task forces, and the considerations which went into the decision to maintain the present number of attack carriers.

THE CARRIER STUDY AND ITS RELATION TO THE CVAN-70

The statute provides for a comprehensive review of the entire concept of naval attack carrier forces. The subcommittee recognizes that implicit in the study requirement is the necessity for determining whether to provide congressional approval for the ultimate construction of a nuclear aircraft carrier identified as the CVAN-70.

THE PRESIDENT'S RECOMMENDATIONS

The President, in his budget message to Congress for fiscal year 1971, specfically recommended that he be provided authority to procure long leadtime construction items for the CVAN-70 in the amount of $152 million.

The presidential budget message contains the following statement with respect to the requested funds for long lead items:

"The Budget also provides for additional large assault ships for our amphibious forces, together with funds for advanced procurement related to construction of the third nuclear-powered *Nimitz* class attack carrier. However, the advance procurement funds for the third carrier will not be obligated until completion of studies in progress to assess future requirements for attack carriers."

THE SECRETARY OF DEFENSE'S RECOMMENDATIONS

The Secretary of Defense, in presenting to the Congress the fiscal year 1971 procurement program for the Department of Defense, strongly urged congressional approval of the President's request on the CVAN-70.

Subsequently, the Secretary of Defense, while recognizing the necessity for completion of the National Security Council review, has reaffirmed his support of the CVAN-70 in a letter to the chairman of the Senate Armed Services Committee on April 3, 1970, when he said:

"The requirements and commitments of the current strategy make it necessary, in my judgment, for this Nation to proceed with the construction of this final ship of a three-ship construction program first laid out in fiscal year 1967."

THE JOINT CHIEFS OF STAFF RECOMMENDATIONS

The Joint Chiefs of Staff have unanimously endorsed construction of the CVAN-70 despite the fact that there exists a difference of opinion among the service chiefs as to the number of carriers we should have in our carrier force in future years.

CONCLUSION AND RECOMMENDATION OF THE SUBCOMMITTEE

As a consequence of the extensive hearings conducted by the special Senate-House subcommittee as directed by section 402 of Public Law 91-121, a majority of the Senate Members and all of the House Members strongly recommend that the Congress approve the request of the President for the funding of long leadtime construction items on the CVAN-70 for fiscal year 1971.

Findings on which the subcommittee's recommendations are based include the following:

ON ROLES AND MISSIONS OF CHARTER

The attack aircraft carrier has in the past and will into the foreseeable future, continue to perform a vital and indispensable role in insuring the control of our sealanes essential to our commerce. Our industrial operations could not last more than a very short time if our strategic materials were to be cut off from overseas.

In addition, carrier air forces are able to provide tactical air in support of land forces operating far beyond existing American air bases or where such bases have been rendered inoperative. In particular, with the current emphasis on reducing American commitments abroad in both Europe and the Pacific, the highly mobile carrier provides a unique means of providing American air power in distant locations without establishing bases and installations ashore.

MODERNITY OF CARRIER

The attack aircraft carrier, like every other major weapon system of our national defense, is subject to obsolescence induced by age and advancing technology. Therefore, like all other weapons systems, the attack carrier system must be modernized on a timely basis despite the significant costs involved.

The following table is an illustrative example of the relative capabilities of old and modern attack carriers, by class, reflecting single strike capabilities and air ordnance, jet fuel, and steaming endurances without replenishment:

	Hancock	Midway	Forrestal	Nimitz
Commissioning periods	1944–50	1945–47	1957–68	1972—
Single strike capability	1.0	1.3	1.6	2.0
Ordnance endurance	1.0	1.4	2.5	3.8
Jet fuel endurance	1.0	1.8	2.6	5.2
Steaming endurance	1.0	1.0	1.0	(1)

[1] Virtually unlimited.

COMPARATIVE COSTS OF CARRIER AND LAND BASED TACTICAL AIR

The subcommittee attempted to satisfy the statutory requirement for the study of past and projected costs of the attack aircraft carriers and their task forces. Several different analyses were presented to the subcommittee on this matter comparing sea-based tactical aviation with land-based tactical aviation.

It is significant that the Department of Defense advised the subcommittee that even though the comparative costs of the various alternatives have been under study for some time by the Department of Defense, there is no agreed-upon position within the Department on this matter.

To illustrate the difficulties encountered by the subcommittee in attempting to address this question, General Wheeler, Chairman of the Joint Chiefs of Staff, stated:

"Now this is an extremely complex problem, and the reason it is complex is that you have to figure out what you are going to charge off against the cost of land-based tactical air versus what you charge off against sea-based tactical air, and depending upon what you charge off, you come up with these varying figures.

"I must say that I don't regard any of these studies myself as being definitive, and they certainly are not convincing to me as a basis for making a judgment as to the need for sea-based tactical air."

In view of these circumstances, it is evident to the subcommittee that there is as yet no acceptable formula for accurately quantifying and measuring the precise cost-effectiveness of land-based versus sea-based tactical airpower.

ON THE NUMBER OF CARRIERS

The Defense budget for fiscal year 1971 supports a force of 15 attack carriers plus the one additional CVS (antisubmarine warfare) carrier authorized for use as an attack carrier during the Vietnam war. Unless there is a substantial change in our international commitments and the Vietnam war, the subcommittee supports the number of carriers provided for in the President's budget for fiscal year 1971.

The subcommittee was unable to resolve the question of the number of carriers that should be provided to our Armed Forces in the 1975–80 time frame, an issue which will be influenced by the degree of modernity of the carriers in being. This question also involves future foreign policy decisions which remains to be determined.

The subcommittee, in consideration of the full range of carrier capabilities including modernity and the exceptional advantages of nuclear power, is of the opinion that the long lead funds for the CVAN–70 should be approved.

Senators: John C. Stennis, *Co-chairman;* Henry M. Jackson; Strom Thurmond; John G. Tower; and George Murphy.

Representatives: Charles E. Bennett, *Co-chairman;* Samuel S. Stratton; and Robert T. Stafford.

ADDITIONAL STATEMENT OF SENATOR JOHN C. STENNIS

I fully support the concept of adding the CVAN–70 to our attack carrier fleet and personally think the leadtime items should be provided for in the fiscal year 1971 authorization bill. As stated before I will not be in a position to make a firm recommendation for including this additional carrier in the fiscal year 1971 authorization bill until there is a firm request therefor by the executive branch.

MINORITY VIEWS

One of the primary reasons for the establishment of this Joint Senate-House Armed Services Subcommittee on the CVAN–70 Aircraft Carrier (appointed pursuant to sec. 402 of Public Law 91–121) was the desire of the Congress to have a joint committee conduct a study and review of the entire matter of force levels and costs with respect to attack carriers. It was presumed that in connection with any new carrier the Congress would have a firm position from the administration. The budget message, however, states that "the advance procurement funds for the third carrier will not be obligated until completion of studies in progress to assess future requirements for attack carriers."

Without any clear direction from the executive branch, and because of (1) the high cost of this proposed additional nuclear aircraft carrier; (2) the possibility that a review by the National Security Council of strategic and tactical force levels will result in the recommendation of a future carrier force level which would not necessitate the construction of the CVAN–70 at this time for the 1975–80 time frame; (3) increasing evidence that we must give more recognition to such growing domestic needs as education, housing, control of various forms of pollution, and so forth; and (4) the growing financial crisis incident to further depreciation in the purchasing power of the dollar, I wish to withhold my decision with respect to recommending the authorization of long leadtime items for the CVAN–70 until we have the opportunity to review the results of this report from the National Security Council with respect to overall national strategy for the 1975–80 period, including the proper attack carrier force level.

Senator STUART SYMINGTON.

STATEMENT OF SENATOR WALTER F. MONDALE, DEMOCRAT OF MINNESOTA

A Senate-House Armed Services Subcommittee has recommended funding for a fourth nuclear attack carrier, the CVAN–70, This recommendation was made despite the fact that the Executive Branch has stated that funds for this carrier will not be obligated until the National Security Council completes its present review of strategic and tactical force levels. Their study will not be completed until September, 1970, at the earliest.

I want to commend Chairman Stennis for his position on this important issue. While the Chairman supports the concept of adding CVAN–70 to our carrier fleet, he has stated that he will not make a firm recommendation for funding this additional carrier in FY 1971 until there is a firm request to do so from the Executive.

I also commend Senator Symington, who feels that the results of the National Security Council study should be considered before deciding the question of funding the CVAN–70.

But the Subcommittee itself wants to fund this carrier now. It bases this recommendation on a report released on April 23, 1970, which was required by last year's Military Procurement Authorization Bill. It is my belief that this report fails to fulfill the Congressional requirement for a complete and comprehensive study of the Navy's attack carrier program.

The law called for a study of the carrier's cost-effectiveness. The Subcommittee concluded that there is "as yet no acceptable formula" for determining the cost-effectiveness of land-based versus sea-based tactical air power.

The law called for a review of the present carrier force level. The Subcommittee concluded that it was "unable to resolve the question of the number of carriers" needed by the end of the decade.

Yet, the Subcommittee's inability to resolve these basic and crucial questions did not prevent it from "strongly recommending" the funding of CVAN–70 in FY 1971. According to the report, "the attack carrier system must be modernized on a timely basis despite the significant costs involved."

This is a conclusion based more on instinct than analysis. It is completely unjustifiable to recommend funding for a fourth nuclear carrier without first determining the proper carrier force level.

For the decision to build this carrier can only mean one thing—that we favor a fleet or *more than* 12 modern attack carriers.

An examination of the present carrier fleet demonstrates this fact:

1. Excluding the oldest carriers, the attack carrier fleet consists of one nuclear carrier (the Enterprise); 8 Forrestal carriers; and 1 Midway which has just completed modernization.

2. The two Nimitz-class nuclear carriers which have already been funded will both have joined the fleet by 1976.

3. Under the Navy's "rule of thumb" that an attack carrier is obsolete after 30 years, the oldest of these carriers—the Midway—will not be obsolete until 1980; the oldest of the remaining carriers is that first Forrestal, and it will not become obsolete until 1985.

By 1976, then, the carrier fleet will consist of 12 fully modern attack carriers. To maintain a fleet of this size, we will not need to replace the oldest of these carriers—the Midway—until 1980. Given the 5-year lead time required to build an attack carrier, it will therefore not be necessary to fund the Midway's replacement until FY 1975.

If this subcommittee believes that the CVAN–70 should be funded now instead of later, it must show why more than 12 modern attack carriers are required. There is no such showing in this report.

I will not be a party to this fund now, justify later philosophy. If neither the Subcommittee or the Executive is able to determine whether we need more than 12 modern attack carriers, Congress abdicates its

constitutional duty by issuing a signed check for one more nuclear carrier.

I want to make it clear that I do not advocate the elimination of all attack carriers. Nor have I ever advocated such a position.

But I do believe that the Congress must have clear justification for funding a 13th modern carrier task force before approving a potential expenditure of more than $2 billion. Without this justification, it is unconscionable to ask the already hard-pressed American taxpayer to bear the burden of such an expenditure.

HITCHING POST INN, CHEYENNE, WYO.

Mr. McGEE. Mr. President, the Hitching Post Inn, in Cheyenne, Wyo., is one of the excellent examples of first-rate, full-service travel facilities in my State. It is an old but ever-progressive institution, under the management of Mr. and Mrs. Harry Smith and their son Paul.

Recently, the Tourist Court Journal carried a significant article which tells something about the philosophy of the Smiths and how it has led to success in a demanding business. 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:

WHY "LADY LUCK" SEEMS TO SMILE ON THE HITCHING POST INN

(By Ray Sawyer)

At first appraisal, it would appear that "Lady Luck" has smiled generously upon the 165-unit Hitching Post Inn, Cheyenne, Wyo., and its operators, Harry and Mrs. Smith, and their son, Paul. This full-service, resort-type operation features luxurious rooms; lavish restaurant, meeting lounge and entertainment facilities; indoor and outdoor swimming pools; a health club; and other guest conveniences.

And the Smiths bring to it an enormous amount of talent and experience. Smith, who might be labeled general manager, has been at the helm guiding its course for some 33 years. His wife, Mildred, who oversees the motel facet of the operation, has been with it since their marriage 29 years ago, and contributes, among other things, a remarkable knack for interior decorating. And Paul Smith, who serves as manager of the restaurant and lounge, grew up with the business and holds a Hotel & Restaurant Admin. degree from Michigan State Univ.

Pretty lucky setup, wouldn't you say? But when you zoom in for a close look at this operation and its operators, it doesn't take very long to discover the brand of luck it, and they, have been blessed with. It is probably best described by one successful old sage who, when told by an observer how lucky he was to be amassing such an estate, replied, "I find that the harder I work, the luckier I get." And as a result of applying the same formula, with careful attention to the demands of the traveling public, the Smiths find themselves entering their fifth decade at their original site with "excellent" ratings in both the *AAA Tour Book* and the *Mobil Travel Guide*.

Smith's father began the operation in 1930 with 24 units, a service station and a grocery store. At that time, motel rooms were quite bare, displaying only a bed and mattress. Guests brought along their own linens and towels, and used outside shower and toilet facilities.

In 1937, the elder Smith passed away, and young Harry was faced with the monumental decision of whether to continue in his chosen profession of civil engineering—he was employed with the Bureau of Reclamation—or to enter the motel business. His first impulse was to sell the property. But after a great deal of soul-searching, he decided to "change horses at midstream" and become a motel operator. "You could see the industry begin to pick up at that time," he says.

And enter it in earnest, he did. From the outset, he was continually adding to and updating the property, leading it ahead of its competition through every phase of automobile travel. "He's just a frustrated engineer—always building and adding something," laughs Mrs. Smith.

Looking back at the Thirties, Smith recalls that hot-and-cold running water was what made a motel modern for a time. "Then, guests began to demand inside showers and toilets," he says. "For a while, this was what set you off from the competition. Next, it was cooking facilities, and then tubs and showers."

With World War II came OPA restrictions and the scarcity of building materials, and the operation came to a near standstill. However, during this dormant period, the Smiths formulated plans for food service, feeling the coming need for an on-premises facility. They felt that a first-class operation could no longer afford to send its guests out looking for food.

They began with a small dining facility, which proved an instant success both with motel guests and local residents. It was so successful, in fact, that two weeks after it was opened, all the equipment—stoves, dishwashers, everything—had to be replaced with larger models.

Next came a larger dining room and a cocktail lounge. Then, two more public rooms were added. "We began to see the future of renting public rooms for meetings and conventions," says Smith. "And we wanted to be ready. Everything was carefully planned in advance."

Today, as has been the case since their inceptions, both the motel and food service segments of the operation are pacesetters. And the Smiths attribute this success to several factors.

Perhaps the most important is their attitude toward criticism. "We love it," says Mrs. Smith. "Paying attention to it and doing something about it is what has kept the business going, rather than falling behind and deteriorating. And it has kept new places from coming in and setting us back."

For example, adds Smith, "A lot of motel people say AAA is too critical. Our feeling is this. We know we are pretty good. But the AAA inspectors see all of the rooms in the country, and they can tell us how we can improve and get better with their comments on our shortcomings. People don't come here because we are Harry and Mildred Smith. They come because of what we offer them."

Comments from guests, both oral ones at the desk and those written on the large, attractive comment slips placed in the rooms, are also welcomed and used to advantage. "These often clue us in on things we wouldn't learn from any other source," says Mrs. Smith. "We compile a statistical report from them each year, in an effort to find additional ways to make improvements."

Visiting other properties and looking at them from a guest's viewpoint has also been another important contributor to their success. "The things we like—that make it easier or more comfortable for us as guests—we try to incorporate," she says. "Most of our extras are not original. For example, we saw the bedside TV switches and bathroom telephones—or the 'hot lines'—at a place in San Francisco."

Still another key factor in their success is their continuing efforts to give their guests the best service they can provide. "I've learned that anything that is good for the guest is a pain in the neck for the operator," says Smith. "A lot of owners fight this. But we believe—whether or not it is actually true—that the customer is always right. He pays the bills. We don't have any money without him.

"So we try to look at this thing from his point of view rather than ours. And since it's the conveniences that matter to him, we try to think of ways that will make it easier for him while he is here. Some of these services are quite expensive—courtesy buses taking guests to and from the airport, or downtown, or wherever they want to go; hiring several high school boys to show them their rooms and carry their bags for them; night maid service for studio rooms. But you have to look at your place as part of a total operation.

"A lot of people think you can retire into this business," says Smith. "Well, it's a hell of a thing to retire into. If you really want to keep your business up—and everything revolves around service—it requires a lot of hard work."

Taking an active part in trade associations has also been very important in the Smiths' success. "Just go to the facilities of a man who gets out to meetings and is active in motel organizations, and you can see the improvements he makes from year to year," he says.

The Smiths, and their business, have also profited greatly from the trade publications, he adds. "Tourist Court Journal and the others keep you alert. Many operators don't subscribe to them. They live out there in a world of their own. Before you know it, they're outdated or out of business, unless they have an unusual situation."

How has this constant striving to improve and this never-ceasing sensitivity to guest needs paid off for the Smiths and their business? For their part, it has resulted in an 83.3% annual occupancy—including a torrid 4-month average rate for the summer season of 97.1%—as well as a continually growing revenue picture. And from the guest's standpoint, they have long since come to know that they can always expect to find the very latest in accommodations and facilities at the Hitching Post Inn.

Decor is very important, Mrs. Smith points out, and you have to keep changing with the trends or you become dated. For one period—six to seven years—knotty pine was the vogue in the area. Then, everything went to stark modernism. As these changes occur, she adds, you have to tear out the old and replace it with the new.

Women, she says, read the house and garden magazines and are more color conscious than ever before. Rather than the "home-away-from-home" concept, they remember a motel and want to come back when it "has given them a lift" with its color and decor; when it has given them ideas for their homes. So, she pores over these magazines to keep in constant touch with the trends, incorporating their ideas where possible into her interiors.

In her new guest room color schemes, for example, she is adding the new olive greens and burnt oranges, with gold carpets, which are so popular now. "Also, darker colors are coming back for the walls," she adds. "We may go into this a little. However, we can use dark colors on spreads, drapes, carpets, lamps, etc., and get the same overall effect, while retaining the advantages of lighter walls."

Furniture stylings at the Hitching Post are the currently very popular Mediterranean and the ever-popular French Provencial. Carpets, bedspreads, pictures and drapery colors are varied from room to room to give each individuality.

"Decor can be changed somewhat merely by varying the style of hardware on the furnishings," she says. "And finish-wise, you are safe if you use a pretty grain of walnut. This gives you a rich feeling of elegance, and you can't go too far wrong."

All furnishings, with the exception of chairs—desks, bed headboards, nightstands, cabinets, vanity counters, etc.—are made on the premises by one of the maintenance men, a Latvian cabinetmaker. "He is an artist with Formica, and uses it everywhere," says Smith. "He never catches up with all the work we have. He also makes the restaurant furnishings—the tables, counters, bars and other pieces."

The Smiths are very careful about furniture purchases, since they are located in a region with a high elevation—6,200 feet. "We can't buy anything made on the West Coast," says Smith. "It isn't dried enough in the kilns and tends to dry out and crack at this altitude. We have experienced some losses in the past, learning this. We have to buy from the Carolinas, Michigan or New York."

Mattresses and boxsprings are by Englander. "Providing the best you can buy in these two items is the most important thing you can do in a commercial lodging facility," Mrs. Smith says emphatically. "To the guest, the true test of a motel's quality is made when he gets in bed."

Linens are percale by Dan River. And all bedspreads are from the deluxe lines of Bates and Cannon. "These are fairly costly," she points out. "But in the long run, they hold up much better. People sit on beds, and our spreads don't look crumpled or soiled as a result."

"Our pillows are Old Prejudice, made of goose down," she adds. "We also keep a few foam rubber pillows on hand for those who request them."

Draperies, including blackouts, are purchased locally on a bid basis. "We try to do as much business here in the community as we possibly can," she says. "The town has supported us wonderfully, and this is one way we can show our appreciation."

Casements are also used with the draperies. "Our guests seem to like them," she comments.

Room carpets are all-wool, primarily by Masland, while acrilon and other synthetics mostly by Barwick—are used in public areas and in the indoor corridor leading to them from the new 90-unit addition. "In this high altitude," says Mrs. Smith, "you can't use nylon because of the static electricity."

Mrs. Smith used to spend a great deal of money on expensive carpeting. "But," she says, "I found that $15-a-yard carpet burns just as easily as that which costs $8–$9 a yard. I would rather change carpets in the units more frequently, giving guests something new and fresh more often. The cheaper—but good—carpeting gives me that flexibility."

Walls are plaster-finished and painted an off white. "I also used to use a lot of very expensive wall coverings—$12–$15-a-roll grass cloth and other types," she says. "But we would come in at the end of the tourist season and find gouges here and there. And when you made repairs they didn't match the rest of the wall. This became quite costly.

"Now, we just use a good, flat paint. You can come in in a half-day's time and freshen up entire walls and rent the rooms the same night. You can keep them always looking new. I would rather put money into expensive draperies, bedspreads and things like that than into expensive wall coverings."

Dresser tops hold RCA or Zenith TV sets, locked into Formica swivel units made by the cabinetmaker. "I don't like wall-mounted TV racks," says Smith. "The sets look like they are going to fall off any minute."

Other room facilities include: generous mirrors by Syraco, New York; small refrigerators by Acme and Norcold; Muzak control units, which feature additional settings for local radio stations; and sleek, slim-line closets, which feature a long shelf and louvered folding doors.

Convenient vanity areas include Formica-covered counter-cabinets housing sleek, colorful double lavatories. Wrought-iron dividers extend from countertops to ceilings. "By using dividers and not closing the vanity off," says Smith, "you get the impression of a much larger room."

An additional lavatory, large enough to provide guests with plenty of room for their grooming devices, is found in the bathroom. Plumbing is by American-Standard and Crane.

Tub/shower combination feature shower curtains of heavy white duck, which are changed and cleaned daily in the motel's on-premises laundry. "We don't like the plastic curtains," says Smith. "They blow against you and are annoying. Ours are old-fashioned, but they eliminate this problem." "They are purchased from Valiant Products and Standard Textile on a bid basis," adds Mrs. Smith.

"We have one room with a glass sliding shower door," says Smith. "I've yet to see one of these in a motel that doesn't have a lot of filth down in the track. It takes a terrific amount of time to clean them, and the maids just won't do it. These units look good and cost more—they're different—but they are a very poor investment."

Bathroom walls are covered with tile all the way to the ceilings. "We've used every conceivable wall-covering material made for bathrooms, but none has stood up like tile," he says. "The fancy synthetic materials don't breathe, and the corners start to curl and the walls peel."

The Hitching Post was the first motel in the state to install air conditioning. Individual GE "Narrowline" units are used, installed flush with the outside of the buildings. Their protrusion to the inside of the rooms is covered via wall-finished encasement, which serves to break the wall and add to the appearance of the room. Maintenance has been minimal, and two extra units are kept on hand for emergencies.

Central water heat is provided. Both heat and cooling work off the same Robertshaw air-controlled room thermostats. Thus guests can have either at any time of the year. And to add further to their comfort, Smith has fixed windows so they can be opened for fresh air.

"Air-controlled thermostats cost about $40 extra per room to install," he adds. "But I recommend them over electric ones. There is less maintenance." These operate via air from the thermostats actuating dampers in the air-conditioning units through tubing connecting them.

"The most important thing you can do to insure peak efficiency and prevent problems with air-conditioners is to keep the filters clean," he says. "Most of the problems you have are the result of clogged, dirty filters." So he uses washable filters, and during the tourist season he has the maids to remove them and wash them out in the lavatories once a week, and change them at least every other week.

A special accommodations problem is created for a first-class operation in a small, but famous capital city like Cheyenne: that of providing suites, though they are rarely requested. As such, it is important to have rooms that can be rented individually each night. But, it is still necessary to have elaborate, multi-room suites for the many top celebrities—movie and TV stars, political dignitaries and others—who come to town from time to time.

The Smiths have worked out a very good solution to this problem. Eight-foot long connecting sliding doors have been installed in side walls of a series of units in the new addition, allowing the creation of two- to four-room suites, any of the series of which can be quickly converted into offices, meeting or press rooms, or whatever is called for.

Room-to-room soundproofing is achieved via the use of two layers of ⅝-inch sheetrock on each side of the walls. The first layer is nailed to 2x4 frames, while the second is pasted directly over this to avoid sound conduction. And a special effort is made to avoid backing up electrical plugs. This 2½ inches of solid matter, coupled with nearly four inches of dead air space between the walls, does the job as well as any other method, including the staggered stud-insulation one, he says.

The only two-story section, the 90-unit new building, is of brick-and-reinforced concrete construction. Slabs between the floors, along with carpeting, provide the necessary floor-to-ceiling soundproofing.

To reduce noise from the corridor, the maintenance men added rubber stripping around room doors prior to installation. Along the bottoms, they routed out a track and installed a spring-operated mechanism which pushes the rubber stripping tightly downward against the sills when the doors are closed.

Noel E. Pool, Salt Lake City, Utah, architect, has handled the design for new construction for the Hitching Post for the past 15–20 years. Final plans are drawn up by local architect, John Freed.

"Cleanliness is your greatest asset in a motel," says Mrs. Smith. And this facet of the operation is capably handled by Marilla Russell, a former maid and manager of the motel laundry. In constant contact with both Mrs. Smith and motel manager Delmar Peterson, she is given full rein over her department, handling all areas of responsibility, including hiring and firing of maids. "This prevents the problem of having two or three people running around telling the maids what to do, creating confusion," says Mrs. Smith.

Maids work a full eight-hour day, cleaning an average of 9½ rooms each. "We recently figured that it costs us $1.45 per room for maid service, not counting laundry and other costs," she says. "That's a little high, but we're getting very clean rooms. We are very meticulous, and demand that the rooms be kept spotless. The house keeper checks them every day, and the manager and I spot check them from time to time."

"We require our maids to vacuum room carpets every day," adds Smith. "Sometimes they get a little lax about this, but not very often. Our beds are detached from the wall-mounted headboards and are on rollers to make it easier for them to move them out of the way for this."

An added touch of cleanliness, as well as luxury, is provided by the use of three sheets on all beds—one on the mattress and one on each side of the blanket above it. "This keeps the blankets more sanitary," she says, "and they don't have to be cleaned as often."

"Spring housecleaning" is done in the winter when occupancy is at its lowest. Two or three rooms are taken out of service at a time, and the maids clean them completely. Men are hired to do nothing but shampoo carpets. Drapes and pillows are taken to the laundry to be tumbled. And bedspreads are sent out to be drycleaned.

An on-premises laundry, installed 15 years ago to allow key maid help to be retained during the off season, now runs full time the year around, handling cleaning for both the motel and restaurant. Equipment includes: a Huebsch Dryer, an American Compact Folder, a 200-pound Dyna Washer, two Troy Laundrites—one, a 40-pound model, and the other, an 80-pound one—an American Casadex extractor and washer, a Western extractor and a Chicago Flatwax.

Though they don't use no-iron linens, the Smiths feel they are saving time and money

by operating their own laundry. In addition to the convenience of having it when they want it, savings result from the volume handled and the avoidance of time-consuming counting in and counting out, necessary when a commercial laundry handles it. They also feel that they are saving 12c per bed, or 24c per room, since the third sheet used on beds can be thrown in at no extra overhead cost.

Continuous up-grading and adding to the facility have, of course, been a prime factor in the motel's long-term success. Plans and projects are always under way.

In underlining the importance of up-grading, Smith cites the experiences of the city's largest hotel. It went broke, he says, because while business was so good to it, guests were neglected. Air-conditioning and other conveniences they demanded weren't put in. "They found us," he says, "and we took care of them. The process didn't take place overnight. It took 10–12 years. Now, we also have the Lions and Kiwanis Clubs, which used to meet at the hotel."

Numerous projects have highlighted never-ending refurbishing programs. For example, while they were launching their new restaurant right after World War II, the Smiths realized kitchens were no longer necessary in rooms. They took advantage of this situation by gutting the units a few at a time, and starting from scratch to enlarge them into the former kitchen areas.

Four years ago, while adding a 30-unit wing, roofs of existing buildings were enlarged and new cedar-shake shingles added, greatly enhancing their appearance. The new wing was enlarged an additional 30 units two years ago, and another 30 last year. (Note that we didn't say a final 30; nothing has remained final at the Hitching Post!—Eds.)

Rooms themselves are remodeled 10 at a time. Everything is normally ripped out except the 2x4's. "They get new doors—everything," says Smith.

While adding the new wings and connecting them with the public areas, it was decided to include: an inside corridor—the first for a motel in the state—to protect guests from inclement weather; an indoor swimming pool; and a health club, with saunas and exercise rooms (complete with bicycles, etc.) for both men and women.

One project in the planning stage is the addition of carpeting at poolside. He is reluctant to use indoor/outdoor carpeting, stating that all he has seen gets stained. He is considering Astro-Turf, which, he says, costs $12 per yard.

Color TV was also added a few sets at a time, until now it is found in all of the rooms. "Guests are not directly asking for it," he says. "But it brings them in. They just expect it."

Sources of guests are observed very carefully, both from comments at the desk and from those on comment slips. "Our four main sources are: the highway signs, AAA, Best Western and appearance," he says.

Primary promotional efforts are made via an attractive, colorful airport display, a four-color brochure, an ad in the *AAA Tour Book* and highway signs. "In earlier days, we used to put so much on our signs," he recalls. "It took us 15 years to get away from that—it's a waste. Who can read it all driving by at today's speeds? And why put TV on it? The guest wouldn't expect you not to have it.

About 80% of the business in summertime is handled via credit cards and travelers checks. "We have to send out for change to operate with, he says. "Our business has become all paper work."

In addition to honoring the big three credit cards, two bank cards and two oil cards, he also issues one of his own. These are issued to regulars after checking their credit on the office ledger.

The big advantage of credit card business, he says, is that people spend more freely with them than they would "if they had to reach in their pockets for hard cash. You're giving away 4% overall," he adds, "but you're bringing in much more money. You have to look at the overall picture."

Today, the operation has 122 employees, with that figure hiked an additional 25–30 at the height of the season. More are employed in the restaurant phase than in the motel.

"Help is a catastrophe here like everywhere else," he sighs. "The housekeeper is battling the problem every day. She keeps two girls busy just breaking in new maids. Some will work three or four months, and then find an excuse not to show up so they can draw unemployment."

In an effort to encourage employees on a long-term basis, an incentive program has been set up. Department heads get end-of-the-year bonuses. Those who have been with the motel three or four years get Blue Cross and Blue Shield insurance policies, compliments of the management. "Sometimes you wonder if these things are doing any good," he says. "But I think they are necessary."

Despite the bigness of the operation, the Smiths make a special effort to provide a personal, friendly touch. "We get more comments on the homey atmosphere here than on anything else," he says.

"We train our people to be friendly at the desk, and to learn names and try to learn a few of the idiosyncracies of our regular guests," adds Mrs. Smith. "If they like special facilities—bedboards, foam rubber pillows, etc.—we prepare their rooms this way and have them ready when they arrive."

Every guest who attends a convention at the Hitching Post finds waiting for him on his dresser when he arrives an "Eye Opener." This is an attractive cardboard pack with handle, imprinted with the motel's trademark. It contains two or three liquors in small bottles of the size served to passengers on commercial airline flights, plus a package of nuts. A handwritten note welcoming him to the motel, signed personally by Smith, is inserted in its side.

For parties of six or more, the names of each attendant are printed on match covers which are placed on the tables when they are set up. The printing is done in a matter of minutes by the package liquor store operator with a small printing machine.

Fresh flower centerpieces are placed on tables for all parties, no matter what the season. "We're sort of a special problem to the florists at times," says Mrs. Smith.

And at Christmas time, the motel and public areas become a winter wonderland. About $15,000 worth of decorations, including 100,000 miniature Italian lights, are now used. And some $2,000-$3,000 worth are added to them each year. "In one of the large public rooms," says Mrs. Smith, "we have as many as six trees, each displaying about 5,000 lights. People come from all over the state to see our decorations."

The Smiths have been by-passed on one side, but this doesn't overly excite them. "With the reputation we've built, people will still come here," Smith says confidently. "When we are totally by-passed, it will have some effect on breakfast and some of our tourist lunch sales. But if we lose in one area, we just have to work a little harder somewhere else."

And that should provide no hill for "steppers" like the Harry Smiths. They've been working hard for four decades now. That's why they appear to be so darn lucky as they begin the fifth one.

JOHN GRAVES, OKLAHOMAN

Mr. BELLMON. Mr. President, as an Oklahoman I have a special feeling of shock and sorrow at the passing of John Graves.

John, who was from Clinton, Okla., was well known to members of my office staff. He was in our office only yesterday discussing some legislative matters.

He performed his job as assistant secretary to the majority in a calm, efficient manner, and he impressed many as a dedicated employee of the Senate prior to his recent retirement because of his illness.

My heartfelt sympathies are with his loved ones, and I share with other Senators, on both sides of the aisle, the sadness that accompanies the loss of this former employee.

SENATOR PERCY SPEAKS TO YOUTH ABOUT SOUTHEAST ASIA WAR

Mr. COOPER. Mr. President, the senior Senator from Illinois (Mr. PERCY) delivered an eloquent statement on May 8 concerning the crisis which faces this country because of the war in Southeast Asia. It is a very personal statement in which Senator PERCY outlines what he intends to do to meet the crisis faced by this country. Addressing the youth of the country, Senator PERCY concluded his speech with this plea:

> So I would say to you in closing: Do not despair of us, do not abandon your country and its future in this crucial hour. Continue to prod us into action, to give us the benefit of your unique appreciation of this nation's moral obligations. Dissent vigorously—but peaceably and within the broad parameters of our constitution, and I pledge to you that we will respond.

I ask unanimous consent that Senator PERCY's remarks be printed in the RECORD.

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

STATEMENT BY SENATOR CHARLES H. PERCY
MAY 8, 1970

You have come here today because you are angry—over an undeclared and tragic war in Southeast Asia that has been escalated sharply in the past 10 days, and over the inexplicable and indefensible killing and wounding of young people last Monday on the campus of Kent State University.

I share your anger. I opposed every escalation of the debilitating conflict in Vietnam during Democratic Administrations, and I would therefore, oppose just as vigorously any expansion of the war into Cambodia. I had thought we were on the road to withdrawal from a war unrelated to our own vital interests and national security. Now I am astonished and appalled to find that it has been widened into another country without Congressional approval.

But I believe that the abrupt turnabout in Southeast Asia—however misguided—and the shooting by American troops of American students exercising a constitutional right—repugnant as it may be to our national conscience—do not entirely account for your presence here today. You are as aware as I am, I think, that my generation has almost completely lost contact with yours, and that this may be our last chance for reconciliation.

As you pour into Washington this weekend, representative of millions of students across the land, I fear that you are on the verge of total alienation. This nation may be about to lose the allegiance of its young people, the millions of Americans between 18 and 30. It is a terrifying thought.

It does no good today to deplore once more the loss of our lives, our treasure and our international reputation in South Asia. It is fruitless to lament again the plight of the poor, the hungry, the disenfranchised, those deprived of their civil rights. It is not enough to speak out against the inflammatory rhetoric, much of it emanating from the highest levels of government, which has driven moderates into the radical camp, transformed progressives into revolutionaries.

You have heard enough words. What you want is action, evidence that your voices have the power to shape the policies of the national government.

Today I offer you some specific promises:

First, I promise that I will work to redefine and clarify the war-making powers of the President and the Congress. We in Congress have the constitutional power to declare war, but it is necessary to go back through six Administrations—to World War II in the Roosevelt Administration—to find a war that has been declared by Congress.

Since the end of that declared war the United States has lost scores of thousands of men killed and wounded and upwards of 200 billions of dollars in undeclared conflicts, skirmishes, police actions—pick your own term—in Korea, the Dominican Republic and Southeast Asia. And there are no statistics available on the clandestine adventures—in Cuba, Guatemala, the Congo, Indonesia.

Second, I will introduce a resolution stating that it is the sense of the Senate that no American forces—land, sea or air—may be sent into combat without the express consent of the Congress, except in response to a direct and obvious attack.

Third, I have decided to co-sponsor and will work for enactment of a proposal calling for the repeal of the Gulf of Tonkin Resolution, the shaky instrument that has been used to justify countless escalations of a dreadful war.

Fourth, I have decided to co-sponsor and work for enactment of an amendment that would cut off funds for the Cambodian incursion.

Fifth, in order to give impetus to the legitimate aspirations of young people to play a forceful role in the formulation of national policy I am today urging the presidents of all American colleges and universities to suspend classes for at least one week prior to next fall's congressional elections to permit the nation's millions of college students to actively campaign for the candidates who will best represent their views. Coupled with this massive demonstration of political action we must press to give the franchise to 18 year olds. If it takes a constitutional amendment, so be it and let us get on with it. Young men and women must participate directly in the electoral process, making our officials and institutions more responsive.

Now that I have outlined my proposals, I would like to ask something of you. I urge you with all the force I can summon to shun and help prevent the violence that will only retard progress toward our common goals.

Violence is a form of self-indulgence, providing momentary release at the expense of the long-range aspirations we share. Violence: arson, damage to life and property—should be condemned and treated as the criminal acts they are, whether it be the wanton destruction of a scholar's life work or the death of innocent student by-standers. It can only lead to further polarization of this already battered but still great nation, and destroy our opportunity to represent your views effectively.

I do not say that you have not been provoked—verbally and physically—by a generation that too frequently mistakes your idealism for intellectual arrogance and ignores your laudable aims while concentrating on superficial matters, such as hair length and beads. But I do know that more violence will only turn the generation gap into an unbridgeable chasm.

If you feel today, in an almost unprecedentedly depressing week in our national life, as if all of your protests have been unavailing, I wish to disagree with you. I speak as a member of one institution, the United States Senate, and I can tell you that you are being heard. The message is loud and clear, and I hope you will not allow it to be muted by the tragic events of the past several days. Moreover, I believe that the President has heard and is listening now. I believe that he wants to end this war. I believe that the ending will be hastened.

In some measure, your dissent has been responsible for a formidable number of actions we have taken. With your support, we have begun to give military appropriations the scrutiny they deserve, to weigh the need for advanced military hardware against pressing human needs and cut billions from the defense budget without compromising our national security. The Senate also has turned back an attempt to emasculate the Voting Rights Act of 1965 and succeed in having it renewed. It has greatly expanded programs to feed the hungry, another high national priority. It has just rejected a second Supreme Court nominee, one who exhibited lack of sensitivity to the aspirations of all Americans for full membership in American society.

I do not mean to dwell on our accomplishments, for so much remains undone, but only to offer you hope. I see in Secretary Hickel's courageous letter to the President a growing understanding in the Executive Branch that this Administration will never win your support through benign neglect. In the appointment of Judge Blackmun to the Supreme Court, I see a reassuring sign that the court will regain the integrity and public trust it must have.

I state unequivocally that there is hope. This remains the greatest form of government devised by man. It was forged in a revolution and the fervor of that revolution has nourished it over two centuries. It can move it again, but only if the great energies are used with restraint, and genuine care for our future. A bloodbath would only restore the tryanny that we have rejected since the first days of the Republic.

So I would say to you in closing: Do not despair of us, do not abandon your country and its future in this crucial hour. Continue to prod us into action, to give us the benefit of your unique appreciation of this nation's moral obliagtions. Dissent vigorously—but peaceably and within the broad parameters of our constitution, and I pledge to you that we will respond.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is concluded.

AMENDMENT OF THE FOREIGN MILITARY SALES ACT

The PRESIDING OFFICER. The Chair lays before the Senate the unfinished business, which the clerk will state.

The BILL CLERK. An act (H.R. 15628) to amend the Foreign Military Sales Act.

The PRESIDING OFFICER. Without objection, the Senate will proceed to its consideration.

Mr. HOLLAND. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. HOLLAND. What is the pending question?

The PRESIDING OFFICER. The pending question is on the last committee amendment on military sales.

Mr. HOLLAND. Mr. President, continuing my inquiry, I understood at the time of our adjournment yesterday that the distinguished manager of the bill, the Senator from Idaho (Mr. CHURCH) had just offered a further amendment which had become the pending business. Am I correct or incorrect in that understanding?

The PRESIDING OFFICER (Mr. SPONG). The Chair is advised that the Senator from Idaho withdrew that amendment, or those amendments.

Mr. HOLLAND. I thank the Presiding Officer.

The PRESIDING OFFICER. Under the previous order, the Chair recognizes the Senator from Mississippi (Mr. STENNIS) for a period not to exceed 1 hour.

Mr. STENNIS. Mr. President, I understand that the Senator from Ohio (Mr. YOUNG) had a matter with which he wished to proceed briefly as in the morning hour.

Mr. YOUNG of Ohio. I thank the Sentor from Mississippi.

Mr. STENNIS. Just a moment; we will have to see about it. I would be glad to yield to the Senator now, if we can work it out under the rules of the Senate, but we are in the position of having before us the pending business, which requires the application of the rule of germaneness.

Mr. YOUNG of Ohio. May I say to the Senator from Mississippi, I was really waiting in the Chamber here to speak for about 5 minutes in the morning hour, but I was called out by the majority leader to discuss a matter with him. I can speak later, or if the Senator will yield to me for 5 minutes, without taking any of his time, I can speak now.

Mr. STENNIS. The Senator from West Virginia has certain responsibilities here, Mr. President; I yield to him to explain the situation.

Mr. BYRD of West Virginia. Mr. President, I appreciate the thoughtfulness of the Senator from Mississippi, but I would be bound to object to any transaction of routine morning business, during the next 3 hours, now that the unfinished business has been laid before the Senate.

Mr. YOUNG of Ohio. All right, I can wait.

Mr. BYRD of West Virginia. I say this hoping that the Senator from Ohio (Mr. YOUNG) will appreciate the situation I am in. May I say, incidentally, that I came to the Chamber with some morning business of my own that I wanted to discuss, but now I, too, must abide by the rule until the 3 hours have elapsed.

Mr. YOUNG of Ohio. I will abide by the rule also, and present my matter later.

Mr. BYRD of West Virginia. Mr. President, I thank the Senator for his usual understanding and forbearance.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

Mr. STENNIS. Mr. President, I ask unanimous consent that I may ask for

a quorum call without losing my right to the floor—and I add that I do not expect this to be a live quorum.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. STENNIS. Mr. President, my remarks today will be addressed, of course, to the pending amendment to the pending bill, and specifically to the amendment proposing restrictions on the President of the United States in his conduct of the very unfortunate war in South Vietnam.

I do not propose to attempt to review the entire war. I was opposed to our going in there with military power, but I have since supported it without any exception. I will support the men, without any restriction whatever, as long as they are called on to fight. But I am very deeply concerned that we get out as soon as we possibly can.

Also, I wish to make clear that my position all along has been—and is now—that I do not favor our going into Cambodia, or extending this war for Cambodia's protection. They may deserve it, but I do not think we can extend it that way. I am not in favor of our trying to sustain and protect a government there. I think that would involve us in Cambodia's war, and it is already involved in one to a degree. I do not favor—and I have let this be known all the time—furnishing any appreciable American arms to Cambodia, if for no other reason than that means sending trainers and advisers, and that means involvement.

However, we are now technically on Cambodian soil—and this is something that I have favored before now—for the primary purpose of destroying the ammunition dumps, the military supplies, the food supplies, the weapons, and the manpower that have a large role in the war in South Vietnam. That area is as much a part of the battlefield of South Vietnam as a man's nose is a part of his face. For years we have had this extraordinary situation where, in many places, our adversaries—and they are exceptionally tough fighters in this type of war—could take refuge in Cambodia for safety, for replenishment, for rest. The same spots were being used for storage of the supplies of the type I have mentioned. They could fight us, and have fought us, over and over in Vietnam, inflicting severe damage on us, and great loss of our manpower, and then run away and regroup and fight another day, often over the same territory, again and again and again.

According to the common sense and judgment I have, we cannot win—we cannot even bring to a conclusion—the war in a successful way if we have to conduct the war under those terms.

When I speak about the President in this speech, I am not so much talking about Mr. Nixon as I am about the power of a President and his duties and responsibilities under the Constitution. Frankly I am glad that we have a President who had the courage to take this step, if his judgment was that he should take it. I think that thus far he has conducted himself about it in a very fine way, and in a way that already has proved to be very effective and very helpful. I want to read briefly the main points from a statement that I read yesterday, and this is the most recent one I can get, as to the losses of our enemies there.

We have already captured and taken over and control, or have destroyed, in these sanctuaries, enough equipment to supply 20 enemy battalions. This includes more than 7,000 rifles, 1,000 crew-served weapons—meaning mortars and machineguns—along with more than 8 million rounds of small arms ammunition, which would have supplied 20 battalions for upward of a thousand battalion-sized attacks.

I do not recall at this time how many men are in their battalions, but theirs are smaller than ours. This is calculated on the basis of 20 battalions, and this would supply them to make about a thousand battalion-sized attacks of the kind they have been making on us.

Food supplies located so far comprise almost 5 million pounds of rice, which we know is the basic food there; and that is enough rice to feed the entire enemy forces now in the III and IV Corps area of South Vietnam for 5 months.

Twenty-two thousand mortars and rocket rounds have been found, an amount large enough to supply about 3,000 fire attacks in South Vietnam of the same intensity that the enemy has been conducting in recent weeks. More than 5,400 of the enemy have been killed in Cambodia and over 1,400 captured. If early estimates of about 40,000 enemy troops in Cambodia are correct, 17 percent of their forces in Cambodia have already been destroyed.

Mr. President, I want to make sure that it is very clear that I have nothing except the highest regard for the motives and intentions of those who propose and support the pending amendment. I make no attack on them. It is unfortunate that some of them have been called by name in an unfavorable way. That is very uncalled for and unfortunate. I do not believe it represents the sentiments of the organizations they represent.

Now, Mr. President, this does involve very strong opinions as to who is correct in this very involved and far-reaching issue.

I do not think there is any more important question, especially in world affairs, than that concerning the power of the President of the United States, his constitutional duties, his prerogatives, and his authority.

One phase of it which has not been understood or discussed very frequently is the power and the duties of the President as Commander in Chief. That is just not an idle term. Those who wrote the Constitution could not at first agree how the Commander in Chief should be chosen. They finally wrote into the Constitution that the President of the United States should be the Commander in Chief. There was strong objection to that at the time, but it was adopted, and it has worked very well.

The President of the United States is the only Commander in Chief we have. He must carry out that role. It is a role which is known all over the world by, adversary and friend alike. They know that he is our Commander in Chief.

That is why it is so serious to think about passing legislation that would tie his hands or limit him so that he could not act as a military Chief Commander until he had come down here to Congress and sought a law and obtained its passage. Everyone knows what our enemies would do in the meantime. We know that they would be given enough notice so that they could change their plans, get away, change their policy, or do almost anything else they wanted to do.

Mr. President, the question we are debating involves strong and emotional issues of what is right and wrong; but it involves also significant questions of the power of the President, as Commander in Chief, and his constitutional prerogatives and authority.

At the threshold of this issue is one basic and fundamental fact which must be clearly recognized and understood; otherwise confusion and misunderstanding will surely result. That fact is that by the action we took in Cambodia, we have not—I repeat, we have not—assumed or undertaken any new national commitment whatsover. We have not committed ourselves to military support for the Cambodian Government. Nor have we promised shipments of American arms or committed ourselves to send military advisers. Mr. President, I am opposed to all of those steps. We have acted pursuant to and entirely within the context of an existing commitment. Within that framework, we have taken a military step, a campaign and a series of actions designed and intended to better our position in the war in South Vietnam and to reduce American and allied casualties. This all-important fact should be kept in mind as the debate continues.

I am not an expert on military matters and how to fight a war, but I have been close to the subject for some time. I believe that withdrawal of our troops will not be successful unless steps like that are taken. I do not believe that we can permit the sanctuaries to be left with immunity.

Personally, I think that if we do tie the hands of our Commander in Chief, so that he would have to get a law passed in order to go forward, that will be like sending a hot message to our enemies, "Come on back. Start building up as much as you please again. We are not going to come back so far as U.S. forces are concerned." Thus, they will be back for certain, and back up close to the line, too.

If the pending amendment is adopted, that is what will happen.

We are now attempting to legislate with respect to a battle which is actually being fought now—today—near the Cambodian-South Vietnamese border. By the assurances which have been given us by our highest officials, from the President on down, we know that the present action is limited in scope, limited in purpose, limited in geography, limited in size, and limited in time. I submit to all Senators that, under the cir-

cumstances, there is no precedent in all history for Congress to outline, limit, or define the perimeter of a battlefield here in the halls of the Congress. I believe this is the first time it has ever been undertaken. That is exactly what we will be trying to do, in this Chamber, to form the perimeter of a battlefield, where the battle is already in progress and men are dying today—I repeat, today.

If we are going to do that, we should draw every one of those men out immediately, not only from Cambodia but also from Vietnam. We cannot have it both ways at once. That is clear to me.

I believe that as this sinks into the minds of the American people, concerned as they are and vexed as they are about this war, their thoughts will be, "Do not stay the hands of our Commander in Chief. If we are going to stay there at all, do not put bonds on him; instead come out altogether."

I know of no one in this body who wants to increase the hazards to our young men in Vietnam and Cambodia. Of course not. It is a matter of judgment. I am glad that we have a President who had the courage to act on the facts as he saw them.

If we adopt this amendment, it would be unthinkable and an affront to reason and to the President.

Mr. President, I am not thinking in terms of President Nixon. I am thinking in terms of a constitutional American Commander in Chief, a constitutional Chief Executive who has been chosen by the people and who is known throughout the world as our Commander in Chief, who know that he is the only American who can carry out that role. We cannot put in a substitute for Mr. Nixon just because we do not like his judgment.

Mr. COOPER. Mr. President, will the Senator from Mississippi yield at that point, or would he prefer to finish his remarks first?

The PRESIDING OFFICER (Mr. EAGLETON). Does the Senator yield?

Mr. STENNIS. My remarks are not long. I should like to finish them, and then I will be happy to yield to the Senator from Kentucky.

I want to make it clear that I think Congress has the power—I am not arguing that Congress does not have the power—to withhold an appropriation. We can just vote nay on an appropriation.

My position is that when a man is Commander in Chief, as long as he is exercising a judgment that is within reason—that would not apply in a case of a man that happened to be insane—as Commander in Chief, he is the only one that we have to make decisions. We have no one else. It is a matter of either or nothing, as I see it, in backing him up in these unusual and extraordinary conditions.

I know fairly well about the present President's feelings of responsibility in this war as a whole. I do not think it is necessary to say this, but I will say it anyway. If I did not feel that the President is absolutely, down-to-earth honest in trying to use his best judgment, based on the best advice he can find, and that he is dedicated in this matter regardless of politics—it was a long chance that he took politically—and if I was not satisfied with those things, then I would be driven to some other conclusion and believe that something else had to be done.

I am impressed with his attitude in the matter. I am impressed with his judgment. And I give some value to his experience in handling these difficult questions and decisions.

I say that not to build up the President. He does not need any building up. It is something that I decided ought to be said to the American people. They are being told a lot of things about this situation, some of which are misleading.

As I say, I am glad that he had the will to move against these sanctuaries. Under these facts, I concur in his judgment.

The President never told me this, but I have been convinced for some time that to make the Vietnamization and the withdrawal program work, we must not give immunity to these sanctuaries. Therefore, I think action against them was necessary.

As a practical matter, the Congress, acting through its control of the purse strings, may have the power to hamstring and inhibit the President in directing military operations which he deems necessary for the safety of our ground forces and from exercising the full range of his powers as Commander in Chief.

Simply because we have this power does not, however, make its exercise either just or wise. As a matter of fact, I know of no instance in recorded history when any Congress has even seriously considered restricting the power to the extent that this resolution would when American fighting men are engaged in battle on foreign soil and are actually on military missions, putting their very lives in jeopardy while this debate is going on.

I remember as a youngster the debates in this Chamber following World War I. Woodrow Wilson was then President. A majority of the Members of Congress were involved in this effort, and I think it stirred the Nation. However, no one was then being sent forth to die. The battles and the shooting were over, no men were dying on the battlefields. We have altogether a different situation today.

I find it difficult to believe that we really want to convert the Senate of the United States into a war room and to try to direct battle, prescribe tactics, control strategy, draw boundaries, and otherwise to usurp the responsibilities and the prerogatives of the President and our military leaders. This is not a proper function of the Congress; and it should not be. And I do not believe that it ever will be.

We can be certain if we pass this amendment and advertise to the world that, as far as American troops are concerned, the Vietcong and the Northvietnamese can reoccupy and roam the sanctuaries of Cambodia at will and without fear of attack, there will be unrestrained jubilation in Moscow, Peking, Hanoi, and every other Communist capital in the world.

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

Mr. STENNIS. Mr. President, I have requested that I be permitted to finish my prepared remarks.

Mr. FULBRIGHT. I am sorry.

Mr. STENNIS. Mr. President, we can also be sure that the negotiating power of the President of the United States, as far as his ability to bring this war to an end by negotiation will be reduced to nothing—absolutely nothing.

I heard the astronauts describe how the gages went down to zero when they had the explosion. The astronauts realized what that meant concerning their chances of getting back or surviving. And I think that the passage of the pending amendment will restrict the power of the President as a negotiator to that same level—zero.

The question is asked repeatedly why this amendment should not be adopted if the plan is that in the future the South Vietnamese only will be utilized to clean out the sanctuary areas. This is a legitimate question and there are several answers to it. In the first place, the exact meaning of the amendment with reference to the use of South Vietnamese troops in Cambodia is unclear—particularly if they are receiving financial, logistic, and materiel support from the United States. Second, it would tie our hands in a wide variety of possible emergency situations which might arise. For example, if a South Vietnamese force of several thousand, or several hundred, should make a raid into the sanctuary areas of Cambodia and should be trapped or threatened to be overrun by enemy troops, this amendment would tie our hands to the extent that we would not be able to send an American relief force to their assistance even though they might be just a few miles over the Cambodian border from South Vietnam. Obviously, such a situation would be untenable and I do not believe the sponsors of this amendment would even sanction such a development.

I think that if we are going to stay in South Vietnam and try to bring this war to a conclusion, we ought not to publicly announce our intentions and carve into the written law of the land this limitation on the powers of the President of the United States as Commander in Chief. Instead of protecting our men, prohibiting the President from sending them back if he thinks it necessary will have the opposite effect.

Going back to the constitutional question involved, I do not know of any sound, legal basis or any real and valid precedent for that which is being proposed here. Under article 2 of the Constitution the President is made Commander in Chief of the Armed Forces. As early as *Fleming* v. *Page*, 50 U.S. 602, 614 (1850), the U.S. Supreme Court held that the responsibility of the President under article 2 is "to direct the movement of the naval and military forces placed by law at his command and to employ them in the manner he may deem most effectual.

As the President indicated in his speech on April 30, the activity in Cambodia is designed to clean out major North Vietnam and Vietcong occupied sanctuaries which for many years have served as bases for attack on American and South Vietnamese forces in South Vietnam. The

President indicated that this exercise of this responsibility as Commander in Chief of the Armed Forces, was considered necessary to defend the security of American men, which, in turn, was essential to accomplish his basic purpose of assuring the continuing success of the withdrawal program, to end the war in Vietnam, to reduce American casualties, and to win a just peace. It seems to me that we would be taking a rather rash and reckless step to enact an ironclad statute which would absolutely deny him the funds to do what he thinks is necessary along these lines.

The broad and sweeping powers of the President as Commander in Chief have not always demanded a declaration of war by the Congress. There are many instances where this was not done. We fought an undeclared war with France in our early days; we fought an undeclared war with the Barbary pirates in the early days; Marines have landed on foreign shores many times; we went into Korea under President Truman's directions; under President Eisenhower we landed in Lebanon; and there are many other instances which could be cited where similar actions were taken without a declaration of war. There is a great deal of precedent to support the Commander in Chief in taking the action President Nixon took in making the thrust into Cambodia.

As far as I can ascertain, the nearest thing to a precedent along these lines was the adoption of the amendment to the defense appropriation bill last year—which now appears as section 643—providing that—

> In line with the expressed intention of the President of the United States, none of the funds appropriated by this Act shall be used to finance the introduction of American ground troops into Laos or Thailand.

Aside from the fact that this is far less restrictive than the proposed amendment, at that time the American troops were not on the mission which the statute was designed to prevent and were not engaged in the prohibited combat. Incidentally, I opposed that amendment and voted against it. But there was no one being sent into battle, no battle was going on, men were not called upon to die in those battles, and that is the big distinction, as a practical matter, from the conditions today.

While the Cooper-Church amendment and its general thrust is somewhat similar to the President's expressed intention concerning our limited role in Cambodia and the completion of our operations by July 1, there are certain elements of it which raise serious questions and which could affect adversely the President's policy on Vietnamization and the steady withdrawal of American combat forces from Vietnam. Therefore, I think that it would be wise to look at the provisions of the amendment.

Before I leave that point, I wish to say with respect to the subject of declarations of war, I remember standing within a few feet of where I am now standing when word came that President Truman had sent our Armed Forces into Korea. I realized very clearly then that that act, within itself, even though I supported the concept of the United Nations, was a terrific precedent and that it might plague us. But I also noted that, for many years after I came here, the idea of the issuance of a declaration of war by Congress was laughed at and scoffed at as being old-fashioned and out of the times; why, it was ridiculous. Some of you remember that. I can give names and I can almost give dates, if you want me to.

Most of the thought behind all of these alliances that we signed up for, whereby we tried to underwrite everything all over the world, was based partly on the idea that declarations of war were old-fashioned and out of date. There is very much concern about it now. I am glad there is. I hope we can bridge that gap as a general proposition, but now it is too late with respect to South Vietnam. We stood here and sent all of those men over there to fight and now we talk about a declaration of war, and some say, "We ought to declare war." We are now on the way out. It is too late in this war. We are on the way out; we are withdrawing. We are trying to cover our withdrawal and make it safe for ourselves and our allies.

Paragraph one of the amendment clearly would prohibit the presence of any U.S. forces in Cambodia, whether as advisers, combat troops, or otherwise.

Paragraph two would prohibit payment of the compensation or allowances, directly or indirectly, of any U.S. personnel in Cambodia furnishing military instruction to the Cambodian forces or engaging in any combat activity in support of Cambodia forces.

Paragraph three would prohibit our entering into any contract or agreement to provide military instruction in Cambodia "or to provide persons to engage in any combat activity in support of Cambodian forces." This could be construed to prevent our support, financial and otherwise, of any South Vietnamese activity in providing instruction to the Cambodians or of combat activity by the South Vietnamese in support of Cambodian forces. Since all operations of the South Vietnamese military forces are supported by us with finances, logistics, and materiel, it would appear that this portion of the amendment might even prevent the armed forces of South Vietnam from making forays against the sanctuary areas, thus assuring that the enemy could reoccupy these areas without any molestation at all.

I say that is a possible interpretation. If this proposal is going to be passed that language should be clarified.

Paragraph four raises a very serious problem, since it would deny funds for funding any combat activity in the air above Cambodia in support of Cambodian forces. In interdicting trails and supply routes it will be impossible to tell whether the air combat activity and the interdiction was in support of the South Vietnamese forces, the U.S. forces, or Cambodian forces. That is the reason I thought we should have defeated the amendment last year. Obviously, any interdiction of enemy supplies as they move down the trail and into the pipeline would be of benefit to all of the enemies of the North Vietnamese and the Vietcong—the United States, South Vietnam and Cambodia.

Thus, even if one should agree with the general purpose of the amendment, it would appear that the language should be modified so as to bring about clarification to make its purpose and application clear beyond doubt. Certainly the Senate should not take any action which should in any way diminish the power of the President to act for the protection of the United States and its troops and, therefore, at the very least, this amendment should be revised to make clear that the President has the right to take any necessary action in emergency situations to protect the lives of American troops remaining within the Republic of Vietnam.

I think that it is very important that we stop and consider carefully what we are now asked to do. There is a serious question here of the separation of powers, and a serious question of whether or not it is either prudent, necessary, or wise to place such limits and restrictions on our military operations along the South Vietnamese-Cambodian border. The prohibitions we are asked to legislate may very well be of great aid and assistance to the enemy and could well result in added American casualties.

At the very least the adoption of this amendment will telegraph our plans to the enemy and let him know that, as far as American troops are concerned, he can operate in the Cambodian sanctuary areas with immunity. In addition, it will put the President in a legal straitjacket with respect to military operations directed against enemy forces in such sanctuaries and would tie his hands to an extent which to me is unthinkable.

I do not totally discount the South Vietnamese troops, but I have been hearing numerous optimistic reports about their improvement for many years. However, I believe by now there is improvement, and very substantial improvement. It is enough to give hope to me that, before too long, they may have the military strength to stand on their own. But not now. This Cambodian action is going to be a good test for them, all right. Not now—it is too early. We may have to continue to raid these sanctuaries, and it is not necessary to publish the fact that we will not. If we do they will know that they are taking no chances.

If we do adopt this amendment, the result will be, I believe, that the North Vietnamese forces will move back to the base areas as rapidly as possible and use them once again as launching pads for attacks against United States and South Vietnamese forces within South Vietnam. Guerrilla activities based in Cambodia against South Vietnam sooner or later will be stepped up and the main forces will be again concentrated in these areas in preparation for possible massive attacks into South Vietnam. Cambodia will once again become a vast enemy staging area and the springboard for attacks on South Vietnam along 600 miles of frontier; it will be a refuge where enemy troops can return from combat without fear of retaliation. North Vietnamese

men and supplies could then be poured into Cambodia, not only jeopardizing the lives of our men but the Armed Forces and people of South Vietnam as well.

That would just be encouraging them. We would be encouraging those conditions by putting here, in the cold stone of written, published law, our intention to cut the Commander in Chief off from this avenue of action.

Therefore, I would think that the passage of the resolution in its present form would inevitably result in increased American casualties. The President and Secretary of State have made it clear that the action we have taken has not been for the purpose of expanding the war in Cambodia, or for increasing our commitments, but for the purpose of ending the war in Vietnam and winning the just peace we all desire. I do not think that the Senate of the United States should stand in the way of the President taking that action which is necessary to provide for the defense of American forces and for success of the Vietnamization program.

I believe that is the issue. I believe the choice is to let the President go on with this program or just pull them all out and abandon South Vietnam. There may be a few Senators that would propose that we abandon that mission now. I believe, however, they would be very few.

I think that we should realize that the mission against Cambodia is planned to be short and brief for a specific purpose. The President has assured us that all American troops will be withdrawn by July 1, and he has also assured us that we have no commitment whatsoever to go to the aid of or to the support or defend the Cambodian Government. The Secretary of State reemphasized this on May 13.

Someone said to me, "Well, this amendment just takes him at his word" No, it does not. It repudiates his word. It refuses to take his word. It kicks him right in the face. It says, "No, we won't take your word. We are going to box you in here, in the cold letter of the law. You are not to make another move in this direction without coming in here and making a request, and then we will debate it. Or take it to the House, and it may come from there to us, and it will come back here and we will debate it in the normal process."

What is the enemy going to be doing in the meantime? They are already prepared. They already have this long notice. We would have then the saddest of all the words: "Too late. Too late."

I say the choice we have here is to go on with the Vietnamization program and withdrawal—which the President is doing well so far—or stripping him of his authority to carry it out, or pulling out of South Vietnam entirely.

We all know that since late 1965 Cambodia had played a major role in Hanoi's strategy for taking over South Vietnam. The Vietnamese Communists have made use of its territory for tactical sanctuary, for base areas, storage depots, for infiltration of personnel, and for shipment of supplies. They have also procured arms, food, and other supplies from Cambodian sources.

The sanctuaries have played a key role in Hanoi's response to the Vietnamization and pacification programs. Because of their existence, especially the sanctuaries in southern Cambodia along the III and IV Corps frontiers, Hanoi has always been able to mass hostile forces in close proximity to major South Vietnamese population concentrations. Not only did this enable the enemy to make hit-and-run raids across the border; it enabled him to pose a continuing threat to South Vietnamese internal security that the progress of pacification and Vietnamization could not entirely irradicate.

The violation of Cambodia's neutrality by the North Vietnamese and the Vietcong over a period of many years, and the inability of Cambodia to expel them by force or otherwise give us the right, under international law, and under basic considerations of self-defense, to strike the enemy in his sanctuaries on the soil of the unwilling and reluctant host nation.

I have no questions about that. That is just common, crossroads commonsense. If my neighbor lets someone use his backyard as an arsenal to make attacks on my family, then I have to attack that arsenal regardless of whether it is on my side of the land line or on his side. I am compelled to do so by self-defense and by every motive and basic consideration of human nature. The ground which he permits—or perhaps he cannot help it—to be used as an arsenal for destroying me loses the sanctity that would otherwise be his because it is his home.

Therefore, I think it would be well for us to look at the objectives which we have in mind in the operations against the Cambodian sanctuary areas. First, from a tactical standpoint, the objective is to destroy enemy supplies, enemy facilities, enemy logistics support, and enemy storage areas which have been used for years to attack allied soldiers in South Vietnam. That has been the trouble; we could not get them out of these sanctuaries. The long-term objective is to hasten withdrawal of American troops, to speed up Vietnamization, and to reduce American casualties.

Because of the approach of the monsoon season, if the operation was to be undertaken, it had to be undertaken at this time. This was not an "invasion" of Cambodia in any sense of the word but purely a protective measure we finally decided on taking—finally, after all these years—against the sanctuaries which will be terminated very soon.

While Congress may have the power to limit the areas in which our forces may operate by riders on appropriation bills and by otherwise barring the expenditure of funds, this procedure does not recommend itelf to logic. It certainly should not do so without a full understanding of the impact and ramifications of what it is doing. We must be concerned with the impact on American casualties, the Vietnamization program, the pacification program, and the withdrawal of American troops.

I submit that the passage of the amendment will not help in any manner in protecting the lives of American military men, the Vietnamization program, and our plans for troop withdrawal. As a matter of fact, tying the President's hands with regard to Cambodian operations would severely jeopardize the Vietnamization program and the present plan to withdraw 150,000 American troops over the next year.

We had just as well forget this withdrawal, in my humble opinion, if we are going to turn these sanctuaries back over to their former immune status. That would result because of the operational advantage that would be afforded again to the North Vietnamese in striking against the South Vietnamese and American forces from the privileged sanctuaries in Cambodia.

I think the seriousness of the situation has been illustrated and dramatized since the President announced the 150,000 troop withdrawal plans. No sooner had he made this announcement than a broad expansion of the Cambodian sanctuaries was started by the North Vietnamese. They were attempting to create a continuous 600-mile stretch of Communist-controlled territory along the Cambodian-South Vietnamese border—a springboard for attacks against our troops in South Vietnam and a refuge and safe haven where enemy troops could return without retaliation. This buildup was accompanied by an actual invasion of Cambodia after the overthrow of the longtime government of Sihanouk.

I think it would be a great mistake to tie the President's hands at a time when rapid and direct response is necessary to protect the lives of our 400,000 troops fighting for our country's interest in South Vietnam. In entering Cambodia all the United States and South Vietnamese forces have done is to exercise the right of collective self-defense which is restricted in extent, purpose, and time, and, for the large part, is confined to border areas where the Cambodian Government has long since ceased to exercise any effective control and which has been completely occupied by the Communist forces.

I return now briefly to the constitutional question involved. I think it is essential that the President be able to issue orders to military units, and to take necessary steps to bar any hostile move against American bases or against our own troops stationed either at home or abroad. I think his position as Commander in Chief of the Armed Forces necessarily gives him the power to take such action and I think that the Senate and the Congress would be ill advised to attempt to deprive him of it, especially under these circumstances.

It appears to me that this amendment invades areas of responsibility which are and properly should be reserved by the Constitution to the President alone. As Commander in Chief the President has the primary responsibility for directing the operations of the armed services, either within our country or outside of it. Reasonable men may very well disagree about the wisdom of his actions, but it would appear both from the Constitution and from historical precedents that the President has the power to send U.S.

military forces abroad when he deems it to be in the national interest. As John Marshall noted when a Member of the Congress in 1799:

> The President is the sole organ of the Nation in its external relation and the sole representative with foreign nations.

I think that is a significant point, not just from the military standpoint, but that he is the sole organ—the sole organ of the Nation, both as Executive and as Commander in Chief. When we close his mouth or cut off his power, there is no substitute that we can put in his place. Who is going to be a substitute? Are we, the Congress, going to be the substitute?

Even leaving aside such pertinent matters as the Tonkin Gulf resolution and the SEATO pact, I think there is a sound legal basis for what the President has done. His power as Commander in Chief under article 2 of the Constitution, as already cited, is broad and sweeping. Historically, it has not always required a declaration of war by the Congress, as I have illustrated.

Therefore, Mr. President, I believe that we would commit a grievous error, especially now, if we enact into cold, hard law this proposed limitation on the powers of the Commander in Chief while our fighting men are still in battle. From my position and from my understanding of the problem I must warn the American people against being stampeded, against coming to quick conclusions, against going over the brink in support of this resolution, prompted by the desire we all share, including its sponsors, to bring the war in Vietnam to an end just as soon as possible. We have a serious and difficult problem in South Vietnam but we should not allow this to cause us to go over the brink and cut and run without stopping to reason. We must and should take time to give this grave question serious and complete second thoughts.

That term is a favorite of mine. I believe the second thought of the American people is nearly always sound. Their first thought may be emotional or impulsive, but give them time for that complete second thought, and if they have the facts, they will come up with sound reasoning.

As I have said, I believe that the action against the sanctuary areas in Cambodia was a necessary step in order to protect our men on the battlefields of South Vietnam and to insure the success of our planned withdrawal program. I hope that both the Congress and the public will show forebearance and patience and will await further developments with respect to the action which the President has taken in what I believe to be a sincere and limited effort to destroy the sanctuary areas and thus hasten the end of the war and the speedier return of our American troops.

Mr. President, I believe that this amendment, the Cooper-Church amendment, though offered with the finest motives, has potential military mischief in it. I believe it involves chances that we are not prepared to take. I hope and believe the solemn judgment of this body will be to reject the amendment.

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

Mr. STENNIS. Mr. President, I had said I would yield to the Senator from Kentucky. At this point I yield to him.

Mr. COOPER. I expect to speak on this subject on Monday. Between now and then, I shall be able to read carefully the speech of the distinguished Senator, although I have heard the major part of his address. But I thought I should explain at this time, to him and other Senators present, the purpose of the amendment.

I say with all deference to the distinguished chairman of the Armed Services Committee that during his speech—and I know it has been a very honest speech, because it comes from an honest man—I do not believe he has delineated precisely the effect of this amendment, first, as it affects the constitutional powers of Congress and the President and, second, as to its policy implications.

I think I can tell the Senator the intended purpose of the amendment, the intention of the sponsors of the amendment, and they are the Senator from Idaho (Mr. CHURCH), the Senator from Montana (Mr. MANSFIELD), the Senator from Vermont (Mr. AIKEN), as well as myself. We are concerned about the situation in Southeast Asia and also we are appreciative of the President's intentions and constitutional powers. We have worked to prepare an amendment which is applicable to the circumstances in Southeast Asia, and to the constitutional powers of both the President and the Congress.

There are two purposes of this amendment. The first purpose is expressed in subsections (2), (3), and (4). The purpose is to prohibit all U.S. forces from becoming involved in a war in Cambodia, for Cambodia, for any government in Cambodia, for any Cambodian military forces.

What is the constitutional basis to support the first purpose? We have tried in this amendment to assert the powers of the Congress. We do not attempt to construe the powers of the President, except in one respect, our purposes to prohibit funds for a war for Cambodia, for its forces, for any government, and as I have said, it does prohibit the support of any U.S. forces on the soil of Cambodia, in support of Cambodia, and Cambodian forces without the approval of the Congress.

Further, subsection (3) provides that we shall not employ, through contract or agreement, the citizens or nationals of another country to fight in Cambodia, for Cambodia, or their forces; because if that were done, and even though our forces were not in Cambodia, the United States would be committed to their support, and inevitably, I believe, we would be drawn into a war for their support, as we have been drawn over 20 years to the support of South Vietnam.

The Senator stated—and many have stated in their comments on this amendment, that we are inhibiting the constitutional powers of the President to protect the lives of American soldiers. Of course, this argument has great appeal. It has appeal to me. The President of the United States, as Commander in Chief, does have large wartime powers. But I do not believe this power can be employed to enter a new war in another country—for Cambodia—particularly when there is no obligation, no treaty obligation, no obligation under the SEATO Treaty, which Cambodia denounced. Certainly, we have no obligation to engage in the self-defense of Cambodia. And it would be extreme to enter a larger, expanded war in Cambodia upon the basis of the protection of our forces.

The President has great powers as Commander in Chief in wartime to protect our Armed Forces. With respect to this power, this amendment would not limit, except in one respect, and I want to be frank about the exception. It would say to the President "We respect your power to defend our forces and to protect their lives, but you cannot use that power to enter into another war in another country without the consent of Congress."

The President has said, with respect to all these issues that it is his intention to carry out the purpose of section 1, which would prohibit the retention of U.S. forces in Cambodia. He has said at the White House that the outer limit was 7 weeks or July 1, and nearly 2 weeks have passed. I respect his statement, and I believe that he intends to do what he has said. He said, also, that he did not intend that the United States should become engaged in a war for Cambodia, and I respect that statement.

But there are forces and events outside the control of the President of the United States, and certainly of Congress, which—against the best intentions—could make it impossible to carry out those intentions if we remain in Cambodia. I hope this will not happen. I hope the purpose of the President is realized. But we have the duty to do what we can to see that forces beyond the President's control may not happen. If there should be a change in the government in Cambodia, would we support the new government? If Sihanouk is placed in northern Cambodia and is recognized by the U.S.S.R. as he has now been recognized by Communist China, should we support the present government or a successor government and become engaged in a civil war? If the North Vietnamese and the Vietcong move larger concentrations of forces, flanking the sanctuaries, does it then follow that we would stay, to fight in the area, and defeat the express purpose of the President to move out in a fixed time limit?

I say with great respect to the Senator—and the Senator knows how I feel about him—that many of his arguments gave me the impression that likelihood of being involved in Cambodia would occur. The Senator asked: If we clean out the sanctuaries and they are established again, what will we do? The most effective way to protect the sanctuaries after they have been cleaned out would be to stay in or near the sanctuaries; but a new flank, and new sanctuaries to the west would be established. The logic is that in the worst of events, we could be compelled to stay in a country to which we have no obligation at all.

Ours is a limited amendment. We respect the President's authority. In our section 4 we do not seek to limit the

President's use of air forces to protect our troops in South Vietnam from supplies and personnel coming from the Vietnamese and Vietcong. We do not attempt to define his power to protect our forces. He has wide powers, and he can exercise those powers; and after those powers have been exercised, we in Congress can do nothing.

This stalemate has occurred in other situations in our history, and when it comes, the power of each branch is unclear. As the great writers have said, the best that can be done is to try to respect each other, to reach some accommodation. And this our amendment would do.

Without trying to delineate his powers, we are saying to him, "Mr. President, with great respect for you, if this amendment becomes law, you cannot use the authorized and appropriated funds of the United States to become involved in a larger and wider war in Cambodia." It shows our respect for him. It also shows our respect for our obligations and duties as Senators. I have supported the President's program of Vietnamization. It represents a change from the policies of the past and represents what I consider to be an irreversible policy to bring our forces home.

Mr. President (Mr. CRANSTON), we do not sanction the Cambodian operation in the amendment but, likewise, we do not condemn it. I must say, in all honesty, that any amendment adopted will be taken by some to mean that it was designed to embarrass or criticize the President. I suppose that is impossible to correct.

I argue that, in respect of our own powers, we have moved reasonably to assert the constitutional authority and duty of the Congress, to prevent as I am sure the President wishes to prevent widening of the war and a war for Cambodia.

We do not try to limit the constitutional powers, except as I have stated, of the President in or for the future. I believe, upon reflection, that every Member of the Senate—I do not know—but I believe all Members of the Senate would say, "The people want an end to the war, the Senator from Mississippi wants an end to the war, and we all want the war to be ended."

We do not end it by widening it into a new war in another country, or into an expanded area. As quickly as we can, we want to remove the danger of being bogged down in Cambodia. We want to exercise our powers and our duty as Members of the Senate to assist the President in the ending of the war.

Mr. STENNIS. I am glad to have yielded to the Senator from Kentucky and I certainly expect to listen to his presentation on Monday next.

If I could just reply to one point the Senator made, about the rebuilding of the sanctuary, my point there was that if we put it into a published law that we were not going to have U.S. forces intervene to do it, I believe that that would make it much more highly probable that they would come back almost immediately.

Mr. COOPER. The President himself has said that.

Mr. WILLIAMS of Delaware. Mr. President, will the Senator from Mississippi yield?

Mr. STENNIS. I am happy to yield to the Senator from Delaware.

Mr. WILLIAMS of Delaware. Mr. President, I compliment the Senator from Mississippi on his remarks today. He has done much to put this whole question in its proper perspective. I join him in emphasizing that while some of us may question the wisdom of approval of the pending Church-Cooper amendment we certainly do so with no thought of questioning the motives of those who sponsor the amendment.

It can be universally agreed in the Senate as to its intended objective; namely, to bring about an end to the hostilities not only in Cambodia but also in Vietnam and to get our men out of that area. We may differ as to procedure, but I think that should be emphasized, but I am glad the Senator from Mississippi made that point.

Mr. STENNIS. I think the Senator speaks for all of us in that way.

Mr. WILLIAMS of Delaware. Now, Mr. President, in discussing the pending amendment, as the Senator from Kentucky pointed out, it is effective immediately upon enactment. Thus, we are assuming, if we vote on the amendment today, that we are willing for it to be put into effect today. Reading the amendment, I believe the interpretation has been generally accepted to mean just that.

The amendment provides—

> * * * no funds authorized or appropriated pursuant to this Act or any other law may be expended for the purpose of:
>
> "(1) retaining United States ground forces in Cambodia.
>
> "(2) paying the compensation or allowances of, or otherwise supporting, directly or indirectly, any person in Cambodia who (a) funishes military instruction to Cambodian forces; or (b) engages in any combat activity in support of Cambodian forces.

Mr. President, I think we will all agree that while the initial movement into Cambodia was not to help the Cambodian Government, nevertheless it will help it. We cannot say that our destruction of these sanctuaries either directly or indirectly does not help the Cambodian Government. Thus we are speaking of the present situation in Cambodia.

As the pending amendment has been interpreted, and I think it has been an interpretation which has been accepted by the sponsors of the amendment, it would accelerate that objective by stopping the compensation of American personnel who were in Cambodia upon the date of enactment of the amendment and would also stop any other allowances for those men until they were brought out of Cambodia, back into South Vietnam, or to A.nerican soil.

I believe, therefore, that the effect of the amendment would be that the moment it was enacted—and we are voting on it in good faith, figuring it to be passed by the House and signed by the President—we would be saying that American troops and personnel who were drafted into the Army, who did not ask to be assigned to Vietnam, who did not ask to have to march into Cambodia, who went there under orders—they certainly would be subject to court-martial if they would not go—but we say here the moment this amendment is passed, "You draw no further pay. You draw no further military pay. Your family allowances are likewise stopped until you are withdrawn and completely out of Cambodia."

Mr. President, I believe that is rather harsh treatment. I think we have the cart before the horse when we figure to hold as hostages, these men who are defending the principles of the American Government abroad. I do not believe that by any line of reasoning we can justify such action.

Yet I say that as one who wants to bring this war to an end as quickly as possible and as much as anyone else does.

I believe that as long as one American boy is assigned anywhere in the world and wears the American uniform the full resources of his country should be back of him until he is brought safely home.

I do not believe that 5,000 miles away, in the security of the Capitol, drawing our pay daily, we can say to these men, "You are not going to get paid until you get out of Cambodia."

I raise another question. This stops the "allowances" as well as making them ineligible for any pay during the time they are on Cambodian soil.

Assume that the President accepts this amendment and he calls for an immediate withdrawal. Some say that could be done in a week. Maybe in 3 days, but suppose it were in one day. That would be stretching the imagination, of course. But suppose one of the men gets killed on the way out of Cambodia or is maimed for life; the pending amendment if approved would say that he would not be eligible for any allowances or any compensation even if he were disabled on the way out after this becomes law. In other words, such a man would be eligible to receive nothing under this law or any other law, he will not receive any allowances or compensation until he gets back onto Vietnamese soil.

That is not beyond the line of reason, should this be passed in its present form.

In my opinion if there are those in the Senate who feel that the good faith of this country could best be demonstrated to our own citizens as well as to nations abroad that we are going to withdraw our troops from Cambodia as the President has promised, by a monetary factor, then instead of placing the salaries and family allowances of our servicemen as hostage why not place our own salaries in escrow? Why do we not, as Members of Congress, simply say that we will lay our salaries on the line and draw no pay until we get our American troops out of Cambodia?

That would certainly show the good faith of Congress and show it in a much better way than making monetary hostages of our soldiers and their families. Surely the Senate will not stop furnishing them with military supplies that may be necessary to get them back out of the Cambodian area. They did not ask to go in that war zone.

Certainly we are not going to stop sending them supplies. Yet under this amendment there will be no supplies until they get out, whether food, military equipment, or other supplies. There will be no pay for either the men or their families.

We will be telling them that if they get killed or maimed getting out their benefits are repealed by the Congress should this amendment be adopted. I repeat, if Congress really wants to enact a monetary penalty, it should put its salary on the line. If we want to go further we can do it until we get them safely home from both Cambodia and Vietnam.

I venture to say if that procedure were followed we would find one of the hardest working Congresses in history in the interest of peace.

Mr. STENNIS. Mr. President, the Senator has made an overwhelming argument.

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

Mr. STENNIS. I yield.

Mr. COOPER. Mr. President, the logic of the Senator's argument is that Congress should never do anything.

Mr. WILLIAMS of Delaware. No.

Mr. COOPER. I would like to finish, with all deference. The only certain constitutional power that Congress has over a war is through its power of the purse strings. That is all.

It can pass resolutions. We can through sense of the Senate resolutions and sense of the House resolution express our positions to the Executive. But if he thinks we are incorrect, he does not have to follow our suggestions. The purse is our power.

Mr. President, the Constitution did not give the Congress the power lightly. The Constitutional Convention made a distinction between the King of England and the President of the United States. The King of England had the power both to declare war and to raise armed forces for war.

The Constitution gave to Congress the power to raise and support an army and navy.

The logic of the argument the Senator makes is that we can never use this constitutional power, because he says the soldiers will not be paid and their wives, their widows and children, will not receive allowances.

That decision would be a matter for the President.

If the Congress passes this amendment, it will then be a matter for the President to decide whether it shall be followed. If by some mischance, there was a period of time when this was not observed or any other factor intervened to affect the rights of our servicemen, that matter could be corrected. We respect our servicemen. I know that Congress and the President of the United States would see that such a situation would not remain.

We are trying to deal with the large question of avoiding another war. That far overshadows these objections.

Mr. WILLIAMS of Delaware. Mr. President, I respect the position of the Senator from Kentucky. And I do not advance this in a critical manner, but that is the mathematical effect of his amendment.

I voted for limitations of the President's power in a proposal last year which would restrict the assignment of troops in Laos and Thailand. But troops were not there at that time. That was against the future prospect of the assignment of troops.

We have a situation today where there are troops in Cambodia at this time. I want them out as quickly as possible. But it will take time to get them out.

The President has said that all American troops will be out of Cambodia by the end of June. I accept his word as having been given to the American people in good faith.

After the amendment passes, it would take a few days to get them out. This amendment would not be effective July 1 or June 30, or anything like that. It would be effective immediately upon enactment. We would be cutting off all pay and allowances immediately.

I want these troops withdrawn as soon as possible; however, it takes some time to do that, and during that time this loss of their pay can happen.

I think this point should be clear.

I agree that the power of the purse is in the hands of Congress, and perhaps directing that power in certain directions would have influence on the Government.

Rather than using the power of the purse to withhold pay from the boys in Vietnam and Cambodia who are there through no fault of their own, let us put our own salaries on the line and put them on the line as a demonstration of our good faith. We should not put their pay on the line.

I think it would be most unfortunate for the families of the servicemen to feel that they are being cut off from all benefits under any circumstances regardless of how short this period may be.

I question the effect of such action on the morale of our troops. If we could do this today for troops in Cambodia we could do it tomorrow in Vietnam. Does anyone dare suggest we stop the pay of all military personnel in Southeast Asia?

There is tremendous sentiment in favor of bringing them home as soon as possible. However, is this any way to treat these men when we sent them there?

As one who is concerned about the situation in Cambodia I express again that I have not changed my position on that matter. I wish we had not gone in there; but we did go in, and we are there. And now that those men are there, as far as I am concerned every resource of the Government will stay in back of them until they are brought home. That is the number one job. As far as I am concerned they will get not only their full pay and full allowances but also all the supplies they need until they are brought home.

I will cooperate in bringing them home as quickly as we can. I want them to get out of that area. I shudder to think what it would do to the morale of these men and of their families if they knew that the Senate proposes to cut off their pay on the basis that we do not think they should be there.

That is the effect of the amendment, and I hope that Congress will give this serious consideration before it votes.

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

Mr. STENNIS. Mr. President, I yield to the Senator from Arkansas.

Mr. FULBRIGHT. Mr. President, I was planning to ask another question. However, with respect to the last question, the Senator from Delaware has been here a long time. I am amazed that he thinks this would go into effect immediately upon passage.

As a matter of fact, the Parliamentarian would tell us that it could not possibly go into effect immediately. If we pass the amendment today, it could not go into effect tonight. There are other procedures to be followed. This measure would have to go to the House. There would no doubt be a long, drawn-out conference with the House. Then the Commander in Chief—about whom the Senator from Delaware has such unlimited respect—has to sign the measure to make it a law.

He would not sign it before the men were out. It would be a very simple matter to bring them out. He put them there. It would be a very simple matter to correct that. He ought to bring them out. He has already publicly and privately stated that he would bring them out.

The President assured us on television that he would bring some of them out this week and that all of them would be out before the 1st of July.

Under the procedures followed by the Government, there is not one chance in 10,000—in fact, I would say there is no chance at all—that this would be signed in such a way as to go into effect, and in any way prejudice the rights of the soldiers there. I say that, assuming that the President told the truth about his intentions.

I think this is the most irrelevant argument that one could make. I cannot imagine why anyone would make such an argument. I have never heard the Senator from Delaware, in the 20 years I have been in the Senate, make an argument with no more substance than that.

The Senator from Delaware knows the provision would not go into effect until the President signed the bill. That would not be today, tomorrow, or next week. The Senator knows that as well as anyone.

Mr. President, in the opening speech of the Senator from Mississippi, he evidences a little disbelief and distrust in what the President said, certainly what he said at the White House, where I was present with a great many Members of Congress—some 50 Members—and what he said later in his press conference.

The Senator is saying throughout his argument that he does not believe the President intends to bring these soldiers out.

I do not understand how he reconciles his arguments. If he believes the President why does he think this amendment is not in order? I would like to hear the Senator reconcile these apparent contradictions.

Mr. STENNIS. Any suggestion that I disbelieve the President or do not believe the President is totally wrong. I suppose the Senator is referring to the President's statement about withdrawal of the troops.

Mr. FULBRIGHT. That is right. He made it on two or three different occasions.

Mr. STENNIS. I said it in my principal argument. I said that some persons had said to me, "We are taking the President at his word," and I am referring to proponents of the amendment. I said, "I think the very opposite is true. I think you are totally rejecting his word. You are telling him, 'Even though you said you are going to do this we are going to pass a law, and put it in cold law, that you will have to do this and then we are going to fix it where you will have to come back here and get another law passed before you can make another move with U.S. troops with regard to sanctuaries.' "

That is the way I see it. The Senator can argue the other way but that is my view.

Mr. WILLIAMS of Delaware. Mr. President, will the Senator yield so that I can make a statement with respect to the earlier statement by the Senator from Arkansas?

Mr. STENNIS. I had promised to yield to the Senator from Arkansas. I would like to yield to him further.

Mr. WILLIAMS of Delaware. I would like to clarify the Senator's statement. I do not want him to remain confused too long.

Mr. FULBRIGHT. I do not think I am confused about the process of enacting a law.

Mr. WILLIAMS of Delaware. I want to say he is confused.

Mr. FULBRIGHT. I have never seen a bill enacted without it first going to the other body and then to the President.

Mr. WILLIAMS of Delaware. Will the Senator yield on that point?

Mr. FULBRIGHT. I do not have the floor. I want to propound another question.

Mr. STENNIS. Mr. President, I yield briefly to the Senator from Delaware.

Mr. WILLIAMS of Delaware. Mr. President, the Senator from Arkansas makes much of the fact that this proposal will not become law when passed by the Senate and that the President can either sign it or delay it. I recognize the President can veto it. Likewise it can go to the House; the conferees could be weeks in reaching an agreement, and by that time the President's statement that they would be out by July 1 would be reached and it would have no effect.

But on the other hand, the House could accept this amendment without a conference, and it could be put on the President's desk in the next few days.

I proceed on the premise that the Senator from Arkansas and his supporters are acting in good faith and want this bill acted upon today.

The Senator from Arkansas knows the procedures. When we vote on this measure we are voting on it—or I assume the Senator from Arkansas is—in good faith and on the premise that it goes into effect promptly. It becomes effective upon enactment.

Mr. FULBRIGHT. That is absolutely silly, if I may say so. I never voted anything——

Mr. STENNIS. Mr. President, I have the floor.

Mr. FULBRIGHT. He knows better than that.

Mr. WILLIAMS of Delaware. I am not questioning the good faith of the Senator from Arkansas.

Mr. FULBRIGHT. Will the Senator yield to me?

Mr. STENNIS. Mr. President, let me say this. I am not trying to hold the floor indefinitely. I am willing to yield to anyone who has a question.

Mr. FULBRIGHT. I asked the Senator a long time ago to yield and he declined.

Mr. STENNIS. Let me finish my statement, if I may.

The Senator from Arkansas asked some time ago to be yielded to but I had already promised the Senator from Delaware I would yield to him.

I yield gladly to the Senator from Arkansas.

Mr. FULBRIGHT. Mr. President, to make the RECORD clear I am quoting the President's words in his press conference. I do not think there is the slightest doubt he said this.

> The action actually is going faster than we had anticipated. The middle of next week,—

This was last week—

> . . . the first units, American units, will come out. The end of next week, the second group of American units will come out. The great majority of all American units will be out by the second week of June, and all Americans of all kinds, including advisers, will be out of Vietnam (the President meant Cambodia) by the end of June.

That is what he said. Is the Senator saying that the President does not mean it? I am bound to say that this question of taking not just this Executive, but his predecessor, at their word and in good faith is a question that has bothered us for a long time. But the Constitution was not based on the certainty that everything would be done in good faith. That is why we have the provisions of the Constitution.

I do not believe the Senator said that it is not within our constitutional authority to pass this measure. He made no such argument. It is a matter of judgment, is it not?

Mr. STENNIS. I said earlier we had the naked power to cut off the funds.

Mr. FULBRIGHT. The constitutional power.

Mr. STENNIS. To cut off funds.

Mr. FULBRIGHT. That is right.

Mr. STENNIS. But when it comes to exercising that power in a way to risk the Commander in Chief's right while a battle is going on and men are being killed, the wise use of our constitutional power to withhold appropriations would be not to withhold them.

The wisdom is written in between all of these lines of our Constitution. We try to exercise it the best we can.

Mr. FULBRIGHT. If I may say, under the conditions which prevail and, in view of the President's statement, it would not have the effect of restricting pay while the battle is going on. This measure prohibits use of funds to retain them there. This is an effort to carry into effect, into law, the words of the President.

He said that not only in his press conference but also to the Representatives and the Senators who were invited to meet with him. This statement was obviously designed by the President to reconcile the Congress and the public to this move, which he took without any consultation with the Senate. It was an effort to bring about acceptance of something that was already done.

It seems to me that it is not only our right but it is our duty to take him at his word and to put this promise in language that is unmistakable in intent. The Senator from Kentucky and the Senator from Idaho were extremely careful to restrict this to Cambodia, as the Senator knows. I and others would like to see the same approach taken with respect to getting out of Vietnam. But for reasons that are too complex to go into now, this was a minimum step, taking the President at his word.

Unless you do not believe the President, I do not see how one could say that this could interfere with combat operations because the President said they would all be out of Cambodia and back in Vietnam soon. If you do not believe the President, that is an additional reason why you should support this amendment. If you really have a suspicion that he does not mean what he says, then by all means every Senator should support it; to do otherwise would betray our fundamental duty.

Mr. STENNIS. Instead of a matter of distrust, there are two very practical answers to the point the Senator raises. First, I know this is a legislative formula that was put together and it shows ingenuity, and skill, and timing. But here are two practical points in this timing. I do not see how any President can call to a day certain when a battle will be over or can assume there will not be reverses and new facts developed to make him, as a matter of reason, want to change that timetable.

Mr. FULBRIGHT. He has already done that.

Mr. STENNIS. Just a moment. He has made an estimate of when he thinks it will be prudent to withdraw.

I know that adversity can develop, and if he cannot make it, no one would want him to do that in the face of causing a disaster to our men.

Mr. FULBRIGHT. Well——

Mr. STENNIS. That is one element, if I may finish. No. 2, it is proposed to freeze in here what his future action may be, regardless of what may develop there, or as to any other sanctuary. It is proposed to require the President to come before Congress and get a law passed before he can use his judgment as Commander in Chief, and that would give 30 to 60 days' notice to the enemy that the President wanted power to destroy the sanctuaries; therefore, they would just move out in advance.

So, as a practical matter, without going into what would happen on the battlefield, those are logical answers to the point the Senator makes.

As I see it, that is just as serious a matter as it could possibly be.

Mr. FULBRIGHT. With regard to the first comment, the President set the date. The committee did not. The Senator from Kentucky did not set the date. Moreover, the President can retain that power by not signing the bill. He could go another week. But what the Senator

is doing is confirming what I fear, that the President did not mean it when he said our forces would be out by the first of July. It was just an estimate, and it could turn out to be next December or a year from now. That is what I meant when I said the Senator is really saying that he does not believe the President is serious about the July first deadline.

Mr. STENNIS. The Senator put words in my mouth that are false. I repudiate them.

Mr. FULBRIGHT. The Senator said that it was just an estimate.

Mr. STENNIS. I said that the President cannot guarantee that date. Just as commonsense, as I said, he does not know what is going to develop. Facts could develop where he would be disloyal to his oath and criminal in high office if he did not keep them there longer, if it was necessary to protect them and our other boys. So I think we are arguing an academic question.

Mr. FULBRIGHT. I agree with the Senator that the President does not know what is going to happen. That is the reason why we have grave reservations about his taking that action, because he does not know what is going to happen. But he himself chose to use that argument and to lay out a program of withdrawal. I do not see how in the world a Senator can object to a provision that takes him at his word.

As to the Senator's second point, that there may be moves against other sanctuaries, that is exactly what some of us fear. It is amazing to me to hear the Senator from Mississippi make this argument, when he has been one of the strongest advocates of a strict construction of the Constitution and for upholding the rights of the Senate. Over the years, I have stood with him in other matters regarding other constitutional questions. I have often spoken at some length with the Senator. I have always insisted, as has the Senator from Mississippi, on the rights of the Senate. He has wanted the Senate to assert its proper constitutional role. Now he simply wants to arrogate to the Executive the right to make very grave decisions for which Congress also has a responsibility. He points out that there may be other sanctuaries. They may be in China. According to the Senator, if the President wants to go in, he should have the freedom to do so. I reject that thesis.

If the President wants to go into any other sanctuary, all we are saying is, "Consult Congress; confer with us." This is consistent with the commitments resolution passed last year. The Senator from Mississippi supported it. He was of great help in getting it passed. His statements in support of its passage were very useful. Now, because we are in trouble, it seems to me that he is willing to abdicate the responsibilities of the Senate.

What is wrong with what is proposed? If the President wanted to go into another sanctuary—in China or into Laos—why should he not come and ask the approval of the Senate? I think he should. I am surprised that the Senator from Mississippi does not think he should consult with this body.

Mr. STENNIS. Pass the resolution, or the amendment, the way it is written, and we create a field day for our enemies to have sanctuaries wherever they want to and as strong as they wish, and they would be running the show, and we would have to send many more men into South Vietnam or abandon the present program of withdrawal. I stated that before the Senator got the floor.

Mr. FULBRIGHT. I cannot understand it——

Mr. STENNIS. That is my opinion about it. The Senator said I have always exalted the role of the Senate——

Mr. FULBRIGHT. The Senator used to.

Mr. STENNIS. May I make my statement? Before the Senator came to the Chamber, I referred to the power to declare war. I have been around long enough to have heard many powerful statements made in behalf of the commitments we made; that it was old-fashioned and the requirement of a resolution by Congress to declare war was actually scoffed at. I do not remember the Senator from Arkansas making that statement.

Mr. FULBRIGHT. No, the Senator does not.

Mr. STENNIS. I do not suggest that, but I have never been satisfied and I am not happy about what has occurred in South Vietnam without a declaration of war, and have mentioned that a good many times. But that bridge has long since been crossed, and to come back now and try to recall time is something we cannot do.

Before the Senator came into the Chamber, I based my support on the destruction of the sanctuaries on this proposition: I think that our withdrawal program will soon be imperiled if we let all these sanctuaries continue and operate with impunity, which the adoption of the amendment would allow. So it is a matter of our program of trying to get out of there that is involved.

Another thing is that if we adopt this amendment, I think we almost totally destroy the negotiating power and prospects of the President of the United States. So far as this war is concerned, there will be no more chance in that field.

So I am satisfied in the logic of my viewpoint, based on those two conclusions. I think, of the two, the last one is the stronger. That is why I do not believe the American people, when they understand it, will ever put up with it. They will say, "No, no. Do not restrict the President of the United States. He is the only voice we have. He is the voice."

Mr. FULBRIGHT. Let me ask the Senator one more question: Aside from the withdrawal, the President said these troops are not going to go farther than 21 miles. He said that positively when we met with him at the White House. It has also been said publicly. Now it is claimed that this amendment would tip off the enemy; that it would be cause for rejoicing in Moscow. How can the Senator say that when, on the one hand, he says the word of the Commander in Chief is law and we should not question it, and, on the other hand, he says by doing this we are putting restrictions on the President?

Mr. STENNIS. According to the argument of the Senator, he does not need this amendment. He does not need the law. He has already said it.

Mr. FULBRIGHT. I did not quite say that. I did not say I trust the word of the President, or that we should——

Mr. STENNIS. How about the Senator himself? Does he believe him?

Mr. FULBRIGHT. No; I do not think he knows for sure that all our forces will be out by July 1. Just as the Senator from Mississippi said a while ago, he does not know what is going to happen. In my opinion the President made these promises to the American people in order to try to reconcile them to what I think was an imprudent action. Now it is the duty of the Senate to take him at his word and to write his promise into law. The reason why we have a Constitution and a Senate is that we cannot do the business of this country solely on personal promises. Our system is founded on rule by law. That is what the Constitution is all about.

I know other Senators have some questions for the Senator from Mississippi. I would like to ask one final question, however. Is it fair to conclude, that in the Senator's view, if the President decided, next month or next year, without any consultation with or approval of the Senate, that in order to protect the lives of our soldiers in Vietnam it was necessary to invade Laos and get at the sanctuaries there, such action would be perfectly proper?

Mr. STENNIS. That depends on circumstances somewhat, but I say as long as we are staying in Vietnam, sending men in there to sacrifice their lives, I will never agree to having the President cut off from using his judgment to attack the sanctuaries.

They are no more a part of a foreign country than my backyard is at home, in view of the circumstances that they have been used as an arsenal against us for years, and they are not under the control of this foreign country.

So we do not attack this other country; we attack the arsenal that is permitted to be used there, or maybe they cannot help themselves. We go after the arsenal.

Mr. FULBRIGHT. Then he could clearly attack China without consulting the Senate or the House; he could attack China on the same theory. That approach is a complete abdication of the role of the Senate. I cannot believe that the people of this country want to so emasculate our constitutional system.

Mr. STENNIS. The Senator has gotten so far from where the war is that I cannot follow him. I am not going to follow him to China, just as I cannot follow his logic. The Senator is a very persuasive orator and a skillful legislator.

Mr. FULBRIGHT. Mr. President, I appreciate that. It is the first time anyone has ever said that.

Mr. STENNIS. But I cannot go along with him.

I believe I promised to yield to the Senator from Wyoming next.

Mr. HANSEN. I thank the distinguished Senator from Mississippi.

First of all, Mr. President, I compliment the Senator for having presented a very scholarly dissertation here, on facts all of which are germane to the consideration of the proposal now before us.

Mr. STENNIS. I thank the Senator.

Mr. HANSEN. I rise to ask two questions.

First, I am somewhat confused. I tried to understand what the Senator from Arkansas was saying, and it seemed to me that, in response, in colloquy, to the distinguished senior Senator from Delaware, what the distinguished Senator from Arkansas was really saying was that, while there may be some danger in the immediate implementation of this Cooper-Church amendment, we need not be too fearful, because at the very least it will take a few days.

I had thought that the sponsors of the amendment and others were convinced that there was merit in it. I presumed that they wanted to get it passed as expeditiously as possible; that they feel that, with its passage, the Congress of the United States would be asserting its right, within the limits of the Constitution to draw the line, to say what moneys may be appropriated and where they may be spent in prosecution of wars which may have been initiated by the President of the United States.

My confusion arises out of the fact that I can only gather, I can only assume—it is a judgment on my part—that the distinguished Senator from Arkansas just is not quite that sure. He is not quite sure that he wants to have this law passed and become effective immediately, because, as was pointed out by the distinguished Senator from Delaware, there are some dangers. It just could be that someone might be killed over there, and he might be the father of two or three children, and neither they nor his wife—if I understand the amendment correctly—would have any rights at all; the United States, once this amendment is passed, if it is passed, would automatically vitiate all of the rights, all of the privileges and the guarantees that the Congress of the United States from time to time has written into law so as to be certain that our fighting men will be given the protection and the security that the Government of the United States is capable of giving them.

That is my first impression. It does leave me a little bit confused as to how quickly we should pass this amendment, if it should be passed at all.

But, getting down more specifically to the point——

Mr. COOPER. Mr. President, will the Senator yield to me at that point?

Mr. HANSEN. I am happy to yield.

Mr. COOPER. The Senator asked a question about the meaning of my amendment. I want him to be clear about it.

The PRESIDING OFFICER. The Senator from Mississippi has the floor.

Mr. STENNIS. Mr. President, I do not want to hold the floor to the exclusion of anyone else. I believe I have a duty to yield, and I want to, for questions.

Mr. COOPER. I shall just take a minute.

Mr. STENNIS. I yield to the Senator from Kentucky.

Mr. COOPER. Mr. President, I want the Senator from Wyoming to know that the amendment means exactly what it says. Upon enactment of the amendment into law, when passed by the Senate and House of Representatives, and on signature by the President, it would mean exactly what it says—no U.S. forces would be retained in Cambodia, and we would reach that objective by the power we have of the purse string. I want that to be clear.

Mr. HANSEN. May I ask the Senator——

Mr. COOPER. Let me add one thing. The Senator has moved away, now—I say this with great respect, as between two friends—from the clear objective purpose of the amendment, which is to stay the damage of getting into a new war in Cambodia.

We do not challenge the power of the President to protect our forces wherever they are, and I shall always uphold that power, which he properly has. But I do not believe this power of the President can be used for entering in a new war, removed from the original war, upon the basis of the protection of our troops.

Mr. HANSEN. Would it be the wish——

The PRESIDING OFFICER. Does the Senator from Mississippi yield to the Senator from Wyoming?

Mr. STENNIS. Yes, I yield to the Senator from Wyoming.

Mr. HANSEN. Would it be the hope and purpose of the distinguished Senator from Kentucky that this amendment might be adopted and enacted into law just as quickly as possible?

Mr. COOPER. Yes, because I think the operation is dangerous.

Mr. HANSEN. Would it be fair to assume, and am I correct in understanding, that in that respect the Senator's feeling about the amendment—and I do appreciate the clarification he has given—insofar as the support of one of the important sponsors is concerned, seemingly does not square precisely with what the distinguished Senator from Arkansas said? I gather that he sees some danger in the immediate implementation of this amendment. But insofar as the distinguished Senator from Kentucky is concerned, it would be his wish and desire that it might be enacted into law as quickly as possible; am I correct about that?

Mr. COOPER. I think, practically speaking, it is not going to be. It must go the lawful route—Senate, House, and to the President.

Mr. HANSEN. But the Senator hopes it would be?

Mr. COOPER. But I hope it would be, because I think it is much more dangerous for the United States to be in that operation. I think the safety of our force will be better protected by getting out at the earliest possible date.

Mr. HANSEN. Would I be right in assuming further that it is the wish and the fervent hope of the distinguished Senator from Kentucky that Congress might exert a right that has not been overused, at least before we venture into any new wars anywhere? Would the Senator go so far as to say before we enter into any new wars?

Mr. COOPER. Anywhere? No, because——

Mr. HANSEN. The Senator would not go that far?

Mr. COOPER. Because some areas might be important to the security of this Nation. I do not believe the South Asia war is.

Mr. HANSEN. Then what the Senator is saying is that the only danger that he sees to this country now is if we get into war in Cambodia?

Mr. COOPER. No, I think there are dangers in other areas.

Mr. HANSEN. Would the Senator be kind enough to identify the other areas?

Mr. COOPER. There are many other dangerous spots in the world.

Mr. HANSEN. Would the Senator name some, for my edification?

Mr. COOPER. The Middle East is a dangerous spot.

Mr. HANSEN. Would the Senator express the same philosophy with respect to the Middle East?

Mr. COOPER. I hope we will not have to get into war in the Middle East.

Mr. HANSEN. I hope so, too.

Mr. COOPER. But I think we are in a war that is not necessary to our national security. The other situations, I hope we will be able to protect against.

Mr. STENNIS. Mr. President, may I say a word? I am delighted to yield to my friends. I am afraid, however, that I am imposing on the Senate.

I do not believe the Senator from Wyoming had propounded his second question. Did the Senator have another question in mind? I yield to him for that question.

Mr. HANSEN. I thank my colleague. I do want to raise this second point, Mr. President, which I have touched upon already.

There are numerous references in the RECORD—and I think the distinguished senior Senator from Montana, the majority leader, spoke about it yesterday—about this not being idle debate, that it should not be taken lightly, that it posed a very serious constitutional question. As I recall, I think those were about his words.

I can read them. He said:

> Mr. President, I think the Senator from Mississippi is under an illusion if he thinks we are trying to get by on the basis of a slight debate. We are not. We are facing up to a grave constitutional question, which I think the Senate should be unanimously behind, because it is the Senate's responsibility and authority, in my opinion, which is at stake. I am surprised that there are Senators who would place the position of this body in a secondary position. This is a most important issue, and I call up the first amendment.

Mr. *MANSFIELD*. Mr. President, may I say that that is a correct quotation. [Laughter.]

Mr. HANSEN. Mr. President, I would like it noted that I read very well.

I could not agree more than I do with my distinguished and respected colleague, the Senator from Montana. It is a serious question. I think it transcends, if we are going to debate this issue in terms of the constitutional conflict or the outer limits of the constitutional

questions, on the one hand, what is the authority of the President of the United States—how far does it extend; into what areas may he go; what may he spend—and, on the other hand, what are the constitutional prerogatives reserved to Congress. Where may we properly draw lines, and where may we say, or in what degree may we say, that funds shall be spent?

So I agree, as I have agreed many times, with my distinguished friend, the Senator from Montana, that this debate should not be taken lightly.

My second question is this: If it is a constitutional question, and I think it is, it seems to me that we ought not to limit the debate upon one geographic area; because, if we want to raise that question, should we not raise the question as to the propriety of Congress to say, before we start war in any other place—whether it is Cambodia, whether it is China, whether it is Timbuktu. Would it not be well, if we are concerned to say before the President can start an incursion into any other area, let him come to Congress and seek the permission which our contention is we alone can give him?

I would like to explore that at the appropriate time. I do not want to take too long now. But that does concern me very much.

Mr. STENNIS. That is a very good question, indeed. I will just undertake to answer it briefly, because of time.

I think we are talking about two different things. There is the ordinary declaration of war, or the ordinary going into a country. But we are talking about an extraordinary situation here, in that we are already in war, whether declared or not. We are already in battle. Men are daily going to their deaths. The arsenal that the President very effectively attacked is one of the main sources of the enemy's supplies, military equipment, food, and everything else that goes to make war. So, to my mind, there is a great difference in those two situations.

May I just say a word about the point that the Senator from Delaware made about time. Incidentally, yesterday, it was not the Senator from Mississippi who wanted a short debate. I was objecting to the en bloc unanimous consent agreement then. I think it is very reasonable to say that the Senate could have passed this measure yesterday afternoon, if there had not been opposition. The proponents would have made some good points about it and would have been willing to let it go through, and then the Senate would have lost control of it. So one might say that it had passed the Senate and, so far as the Senate was concerned, it was on the way to the White House.

Mr. WILLIAMS of Delaware. That is exactly what I was trying to say, and I understand there may be a vote this afternoon on this question. I hope there will be. The sooner we dispose of this question the better it will be for our country.

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

Mr. STENNIS. I had promised to yield to the Senator from Tennessee, who has been waiting for quite some time, and also to the Senator from Wyoming, who has been waiting.

Mr. MANSFIELD. May I say to the Senator that I hope the Senator from Delaware was not serious in what he said about a vote this afternoon, because many Senators are absent, on the word of the joint leadership. If that came to a point, we would have to act accordingly.

Mr. WILLIAMS of Delaware. I will not press it. I was just expressing the hope. I will abide by the decision of the Senator from Montana. He can rest assured of that. Personally I had hoped that we could have disposed of this bill today, and as far as I am concerned I am ready to vote.

Mr. STENNIS. I yield to the Senator from Tennessee.

Mr. BAKER. I thank the Senator from Mississippi.

Mr. President, I believe I have been on the floor of the Senate since just after the Senator from Mississippi commenced his excellent presentation, and I am happy to say that I heard the entire colloquy between the Senator from Mississippi and the Senator from Arkansas, the distinguished chairman of the Committee on Foreign Relations, and the colloquy between the Senator from Mississippi and the senior Senator from Kentucky (Mr. COOPER), who is not now in the Chamber. I had hoped that he would be here when I made my next observations, and I conveyed to him the fact that I wanted to do so. I expect that he will return shortly. What I am about to say is something that I feel strongly about, and I am sure that he will give it his attention in the record; and it does not require a reply at this time.

With that preface, I should like to point out something that does not need to be underscored, I am sure. The Senate is dealing with a deadly serious business. The Senate is concerned with the life and death of American men and the credibility of our foreign policy. We are not engaged in any constitutional confrontation. We are engaged in the exercise of partial jurisdiction and partial power that the Constitution spells out, which provides that there will be an appropriate competition between the Senate and the Executive on the shaping and the formation and the implementation of foreign policy. The federal system is riddled with partial jurisdiction and overlapping jurisdiction and competition for authority and uncertainty as to the extent of that authority. It has worked and served us well. However, I do not think we ought to consider that we have something unique in a confrontation between the President and the Senate. We do not. We have a matter of judgment to exercise.

As was pointed out by Senator COOPER today, as I recall his statement, the sole authority of the Senate is the power of the purse. That is not quite right. It is almost right. That probably is our principal one. But then there is the partial jurisdiction on the authority of Congress—the House and Senate—to declare war, to raise armies, to limit their size, and to otherwise inject our judgments into the business of foreign relations and foreign affairs.

That brings me to the point at hand. I thank the Senator from Mississippi for yielding to me so that I can make this observation.

As I understand, it is the contention of the distinguished Senator from Delaware that this amendment could be passed today by the Senate, promptly passed by the House, promptly signed by the President, and could have, I believe, the unintended effect of depriving American soldiers in Cambodia of pay and benefits. He says that could happen, and I think he is right. The distinguished Senator from Arkansas, the chairman of the Committee on Foreign Relations, says no, it could not happen; that it has to go to the House and has to be signed by the President, and that takes time; and he is right, also. What it really boils down to is that it could happen but it probably will not. But that is not the issue.

The issue here is that, if we are really to exercise our partial and overlapping jurisdiction in foreign affairs in a substantial way, it is time we stopped shoveling smoke. It is time we stopped exercising our emotions, and it is time we got down to the business at hand. In this instance, we would do it by deciding, yes, it is possible that this could be the unintended effect of this amendment; and, therefore, we, as word merchants, as legislators, those who deal with the language and translate it into effective organic law, should see what we could do about it, to prevent that unintended effect.

So I would suggest to the Senators who have moved this amendment that if they really want to meet the problem, we need not do it with an extended debate on this floor. We can do it simply by amending the amendment in an appropriate way, to recognize the partial and overlapping jurisdiction in foreign affairs, to recognize that we do not want unintended effects, to recognize that we do not have a constitutional confrontation; but, most of all, to signal to the people of the United States that in these troubled times we are not going to try to inflame passions but, rather, to quiet them. We can. It is entirely possible. But I do not think we are doing that this afternoon.

Mr. McGEE. Mr. President, will the Senator from Mississippi yield?

Mr. STENNIS. I am sorry I could not yield to the Senator from Wyoming before. I am happy to yield to him now.

Mr. McGEE. Mr. President, I want to thank my colleague from Mississippi for yielding to me. I did not intend to inject myself into this debate this afternoon at all, but I was here, fascinated by the colloquy taking place.

It seems to me that now is the time for a long pause in taking an important step such as this, because of what we have been through. But we have had a chance to learn from the past 5 or 6 years. I daresay that none of us—hopefully—is immune from the lessons of recent years—especially the senior Senator from Wyoming.

I can recall well how, in the first critical test of our role as leaders of the world in the 1950's, those of us in the liberal

community were groping for some middle ground in exercising our responsibility between the "massive retaliation" that John Foster Dulles was talking about on the one hand, which meant nuclear weapons, and "Fortress America" on the other.

It was then that we felt crowded into a position of at least weighing the dimensions of a limited, undeclared war. Our belief was that in the nuclear age we did not dare take the risk of a declared war unless it was total war. "The war, whatever that means, hopefully, that will never occur.

To fend off the holocaust of nuclear warfare on the one hand and the ridiculousness of such a policy as "Fortress America" on the other, we thought it was better to learn from World War II, from the experiences with Japan, which began to nibble at Manchuria and then to dominate Asia, which involved us in war as a result of Pearl Harbor; from the experiences with Hitler, who nibbled away at the Versailles Treaty until he occupied the Rhineland in violation of that treaty, and involved us all in world war at such terrible cost. So it is understandable that our generation sought some alternative. That alternative was a limited war without a declaration.

That is what I think poses the problem now with us today.

Under the Constitution of the United States, our Founding Fathers never envisaged such an exigency as that, and understandably so. They envisaged a declaration of war in what would be today an old-fashioned war. There are a great many gray areas in question as to the role of the Senate which derive from the circumstance of an undeclared war.

I must confess, as a student of the problem, that I am not sure to this day whether we, as a free society, can wage an undeclared war.

We are spending a great deal of time on this subject here today. We are caught up in where we are, for better or for worse. I think it would behoove us all to devote more of our energies, and all the foresight that we can mobilize to figure out how we best should conduct the role of the Senate in this nuclear age in its relationships with the President of the United States.

I made this petition last summer when we were debating the commitments resolution, feeling that it served no real cause to try to correct the past, or to repeal history, if you will, Mr. President (Mr. COOK); but, instead, to try to learn from the past, in setting up guidelines as to where we should go from here and how we best should proceed.

The problem that this becomes is one of definitions. Whatever else, however we got in there, whether it is right or wrong in each man's conscience, it would appear to me to be that the fact is: We are there. We are in combat. We have been in combat, at great cost and blood, for a long time. We cannot repeal all of that. Therefore, the question has to be, in the light of an undeclared war which is underway: What is the responsible role of the Senate?

I submit, Mr. President, that that role is not one of trying to tie the President's hands, to try to shackle his initiative, to try to curb his options, even as he is in the midst of trying to withdraw with responsibility. To me, that is the ultimate of foolishness, if not national irresponsibility.

I just think that the time of the Senate must be addressed to the potentials of the future. I do not think it should be addressed to the catastrophes of the past. It is too late for that.

Therefore, let us not hobble the President at this moment.

Mr. President, I would leave my fellow Senators with this one additional thought. A part of our difficulty comes from the earlier suggestions made by some of our colleagues here that, somehow, what was happening in Southeast Asia was a civil war between the Vietnamese. They were so confining it in their definitions, that it was Vietnam alone that was involved. The news media and all the others have fallen into that rut. They ignored the fact that it was a Southeast Asian affair, that it was an Indochina conflict from the very first.

Thus, we have seen the efforts to try to separate out of the picture Cambodia or Laos, as though they were somewhere on the moon, in the Sea of Tranquillity, and to contend therefore, that another series of events similar to those we have been through in South Vietnam was about to unfold.

Mr. President, we cannot isolate Cambodia from Vietnam, and we cannot isolate Laos from it. They were a part of the whole conflict from the very first. They have been involved in that conflict every day since the buildup in the Southeast Asian war.

Thus, to try now to pretend that Cambodia was somewhere else and unrelated, and that Laos was somewhere else and unconnected, does us a disservice. We play tricks on each other if we speculate in that context.

Thus, I would say, if we only could resolve in this body not to risk, jeopardize, or give away an opportunity for the President to slow down and disengage from this miserable conflict in Southeast Asia in some responsible way, we could be addressing ourselves instead, to what do we do in the nuclear age, the next time we are faced with this test. We will be faced with it. It will not go away, because we have resolved ourselves as to Cambodia and Laos, or whatever else. It will be here again. It may be here right now—in the Middle East, say. It may come in Burma. It may come somewhere else. We have no choice about those things. We cannot predetermine them. But, we are here in this world today. We are in the position which makes a difference as to how the world will go. I would hope, Mr. President, that we would, indeed, marshal more of our intellectual resources, of our capabilities in colloquy, of our honest search for the answers down the road ahead, rather than shackling the blame on the road behind in terms of what the Senate, under our constitutional system, should do.

I have no doubt that in terms of this war, that, had it been successfully concluded in a year or 18 months, Members of this body would have been bragging about how the Senate of the United States approved the Gulf of Tonkin resolution and participated in that decision, and they would be seeking the credit for that resolution; but, because of the mystery of the Orient, because of the vagaries of the new kinds of conflict that guerrilla warfare has raised in the East, and because of all the other pressures and the timetables in the world crowding in on us, it did not go as Republicans and Democrats would have preferred. It turned out to be much more complicated and much larger than partisan politics, even larger than Presidents of the United States, or the American people as a whole.

For that reason, I would express my desperate wish that we not take a step here that will, in fact, jeopardize the leadership role of the President of the United States as Commander in Chief in the midst of a conflict, when we should be readdressing ourselves to his proper role in cooperation with the Senate in all future such decisionmaking processes in the kind of world in which we live.

Mr. President, I apologize for intruding at this time of the afternoon. The Senator from Mississippi has been very generous in yielding this time to me, and I thank him very much.

Mr. STENNIS. Mr. President, I thank the Senator from Wyoming for his timely and fine remarks.

Mr. President, I want to yield the floor in a few minutes, anyway, but I have about a 1-minute statement to make at this time. Does the Senator from Wyoming wish me to yield to him?

Mr. HANSEN Mr. President, I would like to make some observations. If it would suit the desires of the distinguished Senator from Mississippi better, I would be very happy to wait until he has concluded.

Mr. STENNIS. Mr. President, I had indicated to the Senator from Idaho that I would yield the floor before very long. I think I should not wait too long. If the Senator has a question or two, I should be happy to yield to him for that purpose, but not for a speech.

Mr. HANSEN. Mr. President, I do not wish to make a speech at this time.

Mr. STENNIS. Mr. President, I yield to the Senator from Wyoming.

Mr. HANSEN. Mr. President, I express my sincere gratitude to my distinguished colleague, the senior Senator from Wyoming, for bringing this question back into perspective. I think it is very easy for us to lose sight of what we are talking about. I believe the observations the Senator has made this afternoon could not have been more clear.

I think what is bothering some Senators is that the President of the United States has the authority and responsibility and, I daresay, the exclusive authority and responsibility of directing our men in battle.

I grant that most of us are not privy to his next move. Apparently that is irritating to some. It is not to me. I happen to think that he must have access to information which obviously, for many good reasons, will be denied most of us.

We are not apprised of his next move. We do not know what will happen. We would like to be able to say, "Yes, we

knew what was going to happen, because we were called to the White House," or, "He appeared before the Foreign Relations Committee last week and said that he was going into Cambodia."

He has not done that.

We are fighting the same enemy that we have been fighting in Vietnam for the last several years, the very same enemy. It does not matter whether we are fighting him in South Vietnam or in Cambodia or in the South China Sea. Wherever it is, it is the same enemy.

The second point I make is that all the President did by ordering the incursion into Cambodia was to deny the enemy longer the exclusive decisionmaking responsibility of saying where we are going to fight. He no longer has that choice.

I think it was a very worthwhile move. I hope that Senators will be persuaded by the good logic and good judgment of the senior Senator from Wyoming and my distinguished colleague, the Senator from Mississippi.

Mr. STENNIS. Mr. President, I shall take just a minute or two and shall then yield the floor.

I know that a good deal has been said in all sincerity about the President's failing to contact and let others know about this movement into these sanctuaries.

It is very unfortunate, but there are many ways for information to get out. Those of us who are experienced around here could not conceive of a President, on a matter that he thought was delicate and where secrecy was of the utmost value to our side, coming before the Armed Services Committee or before any other committee or telling a great number of people about his plans.

There are times when things just have to be done in war and they have to be done in secrecy.

I want to make this further point. Mr. President, I stand on the proposition, not a constitutional matter about the war being declared or not declared, or strict construction or liberal construction of the Constitution.

I stand on the fact that for practical purposes this move into Cambodia against those sanctuaries and against this arsenal was necessary and it seemed certain to be necessary to that kind of withdrawal program of the men who are already there and doing the fighting.

It was the judgment of the President of the United States that this was a move to get us out of South Vietnam.

I say again that I am thankful he had the courage and the nerve to venture into this field that was uncertain politically and every other way. However, he thought it was necessary to carry a military point.

For us now to come along and to cut him down and to put restrictions on him because of a time element, I think, is wholly beyond our proper role. I do not believe that it will be done.

Mr. President, I yield the floor.

Mr. HANSEN. Mr. President, because of its pertinency to the question the Senate is considering, I ask unanimous consent that an editorial from the May 14 issue of the Washington Star be inserted in the RECORD at this point.

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

PRESIDENTIAL POWERS

The Cooper-Church amendment, passed this week by the Senate Foreign Relations Committee, if approved by both houses, would cut off funds for future American military activities in Cambodia. The Senate and the House should give extremely careful consideration to all of the implications of the proposal.

Since the amendment could not come into force before the President's July 1 deadline for the return of all American troops from Cambodia, the proposal's supporters may be motivated by one or more of the following convictions:

1. They may fear that the President intends to violate his own deadline.

2. They may suspect that, if the Cambodian incursions are as successful as they appear to be, Mr. Nixon may be tempted to repeat the move at a later date.

3. They may feel that there is domestic political capital to be made out of a move which could be unconstitutional and in any event would be difficult administratively to enforce, and hence would be of little effect.

4. In an attempt to preserve and enhance senatorial prerogatives, they may wish to challenge the President's power to wage undeclared wars anywhere on the globe without prior congressional approval.

Both the State Department and the Pentagon are leery of the proposal, as well they might be. They see it as restricting the President's power as Commander in Chief and endangering his ability (in the State Department's words) "to take action to protect the lives of American troops within the Republic of Vietnam."

The issue is too complex to be dealt with adequately in this space. As a preliminary judgment, however, it is our view that passage of the Cooper-Church amendment in its present form would be unwise. The alternative to an undeclared war in at least some situations would be not peace, but a declared war. The existence of secret treaties between the nuclear powers and their client states under such circumstances would greatly increase the chances of a global holocaust.

And that is something no thinking person wants.

RESULTS OF THE CAMBODIAN SANCTUARY OPERATION

Mr. HANSEN. Mr. President, I ask unanimous consent that a tabulation of the results of the Cambodian sanctuary operation as of 8 a.m. May 15, 1970, be printed in the RECORD.

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

Total operations		24-hour change
Individual weapons	8,102	+562
Crew served weapons	1,046	−25
Bunkers destroyed	3,410	+92
Machinegun rounds	6,867,639	+6,251
Rifle rounds	1,614,364	+1,327
Total small arms ammunition (rounds)	8,482,003	+7,578
Grenades	13,442	+599
Mines	1,448	+64
Antiaircraft rounds	4,072	(1)
Mortar rounds	13,857	+527
Large rocket rounds	874	+5
Smaller rocket rounds	8,980	+444
Recoilless rifle rounds	9,541	+123
Rice (pounds)	5,492,000	+494,000
Man months	120,824	+10,868
Vehicles	193	+15
Boats	40	(1)
Enemy KIA	5,614	+210
POWs (includes detainees)	1,478	+47

[1] Unchanged.

MANY HISTORICAL PRECEDENTS

Mr. HANSEN. Mr. President, I was astonished to read in the New Yorker magazine this morning an unsigned article stating that President Nixon is the first President "in the history of the United States deliberately to order American forces to invade another nation on his own, without seeking congressional approval and support."

This is the kind of flagrant and deliberate misstatement of fact designed to feed the flames of rhetoric which surround our present position in Southeast Asia. This, I believe, is a great disservice to the entire Nation and demonstrates the extremes to which some segments of the media will go in their zealous search for partisan advantage.

It has been indicated in the Washington Post, which reprinted the statement, that it was written by Richard Goodwin. I find this hard to believe because, of all people, Mr. Goodwin should know better. He was sitting in the White House at the time former President Lyndon B. Johnson sent American marines storming ashore in the foreign nation of Santo Domingo and then advised Members of Congress after it was a fact.

Mr. Goodwin claims to have read history. If, indeed, he wrote this particular article, he must be aware that it flouts every chapter of the history of 20th century America.

I recall for him, as did the senior Senator from Illinois (Mr. PERCY), yesterday on page 15519 of the RECORD, some historical facts.

Back in 1917 President Wilson sent American troops into Mexico in pursuit of the bandit, Pancho Villa, who was using Mexican territory as a sanctuary from which to launch attacks on American citizens and American troops. He did not seek prior congressional approval.

President Wilson sent troops into Santo Domingo in 1916, also without consulting Congress.

President Truman ordered American troops into action in Korea without prior consultation with Congress.

President Johnson, as I mentioned earlier, used American troops in Santo Domingo and consulted Congress only after he had moved.

President Johnson sent American planes to the attack in North Vietnam after the now-famous Tonkin Gulf incident in 1964—and reported to Congress the next day.

There have been incidents large and small over the years in which American Presidents, when American lives were threatened, have used American troops to protect those lives without first consulting Congress.

In none of these incidents was Congress consulted until after the act had taken place. Frequently, when secrecy and surprise are important, it cannot be, without endangering the success of the operation.

The debate is still going on in this Chamber about the prerogatives and responsibilities of the President. This debate has been going on for over a century and will go on as long as the Republic stands.

I do not feel that these discussions are well served by this kind of deliberate passion-arousing editorial comment.

CROSS-BORDER RAIDS WILL REDUCE CASUALTIES

Mr. President, it was with deep sorrow that I read the casualty figures for last week—168 Americans killed in action. It grieves me that this figure is the highest we have suffered in 8 months.

Many of these casualties are attributable to the American raids across the Cambodian border to wipe out the Communist sanctuaries. So far these raids have been remarkably successful. They have destroyed much of the enemy's present capability to mount the kind of offensive which he has mounted in Vietnam in the past.

We all remember the horror of the Tet offensive in early February of 1968, and the dreadful toll that it took. That offensive, which was launched from these very Cambodian sanctuaries, killed 943 Americans, and wounded over 4,000 Americans.

It is to prevent just this sort of free-wheeling, unpredictable attack across the line into Vietnam that the Cambodian incursions were inaugurated.

Whether or not these raids against enemy fire bases succeed depends not alone on the men—the brave young Americans—directly on the line and in battle. Their success also depends in a great sense on the support these men receive from back home. We cannot fail them now. We must not.

Mr. McGEE. Mr. President, the pending amendment, which would deny to the President the use of appropriated funds for the conduct of the war in Southeast Asia after specified cutoff dates, raises grave constitutional questions.

We find ourselves today at a point in our national life when feelings among the people are at high pitch, when vital segments of our society are split from the rest by discord and dissidence, when our Armed Forces are engaging an enemy. It is at this crucial juncture that we are faced with legislation calling upon the Senate to resolve in a few days' time a question of high national policy on which opinions throughout our history have been divided.

The amendment, in effect, states that U.S. war power resides in the Congress, that the power of the purse may legitimately be extended in such a way as to shape the course of a war in which we are already deeply involved.

I oppose this position. I believe the framers of the Constitution meant it when they said that the President shall be the Commander in Chief of the Army and Navy of the United States. I believe they meant it when they said that the Congress shall declare war, not make war. The language is clear.

However cloudy the issues may be surrounding an undeclared war in the nuclear age, the fact is that for several years we have been engaged in armed combat.

The authority to respond with speed and dispatch in foreign affairs when military force is required and regress after it has already been committed, should vest in the Office of the President. He is elected by all the people. He commands our military power. He has unique access to classified information. He has, and ought to have, the constitutional power to send U.S. military forces abroad when he deems such action to be in the national interest. Thus, the burden of the pending decision in this body is less that of the war in Southeast Asia, than it is one of political science; of responsible self-government.

My studies show political scientists agreed that, early in our history, if we had not seen the need for centralized control, the new Nation would have been split apart by rancorous factionalism.

The leaders of the Thirteen Colonies repelled by the arbitrary authority of the English king and his colonial governors, launched the Nation upon its new life without a chief executive. Events demonstrated the urgent need for central control when the new nation proved unable to deal with the chaotic overlapping of state jurisdictions resulting from the Articles of Confederation. National authority has been given the President ever since, with only weak Presidents shrinking from its use.

And so I find the present the wrong time to establish as congressional policy interpretations of the Constitution which 200 years of history do not substantiate.

Never in our history has it been a function of the Senate to advise and consent on operational military decisions made by the Commander in Chief.

Never in our history have we conducted a war by committee.

And on many different occasions prior to World War II, U.S. Presidents have ordered undeclared acts of war.

The Congress is the greatest deliberative body in the world, but as a military leadership group, notoriously unable to arrive at rapid decisions, it could become a multiheaded monster if it attempted to second-guess the conduct of a war.

The American people's distrust of the powers of the President, derived from our national memory of the tyranny of George III, becomes especially evident when a President's application of power in the national interest fails to yield immediate success. Particularly at those times, our ingrained distrust of centralized power becomes vocal. We hear cries that the President is becoming much too powerful. But when his use of his authority is successful, we tend to congratulate ourselves on his wisdom.

Today, only wishful thinking can lead to the notion that an assertion of congressional war power will resolve the problem of our involvement in Southeast Asia. I think we must recognize that our trouble there stems not from divided authority to conduct the war, but from the fact that so far we have failed to achieve our objectives.

In considering these grave questions, we must start from where we are. We cannot amend history. We cannot repeal it. We cannot, in good conscience, pin the rap on the past, charging the President with usurpation of power because our efforts have resulted in an apparently unwinnable war. No power has been usurped. On the contrary, historic precedent has been followed.

The Congress passed the Tonkin Gulf resolution in good faith, agreeing then on the course of action proposed by the President. And now, we do not enhance our stature if we blame the system, the division of powers, or Presidential deception for our tragic lack of success; and, so concluding, tie the hands of the Commander in Chief as he tries to deal with one of the most difficult military situations in our history.

I ask the Senate to reject the amendment but I thank its sponsors for reminding us that we must now shape a meaningful role for the Senate in determining the future direction of our foreign policy. As decrying the past is fruitless, so looking ahead can enhance the Senate's part in determining where we go from here. We must anticipate the next crisis; we must begin to address ourselves to restructuring the function of Congress in foreign affairs. Surely we can learn from the past; surely we must apply its lessons to the months ahead before it is too late.

Perhaps we should seek a sharper delineation of war power. Perhaps the future will require changes and redefinitions. I would be more than willing to explore all possibilities.

Clearly, we must address ourselves well in advance of crises to the broad outlines and directions of American policy. If we do this, we will have acted far more constructively and influentially than we would be curtailing the President's authority in the midst of crisis and after the fact.

Mr. CHURCH. Mr. President, although I was unable to be present during the earlier portions of this afternoon's discussion, I have listened with great interest to the debate during its final phases.

I must state frankly that I have been left to wonder what amendment is being discussed.

The arguments I have heard bear little relationship to the pending amendment as Senator COOPER and I drafted it. I believe it might be well to reconsider just what it is that this amendment does. In order to put an amendment of this kind in its proper perspective, often it is best to think about the things it does not do.

It does not raise questions about the credibility of the President of the United States. It accepts the President at his word. How that could possibly raise doubts in this body, in this country, and throughout the world is hard for me to understand.

The President has said to the American people and to the world that the Cambodian operation is limited in time, limited in scope, and limited to particular objectives. We in the Senate accept those limits.

All that the Cooper-Church amendment undertakes to do is to draw a line right where the President has drawn it in Cambodia. Our amendment limits the use of public money for certain purposes to go beyond that line.

That is not contradicting the President of the United States; that is merely asserting the right that properly belongs in the Congress.

If the President should decide in the future that he wants to carry out a policy committing the United States still farther into Cambodia, or if he should decide he wants to commit the United States to the obligation of defending the Cambodian regime with an elaborate entanglement through a military assistance program, he then should come back to Congress, make his case, and ask Congress to lift the limitations.

If that is a novel, unprecedented proposition, then I ask those who have raised questions about this amendment to consult the Constitution of the United States. I ask them to consult the history of the United States when time and time again Presidents have come to Congress before carrying this country into a foreign war and have asked for congressional consent.

Warmaking was supposed to be a shared responsibility. The framers of the Constitution did not conceive the Presidency to be an autocracy. They never intended that one man, as President, should have all the power to decide where, when, and under what circumstances the United States would fight. They never intended that he alone should pass upon the vital questions of war and peace which would involve the life or death of this Republic. No, indeed. The framers of the Constitution and Presidents for nearly two centuries, in adherence to the provisions of the Constitution, have recognized that Congress has its role to play, as well as the President, when it comes to the matter of war.

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

Mr. CHURCH. Mr. President, I shall be happy to yield to the distinguished Senator from Florida. I know he has raised a particular question, and I do have some replies for him. I do not want to delay this matter further, but allow me to complete my thought.

A distinguished columnist, Mr. Tom Wicker, writing in the New York Times of May 14th, has put this question into its proper perspective, and, in light of the debate we have heard today on the floor, I would like to quote excerpts from the Wicker article, and then I shall ask that the entire article be printed in the RECORD. Afterward, I will be glad to yield to the distinguished Senator from Florida.

Mr. Wicker writes in part:

Thus understood, the powers of the Presidency should not be at issue in the controversy over the so-called Church-Cooper amendment to the military sales bill. That amendment would only prohibit the use of appropriated funds for a particular Presidential policy—that is, for retaining American forces in Cambodia, for supplying military advisers or mercenaries to the Cambodian Government or for any combat air support of Cambodian forces.

Congress clearly has the right to limit a President's policy in such a fashion—just as, for instance, it has the right to say that foreign aid shall be given in loans rather than in grants, or that most-favored-nation trade treatment shall not be given to certain nations. Last winter, President Nixon agreed to Congressional limitations on the use of groundtroops in Laos and Thailand. And no one would suggest that when a President asks Congress to *endorse* his policy—as in the Tonkin Gulf resolution or the Mideast resolution requested by President Eisenhower—Congress would not have the right to reject it instead.

Passage of the Church-Cooper amendment in the Senate alone would be a strong psychological limitation on Presidential policy; if the House adopted it also, it would be a legislative mandate. President Nixon could veto it, but that would seem to belie his own pledges to withdraw from Cambodia; besides, if the amendment can be passed in the House in an election year, a Presidential veto would probably fly dangerously in the face of public opinion.

Nevertheless, this would not be a restriction on *the powers of the Presidency*, and that is the essential point. Senator Hugh Scott pointed out the other day that the President's "power to defend the country" as Commander in Chief is indisputable; so is his duty to defend the lives and safety of American troops, and—in Browning's phrase—"to decide what are military necessities" and devise means to meet them. Nothing in the Church-Cooper amendment changes or can change that.

COMMANDER IN CHIEF'S RIGHT

For that reason, it would be superfluous to add to the amendment the exemption that the President could act in Cambodia when "required to protect the armed forces of the United States." That is always the Commander in Chief's duty and right and was, in fact, the justification invoked by Mr. Nixon for the Cambodian invasion. If he did not need the specific authority of such language two weeks ago, he would not need it in the future.

Similarly, what Mr. Nixon did in Cambodia then, he still could do—if as Commander in Chief he judged military emergency required it—were the Church-Cooper amendment to become law. That amendment would not make it impossible for the Commander in Chief to take extraordinary action when necessary or to give a "full, faithful and forceful performance" of his duties; rather it would place a limitation on Presidential policy that Congress is fully entitled to order.

Mr. President, I believe the Wicker piece is an excellent commentary on the basic constitutional questions at issue here, and it is of such quality that I ask unanimous consent that the entire article entitled "In the Nation: Curbing the Man, Not the Office," be printed in the RECORD.

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

IN THE NATION: CURBING THE MAN NOT THE OFFICE

(By Tom Wicker)

WASHINGTON, May 13.—As the Senate moves toward a vote on limiting military operations in Southeast Asia, a clear distinction needs to be made between *the powers of the Presidency*, on the one hand, and the particular policy of a particular President, on the other. About the first, Congress can do nothing by statute; about the second, it can do much, if it will.

The powers of the Presidency are stated and implied in the Constitution. That document states that the President is, among other things, the Commander in Chief of the Army and the Navy; and that statement implies a whole range of actions that a Commander in Chief must or may take.

Lincoln, for instance, construed his powers so broadly that, in Wilfred Binkley's description, in the emergency of secession he "proclaimed the slaves of those in rebellion emancipated. He devised and put into execution his own peculiar plan of reconstruction. In disregard of law he increased the Army and Navy beyond the limits set by statute. The privilege of the writ of habeas corpus was suspended wholesale and martial law declared. Public money in the sum of millions was deliberately spent without Congressional appropriation."

Lincoln was able to do this largely because, as his Senate spokesman, Browning of Illinois, brilliantly stated: "When the Constitution made the President Commander in Chief of the Army and Navy of the United States it clothed him with the incidental powers necessary to a full, faithful and forceful performance of the duties of that high office; and to decide what are military necessities and to devise and to execute the requisite measures to meet them, is one of these incidents."

PARTICULAR POLICY AT ISSUE

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Passage of the Church-Cooper amendment in the Senate alone would be a strong psychological limitation on Presidential policy; if the House adopted it also, it would be a legislative mandate. President Nixon could veto it, but that would seem to belie his own pledges to withdraw from Cambodia; besides, if the amendment can be passed in the House in an election year, a Presidential veto would probably fly dangerously in the face of public opinion.

Nevertheless, this would not be a restriction on the power of the Presidency, and that is the essential point. Senator Hugh Scott pointed out the other day that the President's "power to defend the country" as Commander in Chief is indisputable; so is his duty to defend the lives and safety of American troops, and—in Browning's phrase—"to decide what are military necessities" and devise means to meet them. Nothing in the Church-Cooper amendment changes or can change that.

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Similarly, what Mr. Nixon did in Cambodia then, he still could do—if as Commander in Chief he judged military emergency required it—were the Church-Cooper amendment to become law. That amendment would not make it impossible for the Commander in Chief to take extraordinary action when necessary or to give a "full, faithful and forceful performance" of his duties; rather it would place a limitation on Presidential policy that Congress is fully entitled to order.

Mr. CHURCH. Mr. President, I am happy to yield to the Senator from Florida.

Mr. HOLLAND. Mr. President, I have numerous articles bearing on that same point that I shall refer to later.

It was my understanding last night when we were about to adjourn that we were discussing in particular section 12 of the pending bill which was an amendment coming from the Committee on Foreign Relations. At that time, from a casual reading of that amendment, I was of the impression that it went much too far. At that time the Senator from Idaho offered an amendment, or a group of amendments which were to be considered en bloc, which he felt might correct the committee amendment which is section 12 in the bill.

I requested and the Senator from Idaho very courteously agreed that we would not have a vote upon this amendment last night so that we might see it as printed in the RECORD and might have a chance to decide what was the better course.

For the purpose of the RECORD, I will read the controlling part of section 12:

SECTION 12(a). Notwithstanding any provision of law enacted before the date of enactment of this section, no money appropriated for any purpose shall be available for obligation or expenditure—

(1) unless the appropriation thereof has been previously authorized by law; or

(2) in excess of an amount previously prescribed by law.

There are other parts of the amendment, but I think the Senator will agree those are the controlling portions. I noted from the report that the purpose of this amendment was to deal with a situation which existed late last calendar year when we were debating the foreign aid appropriations bill. I quote one section from page 13 of the committee report which reads as follows:

Section 12 is a product of the debate in the Senate last year concerning an attempt to appropriate $54,500,000 above the appropriation for military aid to provide F-4 fighter aircraft to the Republic of China.

Now, so far as the Senator from Florida is concerned, he understands that the purpose of section 12 is, as stated in the report, to prevent such a situation as occurred last year in which various items, not only the item for Taiwan, mentioned in the report, but an item for South Korea and an item for the school involved, all were in the foreign aid bill which were not authorized by the foreign aid authorizing legislation.

I would like to ask first whether I am correct in my understanding that the purpose of section 12 was to prevent the reoccurrence of that sort of situation by preventing items from coming into the appropriation for foreign aid that had not been authorized.

Mr. CHURCH. The Senator is entirely correct.

Mr. HOLLAND. I understand from reading the RECORD, that the amendments proposed by the Senator from Idaho, mentioned by him yesterday afternoon, and courteously withdrawn by him, provided as follows: The Senator from Idaho proposed that section 12 be modified by striking out, on page 9, line 1, the words "for any purpose" and inserting in lieu thereof "for foreign assistance (including foreign military sales)"; and, on page 9, line 8, inserting the words "for foreign assistance (including foreign military sales)" after the word "appropriation."

I understand, therefore, that the purpose of these proposed changes of section 12 of the bill, as offered by the Senator from Idaho, is to limit section 12 to matters under the jurisdiction of the Committee on Foreign Relations of the Senate and applicable to the foreign aid bill. Is that correct or not?

Mr. CHURCH. The Senator again is completely correct.

Mr. HOLLAND. Consequently, this restrictive language on appropriations would have no effect at all if the amendment suggested by the Senator from Idaho to section 12 were adopted with respect to Public Law 480, which deals with food for peace and is under the jurisdiction of the Committee on Agriculture and Forestry, or with other programs for which jurisdiction lies with other standing committees of the Senate. Am I correct in that understanding?

Mr. CHURCH. I again fully concur with the Senator.

Mr. HOLLAND. In addition to nullifying any appropriation for the Taiwan jets, or for the Republic of Korea—which is not mentioned in the report, and which was left in the bill last year—would this language apply to any other programs in the foreign assistance field?

Mr. CHURCH. Only those covered by the Foreign Assistance Act and the Foreign Military Sales Act.

Mr. HOLLAND. In other words, the sole purpose of section 12, if amended as now proposed by the Senator from Idaho, would be to make it improper, and indeed illegal, to include in the foreign aid bill——

Mr. CHURCH. In the foreign aid appropriations bill.

Mr. HOLLAND. In the foreign aid appropriations bill, items which had not been specifically authorized either in the Foreign Assistance Act or in the act providing for sales of military goods?

Mr. CHURCH. The Senator is correct.

Mr. HOLLAND. I call attention to the fact that there was an item last year in the appropriation bill which became law, which was not authorized, entitled "Hospital and Home for the Aged in Zichron-Yaakov" coming under the division entitled "American Schools and Hospitals Abroad," which was in the bill and which was not affected. Am I correct in that statement?

Mr. CHURCH. Yes. However, let me remind the Senator that with respect to authorizations for schools and hospitals abroad the Foreign Assistance Act simply authorizes a lump sum amount of money and does not undertake to specify particular schools. Although they are mentioned in the report, they are not listed in the legislation itself.

Mr. HOLLAND. I had understood that this particular item was not authorized. Perhaps I am in error. In any event, that item in the amount of $650,000 was allowed to remain in the bill.

I want to make it clear that if any amounts covered by that appropriation have not been committed or expended, or those covered by the Korean amount have not been committed or expended, they are not affected by the amendments now offered by the Senator from Idaho.

Mr. CHURCH. There would be no difficulty on either score, because with respect to the Korean item the total amount in the final bill did not exceed the total amount in the authorization legislation, and the same is true with respect to the school and hospital item. In neither case would this amendment, in its perfected form, affect either the Korean aid or the aid allocated to the particular school to which the Senator refers.

Mr. HOLLAND. In other words, there is no effort, in section 12 of the pending bill, if it be amended by the Senator from Idaho, to be retroactive in its effect upon any of the appropriations contained in the foreign aid appropriation bill of last year, even though there were these two rather important items which were not authorized.

Mr. CHURCH. The Senator is correct.

Mr. HOLLAND. I thank the Senator. I think he has taken a very constructive method of reducing the coverage of section 12 so that it does apply to the jurisdiction of the Committee on Foreign Relations, of which he is an important member, and does not becloud the jurisdiction of other committees and other fields of activity of the Congress.

Insofar as the Senator from Florida alone is concerned, he would have no objection to the adoption of the amendments as now suggested to section 12, nor to the adoption of section 12 if it be so amended. He does, however, want to remind his distinguished friend that that attitude by the Senator from Florida may not at all coincide with that of the body at the other end of the Capitol, because, as the Senator knows, by securing a rule against points of order from their Rules Committee the House places in bills, including the foreign aid appropriation bill, items which are not covered by authorization bills. The Senator is aware of that fact; is he not?

Mr. CHURCH. I am aware of it; and, of course, if this amendment, in its perfected form, is affixed to the Military Sales Act, it would have to be agreed to by the House of Representatives before it would have any effect.

Mr. HOLLAND. I thank the Senator for his courtesy. I think we understand each other perfectly.

If the Senator wishes to ask for the temporary setting aside of the principal amendment and the consideration of this amendment, at least the Senator from Florida would have no objection to following that course.

Mr. CHURCH. I would like very much to proceed. However, I am informed that the distinguished majority leader has an interest in this particular item, and he has asked that no action be taken until he can make some comments of his own. So, in deference to his wishes, we will not call for a vote at this time on this particular amendment. However, I am very glad that we have been able to work out the questions that the Senator from

Florida had in mind to his satisfaction. His support is important in obtaining the passage of this measure.

Mr. HOLLAND. The Senator from Florida's agreement to support section 12 as amended is no indication of his attitude with regard to other features of the bill. I would hope that the Senator did not have any such idea in mind.

Mr. CHURCH. That idea did not occur in even the tiniest part of my mind. Nevertheless, I appreciate the Senator's support with reference to section 12.

Mr. HOLLAND. I do think, since it appears that there will be no final action on the amendment this afternoon and that it will have to go over, it would be well to have clearly expressed in the RECORD just what the amendments mean and just how they will restrict—and I think they should restrict—the coverage of section 12 in the bill as it was originally intended.

Mr. CHURCH. Mr. President, while the distinguished Senator from Florida is still in the Chamber, perhaps I could raise with him another point that was of concern to him yesterday. The Senator will remember that yesterday afternoon he raised the question of whether captured enemy weapons were included in the definition of "excess defense articles" contained in section 644(g) of the Foreign Assistance Act.

I replied that, although the committee did not study this particular point, in my opinion the definition in the law was sufficiently broad as to embrace captured enemy weapons. The matter has been checked into further, as I promised the Senator it would be, and it is clear that captured weapons are considered like other public property and thus fall within the scope of the definition of "excess defense articles."

As to the application to Cambodia of the restriction in section 9 on the amount of surplus arms that can be given away without counting against military aid, there is no cause for concern. It would have no practical effect since the valuation of surplus arms, for purposes of this section, is "not less than 50 per centum of the amount the United States paid at the time the excess defense articles were acquired by the United States." Captured enemy weapons, of course, are not paid for in dollars and cents but in the lives of American soldiers. So the ceiling would not in any way limit the amount of enemy weapons that could be given to Cambodia or any other country, if that country were otherwise eligible to receive U.S. military aid.

Mr. HOLLAND. I thank the Senator. What disturbed me was this: The immense amount of small arms and larger arms and ammunition that has been reported as being captured in the raids into Cambodia indicated that there would be a very great logistics problem in getting them out. We have had indication also that Cambodian armed forces have very badly needed such weapons, and that already some of the captured weapons have been turned over to them, if the newspaper reports are accurate.

I would hope, if there are people there fighting the Communists, as we are, and they are in need of arms, and we have no use for those arms, that rather than go to the trouble of carting them out, which is an immense task, or go through the process of destroying them, which itself is an immense task, we would make them available to the fighting tribesmen.

I judge from what the Senator has just said that if the commander in the field and those in control of our operations in Southeast Asia decide that that is the wise course; this measure, if enacted, would not in any way prevent their so doing.

Mr. CHURCH. The Senator is correct.

Mr. HOLLAND. I thank the Senator. I am glad he has raised this additional point.

Mr. CHURCH. Mr. President, I call the attention of the Senate to an editorial entitled "Cambodian Withdrawal," published in the New York Times of May 14. It reads as follows:

CAMBODIAN WITHDRAWAL

The debate that has opened on the Cooper-Church amendment now gives the Senate a chance to vote a proposal that would bind President Nixon to his promise of withdrawing American troops from Cambodia. It would also make sure that he did not send them back without Congressional consent.

These reasonable objectives deserve reasoned discussion, not the "stab in the back" and "jubilation in Moscow" rhetoric employed in an attempt to discredit the amendment yesterday by some Administration supporters.

Administration arguments that the measure would hamper the President in his constitutional responsibility to take action to protect American troops merely confuse the issue. Nothing in the proposal would keep the President from carrying out the present Cambodian operation, all the more so since repeated statements by Mr. Nixon and Defense Secretary Laird assert that the operation is ahead of schedule and proceeding successfully. Mr. Laird, in fact, has publicly dismissed as unnecessary military pleas for more time to search for Communist arms in the sanctuary bases.

What the Cooper-Church amendment would do is cut off funds to retain American troops in Cambodia after the current operation is completed on June 30. It would also prohibit American advisers or air support for Cambodian forces.

However, the sponsors of the proposal have not attempted to bar limited arms aid for Cambodia nor American air interdiction of Communist supply lines through Cambodia to South Vietnam. Neither is there any attempt to rule out American air support to South Vietnamese forces should they return to Cambodia at a future date, although President Nixon has said that air support for the current South Vietnamese operation would halt by the end of next month.

The importance of the Cooper-Church amendment is twofold. It gives the Senate an opportunity to put on record the strong opposition within that body to a prolongation of military operations in Cambodia. And it would announce the Senate's determination to reassert Congressional prerogatives in foreign policy and defense, areas marked in recent decades by Presidential dominance—and tragic errors.

The real constitutional issue differs from the one the Administration is trying to make. The Constitution vests control over the nation's warmaking power in both the President and the Congress. No one can doubt the need for Presidential decisionmaking when split-second questions of nuclear war or peace may be involved. But there never has been such urgency in the Presidential decisions on Vietnam and Cambodia, now under challenge.

By adopting the Cooper-Church amendment and thus reassuring its right to be consulted before the country is taken into war again, Congress will strengthen not weaken the American position in the world. What Vietnam has shown is that it is a war undertaken without popular consent that undermines American credibility abroad, not the opposite.

This is as good a summation of the real question at issue here as any that I have seen.

A moment ago the Senator from Rhode Island (Mr. PELL) indicated that he might want to obtain the floor.

Mr. PELL. No; I just wondered whether the Senator would yield for a question or a query.

Mr. CHURCH. I am happy to yield.

Mr. PELL. I wonder if the Senator is as struck as I am with the fact that under our system of government it is rather hard, sometimes, for the people of our country to make their will known, if the President is in opposition.

Under a parliamentary democracy, we have the vote of confidence, and upon a failure in it, the representatives go back to the people. Even in the Soviet Union, certainly the opposite of a democracy, a committee form of government exists where, if there is a consensus within the committee that the head of government is going too far in an incorrect direction, he is quietly nudged aside, as we have seen happen to Mr. Khrushchev and his predecessors. But with our system, there is very great difficulty in the majority will expressing itself except at 4-year intervals.

We also have the question of what is the majority will. How do you weigh the intensity of feeling?

We have at this time, it seems to me, a very dangerous situation developing within the country, developing with great intensity of feeling—one might call it decibels, if such a term could be used relating to emotion—decibels of emotion of high intensity and high anguish on the part of many young people who believe they are not being heard, that there is no dialog or communication, and who want to see some action taken.

At the same time, I think there is a majority opinion in the Nation that somewhat apathetically believes these decisions are best left to the President alone—the old idea of "father knows best."

This is a situation that can lead to real confrontation and real violence, unless some means are found of permitting the high decibel emotions of our younger people also to vent.

To my mind, the adoption of this amendment, which I am so glad to be supporting, would be a very real step in the direction of letting those who feel that their emotions or their views are being expressed but are not being heard, believe that they are being heard.

Mr. CHURCH. I completely agree with the Senator. It would be a tragedy if the Senate were to fail to adopt an amendment that is as modestly conceived as this.

As the Senator knows, he and I have opposed this war for years.

Mr. PELL. If the Senator will yield on that point, I must throw a bouquet to the Senator from Idaho, because he was

earlier than I in his public opposition to this war, when very few had the courage to raise their voices. And, alas, some of those who did raise their voices are no longer with us—a fate that I hope does not await the Senator from Idaho and me.

Mr. CHURCH. The Senator is very kind.

Every time the American people have had a chance to express their commonsense judgment on this war out in the Balkans of Asia, they have said, "Cool it."

In 1964, the Senator will recall, the main issue in the election between Mr. Johnson and Mr. GOLDWATER revolved about the issue of the war. Mr. Johnson said again and again that Mr. GOLDWATER was trigger happy; he was a defoliator; he was inclined to rash judgment; and, furthermore, that Asian boys should fight Asian wars. Repeatedly, Mr. Johnson said he was not about to send American boys 10,000 miles to Asia to fight a war that Asians should be fighting for themselves.

Because of his campaign pledges, Mr. Johnson received an unprecedented landslide victory. Within a few weeks, however, he began to send American troops into Vietnam, which led Mr. GOLDWATER later to observe that Johnson had won the election and then adopted the Goldwater foreign policy.

Four years later, the American people again had a chance to express themselves on the matter of the war, which by then had grown into an enormous American engagement on the mainland of Asia, involving more than half a million American troops, costing in excess of $100 billion and nearly 40,000 lives, with a quarter of a million more Americans maimed and wounded. Again the American people had a chance to choose a candidate. And who was chosen? The man who assured the country that he had a secret plan for ending the war. I do not think anyone suspected that that would be Cambodia.

So there is reason for frustration. All these years have passed. Each time the American people have voted, they have tried to say to the President of the United States, "Our commonsense tells us this is a war we ought to end," as so many put it, "either win or get out." Neither has occurred.

As a result, millions of Americans have lost confidence in the institutions of the country, in the responsiveness of government to the people's felt need, even to the people's opinion. This, of course, is especially so as it relates to the young people who are being forced to fight this war, a war that millions of them believe to be an unnecessary, mistaken, even a wrongful war.

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

Mr. CHURCH. I yield.

Mr. PELL. I recall the phrase of the Senator from Idaho—a very correct and just one—when he said a year or so ago that we, speaking here as members of the same political party, must wear the hairshirt for a while because it was under our party's auspices that this war moved up to its present grand scale.

I think that we also should give a bouquet to President Nixon, in that until a few weeks ago things were really getting better. The number of men in Southeast Asia in combat, and of our soldiers there, was less. The number of deaths was less. The number of engagements was less. We seemed to be going in the right direction—not so fast as the Senator from Idaho and I would have liked, but we were going in the right direction.

A few of us were a little worried that we might be left with a rather permanent Korea garrison situation there. But we could cross that bridge when we came to it. Then, rather suddenly, this event occurred a few weeks ago. This caused the excitement in the country as a whole, and it is for this reason that this amendment is needed so very much.

The President, quite honestly—this goes beyond partisan considerations—had done a much better job with regard to liquidating the war than our party had succeeded in doing for the several previous years.

Mr. CHURCH. Again, I want to say that I agree with the Senator.

I have had and have expressed my reservations on the Vietnamization policy. Nevertheless, I have always been at pains to point out that I found myself less opposed to the policy that Mr. Nixon seemed to be embarked upon than I had been previously opposed to Mr. Johnson's policy. The latter policy was one of escalating our involvement in the war and the former was one of deescalating our participation. All of that has now been thrown into the most serious doubts by the latest decision of Mr. Nixon to send American troops into a new theater of war in Southeast Asia.

Mr. PELL. Raising the question of Vietnamization brings up another point. While we do not want to see American young men killed, we do not want to see any young men killed, if possible. To put it very crudely, what Vietnamization really means is to substitute young Vietnamese being killed for young Americans being killed. While, as an American father, I think that is preferable, I do not think either is desirable particularly as it has become so much our war. The problem we face here is that if we had not intervened in the beginning, had permitted the election to occur that should have occurred in 1958, there would have been no war at all. So Vietnamization itself is not an end, and I think we should recognize that fact.

Mr. CHURCH. I agree with the Senator. I want to get back to the original point he made, that public confidence in our political institutions is at stake here. During previous years, the direction of protest, demonstration, and antiwar effort was pointed at the White House. When 250,000 young Americans came to the Capital last November, hardly any of them came up to Capitol Hill. They all turned their backs on the Capitol and went down and faced the White House. They recognized that we had permitted enormous powers to be concentrated in the President's hands, and unless they could convince the President, they had no chance. Congress was irrelevant.

That was the pattern of the protest until the distinguished Senator from Kentucky (Mr. COOPER) and I went to the press galleries a couple of weeks ago and suggested that the time had come for Congress to begin to use some of its power, so long overlooked, for the purpose of establishing the outer limits to American participation in this widening war. Ever since, for the first time, attention has been directed at Congress. Indeed, Congress has been rediscovered. The issue is whether we can summon up the resolution to use the powers which were meant to be not only lodged in Congress, but also exercised by Congress.

If we fail to do that, on a proposal so modest as the one now pending, which merely takes the President at his word and says, "No further, without coming back and making your case and securing congressional consent," then what are our young people going to think about Congress? Are they going to think that it is alive at all, or dormant?

Mr. PELL. If I may interject, I do not believe they have a very high opinion of Congress now.

Mr. CHURCH. If they do not have a high opinion of Congress now, it is because we have given little cause for them to feel that way. But, if, on this occasion, we can arouse ourselves from our lazy slumber, begin to assume our responsibilities to the American people under the Constitution, then I think that respect for Congress will rise again, and nothing could be healthier for the well-being of the institutions of this Republic.

Perhaps, in the long run, this revival will be more important than the actual limiting effect of the amendment itself.

Mr. PELL. If the Senator will yield to me for one last comment, it would also make apparent to the younger people that they can work within the system. Yet, what so many of them are concerned with is that they cannot see any signs of success from working within the system. They do not realize that some of their efforts can be counterproductive. But they are beginning to realize that violence, the kind which occurred at the University of Maryland yesterday, is counterproductive, that it turns middle America further "off," rather than further "on."

Another very interesting change in tactics, not in strategy, is the increasing realization of our young people that beards—which I have always rather envied but never had the courage to grow—long hair and weird costumes turn people more "off" than "on."

We find that perhaps, in part, because they see signs of possible success in this amendment, the young people are getting cut-rate haircuts now and are going around canvassing neighborhoods in support of the adoption of this amendment. We must remember that these young people, 30 years from now, will be the leaders in this country—not those who are sitting on their hands and doing nothing now—but this group will work within the system or will be pushed outside, and the leaders of this group, will have more conviction that they can work within the system.

Mr. CHURCH. I agree again with the distinguished Senator from Rhode Island. If we want to take the war protests off the streets, if we want to stop the violence, if we want to still the spirit of revolution on campuses north, south,

east, and west, the way to do it is to demonstrate that here in the Halls of Congress representative government still lives.

Mr. BYRD of West Virginia. If the able Senator will yield at that point, let me say that I may vote for the Cooper-Church amendment but not on that pretext.

Mr. CHURCH. The Senator's support for the amendment, if he so decides to vote for it, is very welcome indeed. But with regard to the argument I made as being a pretext, even though the Senator may——

Mr. BYRD of West Virginia. Let me say, if the distinguished Senator will yield, that I have not made up my mind as to whether I shall vote for or against the amendment. But, if I decide to vote for the amendment, it will never be because of threats of demonstrations, or violence in the streets, or on the campuses. If it is to be adopted on that basis, then I will not vote for it.

Mr. CHURCH. May I say, with respect to the Senator's statement, that I believe he misunderstands the point I made.

Mr. BYRD of West Virginia. I may have. I hope that I have.

Mr. CHURCH. If that is so, it is because I did not state it as well as I should have stated it.

Mr. BYRD of West Virginia. I thank the able and distinguished Senator from Idaho.

Mr. CHURCH. It was certainly not because Congress is bending to any such threats, but because the place to settle this question is in the Halls of Congress, not in the streets.

Mr. BYRD of West Virginia. I agree to that. Nothing can ever be settled in the streets, and there is no justification for riots, mobs, or campus violence.

Mr. CHURCH. That was the argument I was making. I may have left the wrong impression.

Mr. BYRD of West Virginia. I am sorry if I misunderstood.

Mr. CHURCH. I thank the Senator for bringing it to my attention.

Mr. BELLMON. Mr. President, will the Senator from Idaho yield?

Mr. CHURCH. I am happy to yield to the Senator from Oklahoma.

Mr. BELLMON. I have a couple of questions I should like to ask the Senator from Idaho, if he is agreeable.

I seem to sense, since the arguments made in the Senate in the last couple of days, a rather broad agreement on the objectives in Southeast Asia. I believe that everyone is agreed that we want to end the war and get our troops out of there as rapidly and as honorably as possible.

There seems to be a difference of opinion as to how this can be accomplished. I was pleased to hear the Senator say that the President of the United States has acted to cool the war there, with withdrawal of troops and the other steps which he has taken. But apparently there is a difference of opinion as to whether the action in Cambodia is, in fact, going to hasten disengagement or will prolong the war. That is the heart of the difference, as I understand it. Is that the way the Senator understands it?

Mr. CHURCH. Every Senator may have his own appraisal of the wisdom of the Cambodian venture. However, the purpose of the amendment is not to quarrel with the President on the stated objectives of the Cambodian operation. In other words, it establishes the same limits that the President himself has set on the policy. It does not attempt to argue the case for or against the wisdom of the policy.

Mr. BELLMON. Does the Senator from Idaho look upon the destruction of the sanctuaries in Cambodia as a new and different war or as a different phase of the same war? What is his opinion?

Mr. CHURCH. The sanctuaries have been in existence in Cambodia for many years. They are not new. They have been used by the Vietcong and the North Vietnamese as depots, as resting areas, and as bases for a long while. President Nixon had full knowledge of the existence of the sanctuaries at the time he developed his Vietnamization policy. In fact, 10 days before he sent American troops into Cambodia, he broadcast to the American people that the Vietnamization policy was working and assured the American people that he was confident it would succeed. At that time, and at all previous times, that policy had been based on acceptance of the existence of these particular sanctuaries.

I want to emphasize to the Senator that the sanctuaries have been in existence for a long period of time and that up until 2 weeks ago our policy had been based upon an acceptance of their existence.

Mr. BELLMON. My reason for asking the question was that if the Senator looks upon the Cambodian operation as a new and different war, I can understand his feelings that perhaps the President should have come to Congress and discussed the matter; but if it is simply a new phase of the same war, then, to me, it becomes a tactical decision which the Commander in Chief has complete authority, even the responsibility, to make. Does not the Senator agree with that feeling?

Mr. CHURCH. I believe that we could get into an argument over semantics when we discuss whether this is a part of the same war or is a new war. It is striking at sanctuaries which have long existed. In that sense, it is a part of an old war—a new opening in an old war. But in another sense, it is the opening of a new front. International boundaries are being crossed that had not been previously crossed in the war. This raises a whole new set of risks for the United States.

Mr. BELLMON. Mr. President, these boundaries have been crossed repeatedly by the enemy, I understand.

Mr. CHURCH. Yes. However, they have not heretofore been crossed by the forces of the United States. And the risks that are involved in this policy have to be considered by Congress. Up until now, the President has set very definite limits upon the operation. This amendment accepts those limits. If this were to become a first step in a deepening involvement of the effort in Cambodia, then I think the risks would be so grave that Congress should pass judgment upon the wisdom of such a new and deepening involvement. It would mean, or could mean, the assumption of a new national commitment to the defense of another foreign government.

It could mean the beginnings of an escalating military assistance program which could lead us, step by step, into the same kind of quagmire in Cambodia that exists for us today in Vietnam.

These are the risks. Yet, if Congress establishes an outer limit and then insists upon its right to participate in any decision that would extend our involvement farther into Cambodia, we reduce the risks.

Mr. BELLMON. Mr. President, it occurs to me that it was perhaps for this very reason that President Nixon has circumscribed the area that he plans to operate in in Cambodia, to ally these fears and concerns.

Therefore, I feel that, perhaps, the Senator's fears are not well founded. The President said very clearly that he does not plan to become involved in either a lengthy or a large war in Cambodia.

Mr. CHURCH. I agree with the Senator. The President's motives, sincerity, or purpose are not in question here. I know he does not want or desire to become deeply embroiled in Cambodia. I remind the Senator, however, that the whole history of this war is a succession of presidential decisions made, not just by the present occupant of the White House, but by his predecessors.

Each of these Presidential decisions has been taken with great sincerity. Each has been taken with the belief that just one further step would somehow solve the problem and permit us to extricate ourselves from further involvement in an interminable war.

Yet we have found that the validity of these decisions has not only been wiped out by subsequent experience, but that one experience tends to lead to another—and still another—in a sequence of events which completely mires us down in the Southeast Asian quagmire.

This happened in Vietnam, and each time, I remind the Senator, the President was perfectly sincere. Each time he thought that this one more step was all that would be necessary; each time events proved him to be wrong.

In the light of that experience, I think it is incumbent upon Congress not to permit the same sorry sequence to occur in Cambodia. There is a risk that it will. That is not a reflection upon the President's honesty or sincerity. It recognizes, however, the experience that we have had in the past and attempts to avoid that experience in the future.

Mr. BELLMON. Mr. President, I heard the view expressed by a Senator this afternoon that he did not trust the President. He feels that the resolution is necessary because he does not believe the things that President Nixon is saying. This is not the position of the Senator from Idaho.

Mr. CHURCH. No. It is not my position at all. I think that we should learn from experience.

Mr. BELLMON. I would like to say that I am one who does trust President

Nixon. I believe that he has kept his promises to the Senate and to the people of the country. I feel that he will do so again.

While I agree with the intent expressed by the Senator from Idaho, I look upon the resolution as, perhaps, an unintended but an unfortunate slap at the President, which may have a very detrimental effect upon the effectiveness of the President, whether the Senator intends it in that way or not.

Mr. CHURCH. Mr. President, I do not see how that could happen. I remember when Congress imposed certain limits upon the use of certain funds by prohibiting the introduction of ground forces into Laos and Cambodia. The President did not say that was a slap at him. In fact, he said that was in accordance with his expressed policy. He accepted the action of Congress and signed that limitation into law.

No Senator on that side of the aisle or on this side, or anyone outside the Halls of Congress or in the White House, indicated then that Congress had somehow affronted the President. I do not see how anyone can really argue that we now affront him by simply accepting his policy and saying, "These are the limits that we think ought to be set. You have declared the limits, and if at any later date you think that we should go beyond those limits, come back and present your case and ask Congress to lift the limitations."

I find it hard to see how an argument could be made that this action in any way constitutes a slap at the President.

Mr. BELLMON. Mr. President, the language the Senator used just now appeals to me a good deal. If that language could be included in the amendment and if we could say we support the President in the decision he has made and endorse the Cambodian operation, I think it would make a great deal of difference in the effect this would have upon the President's effectiveness and his ability to continue this operation as the Commander in Chief.

The very fact that Congress passed a resolution last year that said to the President, "We shall not become involved in military operations in Laos or Thailand," and did not specifically mention Cambodia, could be interpreted, it seems to me, as the green light to go into Cambodia if the President saw fit to do so, which he has now done.

Could the Senator tell me why Cambodia was not included in the resolution?

Mr. CHURCH. Yes. I remember it very well. At the time, no one conceived of an American military operation in Cambodia. The Cambodian Government was then seemingly secure under Prince Sihanouk. He had pursued a neutralist policy. Indeed, we had reestablished relations with his Government—and that had been done, incidentally, under President Nixon—and we had, in so doing, accepted the neutralist policy and position of the Cambodian Government.

No one conceived then that any military operation would be undertaken against Cambodia, and I am sure that none was even contemplated at the time. But if anyone had suggested it on the floor of the Senate that day, I am quite certain that a majority of Senators would have been willing to vote the same restriction against the use of American ground forces in Cambodia, as was voted for Laos and Thailand.

I think that is the explanation. The CONGRESSIONAL RECORD of December 15, 1969, will bear that out.

Mr. BELLMON. Mr. President, if that is the case, I would certainly feel that it was fortunate that the President did not find it necessary to come to the Senate and ask for permission to go into Cambodia, because that would have certainly resulted in lengthy debate, would have given our enemy ample time to strengthen his defenses, and undoubtedly would have cost this Nation heavily in deaths and suffering for men engaged in South Vietnam.

I shall make one further comment; then I shall not take any more of the Senator's time. I agree with what the Senator from Idaho said he is attempting to accomplish by the resolution, but I seriously doubt the wisdom of trying to set the President's feet in concrete in the way this resolution would.

The fact that a year ago we were not able to anticipate what might happen in Cambodia and therefore did not foresee the necessity of including Cambodia in the prohibitions on military action in Laos and Thailand indicates to me that these are uncertain times; and no one had the vision to look ahead to see what could develop in the months and years from then.

I think President Nixon has adopted a plan for winning the peace in Southeast Asia for a long time to come. Even if I did not think so I would not vote for this resolution, since I think it would damage President Nixon in his efforts to find a way for peace in Southeast Asia.

BAD ARGUMENTS BY INTELLIGENT MEN

Mr. President, many years ago the distinguished priest and scholar, John Courtney Murray, wrote an article entitled "The Bad Arguments Intelligent Men Make." I have forgotten what the substance of the article was; but the title seems to me to be perfectly applicable to those who support the Cooper-Church amendment. They are distinguished, loyal, and intelligent men; but, in my opinion, they have made a bad argument in seeking to deny to the President the funds needed by him to carry out his responsibility as Commander in Chief to take measures he deems necessary to insure the security of the U.S. forces in the field.

Before I attempt to refute the argument that is at the heart of this amendment, let me first present certain facts relating to the present Cambodian action in particular and to constitutional responsibilities in general. These facts are so obvious that it may seem a waste of time to repeat them, yet, they are essential to full understanding of the situation.

First, the United States of America at this moment has military operations being conducted in Cambodia. American servicemen are there now. It is essential to establish this obvious point, for on it hinges an important constitutional consideration to which I will refer later.

Second, the Constitution of the United States has distributed between the executive and the legislative branches of government various powers relating to the procurement and deployment of the Nation's Armed Forces.

Congress is given the power in article 1 "to raise and support Armies," and "to provide and maintain a Navy." The same article provides that Congress may raise money to "pay the debts and provide for the common Defense and general Welfare of the United States" and that "No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law." Finally, of course, Congress is given the power to declare war.

As for the executive branch, the Constitution provides that:

> The President shall be Commander-in-Chief of the Army and Navy of the United States.

Basic, elementary facts, one of the present—we now have troops fighting in the field—and two historical—the constitutional provisions pertaining to the legislative and executive responsibilities in regard to our Armed Forces.

Now, keeping these basic points in mind, let us examine the Cooper-Church amendment. It is important enough to give its fundamental points in detail.

I quote from the language of the amendment:

> "SECTION 47. Prohibition of Assistance to Cambodia.
>
> "In order to avoid the involvement of the United States in a wider war in Indochina and expedite the withdrawal of American forces from Vietnam, it is hereby provided that, unless specifically authorized by law hereafter enacted no funds authorized or appropriated pursuant to this Act or any other law may be expended for the purpose of:
>
> 1. Retaining United States forces in Cambodia.
>
> 2. Paying the compensataion or allowance of, or otherwise supporting directly or indirectly any U.S. personnel in Cambodia who (a) furnishes military instruction to Cambodian forces; or (b) engages in any combat activity in support of Cambodian forces.
>
> 3. Entering into or carrying out any contract or agreement to provide military instruction in Cambodia, or persons to engage in any combat activity in support of Cambodian forces.
>
> 4. Conducting any combat activity in the air above Cambodia in support of Cambodian forces.

Now, apart from the obviously dangerous limitations put on Presidential action, this amendment would have other adverse effects.

The headlines "Prohibition of Assistance to Cambodia," which is the title of section 47, would deal a very great blow to the Lon Nol Government.

The effects of passage upon the upcoming Djakarta Conference of Asian Nations would be very bad. We now have hopes for some quite positive results from this Asian initiative. In my opinion, passage would almost assure the failure of the conference.

The encouragement that passage of this amendment will give to the enemy will probably mean that a final negotiated settlement will be substantially delayed.

Putting the enemy on notice, by this amendment, of just which options we have denied ourselves, means that they can deploy their forces and direct their efforts much more efficiently, with a consequent increase in U.S. casualties and a possible slowdown in the withdrawal timetable.

I know that to some of the distinguished and intelligent men, even these adverse effects—clear as they are—would not seem sufficient reason to prevent such an amendment.

That is why I am convinced that a Constitutional argument can and must be made to demonstrate the inadvisability of the Cooper-Church amendment. What it would do to our men in the field and to the entire situation in Indochina is, to me, regrettable; but perhaps even equally regrettable is what the amendment would do to the Constitution of the United States and its clearly defined division of powers.

The Constitution assigns to the President alone the responsibility of Commander in Chief, and this gives him the duty to take those measures that he deems necessary to insure the security of the United States forces in the field. This amendment would represent an interference with the Executive Power granted to the President in Article II. The President cannot accept the denial of legitimate options that in some contingencies he may judge necessary to fulfill his Constitutional responsibilities.

There are those who question the authority of the President to send troops into Cambodia without approval of the Congress. Perhaps the Congress should re-examine the process by which this nation goes to war. However, to undertake to do this at a time when mens' lives are in jeopardy on the battlefield is to place them into even greater danger and to invite national chaos at home.

The fact is that there is a long line of precedents in which the Presidential power as Commander in Chief was exercised so as to cause American armed forces to engage in hostilities with the armed forces of another nation without a declaration of war by Congress. Presidents McKinley, Taft, and Wilson took actions of this sort, and, of course, the action taken by President Truman in Korea is the most well-known example.

But the Cooper-Church amendment speaks to a fundamentally different point: its ultimate danger is not in that it seeks to deny funds to carry on the war, but in that it raises the question of the Constitutional distribution of powers between the Congress and the President.

This amendment would seek, by attaching conditions to appropriations bills, to regulate the disposition of armed forces already in the field.

Such conditions would be militarily and constitutionally disastrous. I cannot imagine any Congressman voting to stop a President from attempting, by tactical moves, to break the will of an enemy against which we have already sent troops in the field. Indeed, Congress has never, in almost two hundred years of its existence, taken such an action. Why? Because Congress has known—and I am deeply convinced knows today—that it is the prerogative of the President to determine the best methods to assure the safety of our national forces.

In effect the Cooper-Church amendment is an attempt by Congress to make short-range, tactical decisions as to how a military operation should be conducted.

Those who claim that the President's actions violated Cambodia's neutrality must be reminded of an elementary principle of international law: if a neutral nation, invaded by a foreign power, has not taken sufficient means to rid itself of that power, any nation threatened by the invaders has the right to use military force to protect itself. In short, Cambodian neutrality was violated by the North Vietnamese not by the Americans; the Cambodians did little or nothing to stop this violation over a period of years; the United States has every legal right to damage the power of the invaders of Cambodia, since that power is being directed at our troops.

The Cooper-Church amendment is another example of good intentions leading to bad conclusions. The Senators who back this measure want an end to war. But I cannot think of a more damaging and ultimately catastrophic method of ending this war than to bring about a Constitutional crisis and to confuse our troops in the field by delegating to the myriad voices of Congress the Constitutional responsibility that should and must sound from the strong voice of the President.

Mr. CHURCH. Mr. President, I thank the Senator for his comments. I want to reply once more that the Cooper-Church amendment is consistent with the Constitution. The Constitution states that the responsibility for war should be shared by Congress with the President. The effect of our amendment would simply be "If you want to go beyond the boundaries which you have set and thus involve the United States in a still deeper war in Indochina, then it is proper for you to come back to Congress and make your case."

That is what the Constitution intended. Why Congress abdicated from its role, I am unable to justify. This is a reassertion, it seems to me, of a prerogative that belongs in Congress, and we must not let it atrophy. If we do, the time will come when this Republic will die the way the Roman Republic died. When the Roman Senate failed to assert its responsibilities, the aggrandizement of power brought the Roman Emperors to control the Government.

I would not want to see that happen in the Senate of the United States, yet there is much evidence the same thing is happening to us as happened in the Roman Senate many centuries ago.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, does the able Senator yield the floor?

Mr. CHURCH. I yield to the distinguished Senator from West Virginia.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

ORDER FOR ADJOURNMENT TO MONDAY, MAY 18, 1970

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 12 o'clock noon on Monday next.

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

AUTHORIZATION FOR SECRETARY OF THE SENATE TO RECEIVE MESSAGES FROM THE PRESIDENT OR THE HOUSE OF REPRESENTATIVES AND FOR THE ACTING PRESIDENT PRO TEMPORE TO SIGN DULY ENROLLED BILLS DURING THE ADJOURNMENT OF THE SENATE

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Secretary of the Senate be authorized to receive messages from the President of the United States or the House of Representatives, and that the Acting President pro tempore be authorized to sign duly enrolled bills during the adjournment of the Senate until Monday, May 18, 1970.

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

AUTHORIZATION FOR COMMITTEES TO FILE REPORTS TOGETHER WITH MINORITY, INDIVIDUAL, OR SUPPLEMENTAL VIEWS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that during the adjournment of the Senate until Monday, May 18, 1970, all committees be authorized to file reports, together with any minority, individual, or supplemental views.

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

STATEMENT OF SENATOR WILLIAMS OF NEW JERSEY ON DEATH OF JOHN GRAVES, FORMER ASSISTANT SECRETARY TO THE MAJORITY

Mr. BYRD of West Virginia. Mr. President, I have been requested by the able Senator from New Jersey (Mr. WILLIAMS) to ask unanimous consent, and I do so now, that a statement by him with respect to the death of John Graves, former assistant secretary to the majority, be printed in the RECORD.

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

STATEMENT BY SENATOR WILLIAMS OF NEW JERSEY

It was with a deep sense of sorrow that I learned of the sudden death of John Graves, former assistant secretary to the majority. During his 6 years of service in this key post, his great ability and charm won him many friends. Working long hours and always under the pressure of Senate business, his courtesy and sense of humor were unfailing. I, for one, relied on his judgment and advice on many occasions and always found his assistance invaluable.

It was a loss when his difficult health problems forced him to leave the staff of the Senate, an institution which he had served so loyally and loved so well. His sudden death at a time when he was looking forward to a new career is a genuine tragedy. My deepest sympathy goes to his wife, Karen, and to his children, Cody and Caroline, to whom he was a devoted and loving father. As they grow older, they can take genuine pride in their father who, in a life so untimely ended, served his country well.

IRRESPONSIBLE MILITANTS TAKE OVER OFFICE OF SECRETARY OF HEALTH, EDUCATION, AND WELFARE

Mr. BYRD of West Virginia. Mr. President, I was shocked and dismayed to read in the press on Thursday that irresponsible militants had been allowed to take over the office of the Secretary of Health, Education, and Welfare. Text and pictures described the bizarre event, with one photograph showing an insolent interloper lolling back in the Secretary's chair, his feet propped on the Secretary's desk, with Mr. Finch sitting elsewhere.

Mr. President, what is happening to our country? Are Federal officials now expected to turn the other cheek to every insult that is heaped upon them? Is there no end to such senseless appeasement?

There will be no end to such appeasement unless men in positions of responsibility respond vigorously to challenges such as this. Secretary Finch may have been well-intentioned in seeking to give the intruders in his office an opportunity to speak, But, if the press reports are correct, nothing was accomplished by his tolerance except to reinforce the general impression that now exists that a mob can get away with anything it wishes to do.

These people came bursting into his private office, occupied it, took over the telephone and instead of attempting to establish any meaningful dialog about their problems—or his—they shouted down everything he had to say. Much was made in the press of his forbearance. And I am sure it did take cool nerve to sit there and take the abuse he took from the invaders.

But likeminded hoodlums would be considerably more impressed, I am sure, if he had had the intruders bodily thrown out. I would not expect him to attempt to do it. That is what we have police and security forces for—to preserve order. Government cannot function—just as our colleges and universities cannot function—when mobs are permitted to take over and do whatever they want to do.

It should be obvious to even the most unobservant, Mr. President, that people of the sort who accosted Mr. Finch will go as far as they are permitted to go. There is no give and take with them. It is take, take, take—while everybody else is expected to give, give, give.

This country has had enough of the namby-pamby treatment of people who have no respect for the necessary, orderly, social and legal and constitutional processes. A little righteous indignation is called for. The soft answer will not turn away wrath when the object of those who are shouting is simply to create confusion and disorder and fear.

I was as much encouraged to read in the papers of a Virginia college president's response to hooliganism this week as I was discouraged by Mr. Finch's response to it.

At Virginia Tech, at Blacksburg, President T. Marshall Hahn, Jr., ordered the immediate arrest and suspension from the university of a hundred campus protesters who seized a building and occupied it overnight. "Anarchy must be dealt with," he said, and he is right.

Not only did this courageous college head clear the building forthrightly; he also notified the students to get their belongings and leave, and further told them that if they came back on campus they would be deemed trespassers. This is good if this college president does not backdown—as so many other have done.

Clearly the people who seized the HEW Secretary's office were trespassers, and in my judgment they should have been dealt with as such. There is no point in dignifying and condoning trespass by pretending that it provides some needed forum for an exchange of viewpoints. It does nothing of the sort.

Whatever "exchange of views" went on in Mr. Finch's office will, in the longrun contribute more to our problems than to their solution. If citizens wish to express their views to officials of Government—and this they most certainly have the right to do—they should do it in an orderly and civilized manner. We have had enough of talk-ins and shout-ins, and we do not need any more HEW-ins.

It is not too late, Mr. President, for strong leaders to reverse the tide that is running against civilized institutions, but the hour grows late.

The episode in the HEW Secretary's office ought to be a warning to all, not only of what can happen, but what almost surely will happen, unless Government officials end their pusillaimous pussyfooting on questions of law and order.

I do not wish to be overly critical of Secretary Finch. The indications are that he did what he thought was the best thing to do under the circumstances. Second-guessing at a distance is easy when one is not suddenly faced with such a situation as he faced. The point I wish to make is not one of personal criticism. It is, on the contrary, the fact that the great mass of our people are often ahead of their representatives in Government on many important issues, and I believe that the people are ahead of the Government now in their desire and determination to bring about the restoration of a lawful and orderly society.

The American people, I believe, are thoroughly fed up with disturbances, disorder, and destruction, and they want an end to these things. The sorry spectacle of a Cabinet officer being treated as a subservient hostage in his own office by a rag-tag band will not be reassuring to them.

Mr. President, in saying this, I realize that any public official who speaks out against this sort of mob rule runs the risk of being subjected to the same kind of outrage. But it is not our duty to remain silent for fear of having recrimination visited upon ourselves.

When members of such a rag-tag band come into one's office and try to take it over, as they took over Mr. Finch's office, it is one's responsibility as a public official to have such intruders promptly and unceremoniously removed by the police. If we do, we will have less of it in the future. I think it is long past the time—if there were ever a time—when representatives of the Government should timidly submit to this kind of abuse and harassment. The longer we put up with it, the more we will have of it.

I ask unanimous consent to have printed in the RECORD the news story entitled "Finch Takes Abuse Calmly as Protesters Seize Office," written by Haynes Johnson, and published in yesterday's Washington Post.

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

FINCH TAKES ABUSE CALMLY AS PROTESTERS SEIZE OFFICE

(By Haynes Johnson)

Robert Finch had ben speaking with two reporters in subdued but serious tones yesterday about the gravity of American problems at home and abroad when the door to his office suddenly burst open.

"Can I help you?" the Secretary of Health, Education and Welfare said, rising from a chair in a corner of the room with a startled look on his face. There was no response as a group of 17 protesters, black and white, young and middle-aged, men and women, took command of his office. They had "liberated" it.

For the next hour, while Finch sat calmly listening and occasionally responding, the group denounced him personally and the Nixon administration generally. They appropriated the Secretary's desk and his telephone, shouted angry warnings and railed against American intervention in Cambodia and the lack of money to deal with domestic problems.

The group was led by George Wiley, executive director of the National Welfare Rights Organization, and included among its ranks a number of welfare mothers from Philadelphia and several students from American University in Washington.

Also in the group were Beulah Sanders and Etta Horne, leaders in the welfare rights group.

"This is one of our ways of striking at the administration's policies," Wiley said. "We've liberated Secretary Finch's office."

Throughout the hour, Wiley sat in Finch's large chair behind his desk using the Secretary's telephone while Finch remained seated in an easy chair next to a sofa across the room. Several times, when the phone rang an HEW aide took the phone from Wiley to answer Finch's calls. The aide also nervously turned over copies of letters and memoranda on Finch's desk.

Finch himself remained coolly unperturbed no matter how loud the language or abusive the words. The only visible display of emotion was when he gripped the arm of his chair tightly at a particularly angry retort.

Finch was talking to two reporters from The Washington Post about recent critical events when his office was taken over.

Wiley began the confrontation by telling Finch that the American intervention into Cambodia was a case of spending more U.S. dollars for death. "We're here because we're worried about money for life," he said.

Some protestors carried leaflets saying "stop the war and feed the poor"; others wore welfare rights campaign buttons carrying the slogan "5500 or fight." That refers to the organization's demand for a guaranteed annual income of $5,500 for a family of four. The Nixon administration has proposed a plan that would include a $1,600 annual minimum income for a family of four.

Although the group demanded that Finch and the administration adopt its plan, the discussion ranged far beyond that one issue.

"Secretary Finch, do you have children?" one black welfare mother asked.

"Yes," he answered quietly.

"Would you like to see your son be sent to a war that he might not come back from without even a just cause?" she said.

"I'm as anxious that we terminate this war as you are," Finch said, in even tones.

"What are you going to do about it?" he was asked.

He attempted to explain that he understood how they felt, and that he was convinced President Nixon's Cambodian decision would shorten the Vietnam war and bring home Americans sooner. They were not persuaded.

He was accused of being a "flunky for President Nixon," and was asked:

"Are you afraid of Nixon?"

"No," he said.

The Secretary was asked again about his view on the larger guaranteed annual income, and he replied:

"I'm proud of the part I've played in getting this welfare reform started."

Again, the subject of the war intruded. The

Nixon administration was sending young Americans to die overseas while other Americans were dying of starvation here at home, one woman said loudly.

"All I can say to that is I want that war over as badly as anyone in this room," Finch said.

The remarks from the protesters grew angrier—and noisier. Many were speaking at once.

"Our leadership in this country is failing the people, and this country is heading for destruction," one woman shouted.

"What would you do if one of your children had been one of the Kent students?" another cried.

"I hope when they drop the bombs they drop one right here on this office, and one right on the White House," said another.

There were remarks about "Tricky Dickie" and about the President being "sick in his head," about genocide and official repression, about crime and narcotics, schools and the cost of living, unemployment and the high cost of sending men to the moon.

Over and over, Finch was accused of being a "yes man," or a "puppet" for the administration.

"Be your own man," he was told more than once.

At one point, Finch began to respond by saying, "If you don't think I realize these problems are so deep and real then . . ." But his answer was lost in the rising response of the protesters.

Finch never raised his voice. Nearly an hour had elapsed when he asked: "Who else has not had a chance to speak here?" By then, the first group had been joined by nine more protesters. Several spoke up about the same points that had been raised previously.

Finally, Finch stood up. Several minutes later, at about 12:35 p.m., he walked out of the room. As he left, a woman shouted out of his window, "power to the people."

The group remained, insisting they would not leave until the war in Indochina is ended and the $5,500 annual income figure is met. Later in the afternoon, Finch met with two members of the group and received a list of demands.

Last night, 21 demonstrators who refused to leave were arrested and charged with disorderly conduct. In a statement issued by HEW, Finch said:

"This is a department concerned with the general health, education and welfare of 204 million Americans—including the poor. Today's attempt to disrupt the business of the department was counterproductive."

Earlier, outside his office, Finch had summed up the day to a reporter by saying:

"It's very difficult. I like to let them have a chance to sound off. It's hard for them to see all the complexities. Some of them are genuine hardship cases, and some are hardcore exploiters.

"I keep trying to tell them: I'm doing what is politically possible."

Mr. BYRD of West Virginia. Mr. President, I also ask unanimous consent to have printed in the RECORD a story which appeared, likewise, in yesterday's Washington Post, written by Nancy L. Ross, and which has reference to a pie-throwing incident which occurred on Capitol Hill when a young witness shoved a whipped cream pie in the face of a gray-haired member of the U.S. Commission on Obscenity and Pornography.

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

PORNOGRAPHY AND PIE: OBSCENITY HEARINGS ON CAPITOL HILL

(By Nancy L. Ross)

Rhetoric gave way to slapstick on Capitol Hill yesterday when a young witness shoved a whipped cream pie in the face of a gray-haired member of the U.S. Commission on Obscenity and Pornography.

The pie-thrower was 28-year-old Thomas K. Forcade, projects coordinator for the Underground Press Syndicate, which claims to represent 200 radical press members with a circulation of 6 million. He was protesting "this unconstitutional, unlawful, prehistoric, obscene, absurd, Keystone Kommittee."

The victim was Dr. Otto N. Larsen, professor of Sociology at the University of Washington. He held his temper and even managed a weak smile as the whipped cream dripped down the left side of his face and onto his shirtfront.

Forcade had been invited to testify at the commission's final public hearing at the New Senate Office Building.

The bearded witness, who calls himself a minister of the Church of Life, arrived with about a dozen followers, dressed in hippie garb. While they passed around copies of underground newspapers, Forcade read a prepared statement strewn with obscenities and demanding complete freedom of the press. Every other paragraph ended with the refrain, "F— off, and F— censorship!"

During a momentary silence the 3-year-old daughter of one of Forcade's group startled the Commission by echoing the first phrase of the refrain in a not-so-wee voice.

After finishing his statement, Forcade put on a record of Bob Dylan's "Something is happening, but you don't know what it is, do you, Mr. Jones?" The Commission's Chairman William B. Lockhart asked him if he had anything more to say, adding, "I would rather listen to you talk than to the record." Forcade replied he was allowed 20 minutes by the commission's rules and that the music was part of his testimony. Two of the commissioners tried to suppress smiles, while the other seven sat in stony silence or looked at their watches.

Forcade denounced the commission in these words: "This Keystone Kommittee, engaged in a blatant McCarthyesque witch hunt, holding inquisitional 'hearings' around the country is the vanguard of the Brain Police, Mind Monitors, Thought Thugs, Honky Heaven Whores grasping to make thought criminals out of millions of innocent citizens. You are 1984, with all that implies."

For a moment it seemed more like the movies of the '20s.

When Larsen challenged Forcade's charges, the latter brought a large box to the front of the room and started passing out leaflets hailing "Pie Power!" These quoted old-time moviemaker Mack Sennett on pie-throwing techniques. Then, from about one foot away, Forcade pushed the gooey white mess in Larsen's face.

Two policemen nearby were caught off-guard. Larsen calmly muttered something about not wishing to engage in a "physical altercation" with Forcade and went off to wash.

Later Larsen termed it a "minor incident" but added he was "glad he (Forcade) did what he did in response to my question because it suggests on which side the inquisition is being held." He said that as a university professor he had had considerable experience with (such youths) and stood up to them because he was "not going to let them run the show."

Forcade walked out of the building in the company of police but was not arrested.

The incident topped off a lively day on which commissioners heard from a broad spectrum of citizens. They included not only concerned parents, but also a member of a nudist organization, an unwed black mother and an evangelist.

Paul Burnett lamented that the last of the "family" nudist magazines had gone out of business April 1. Rose Crawford, who introduced herself as an "unemployed, alienated unwed mother," deplored the absence of blacks on the commission. (She erred; there is one black.) She noted nothing had been done about (the smut shops) on 14th Street "until the black community took it into their hands" (during the 1968 riots).

Most of those who characterized themselves as concerned citizens testified in favor of stronger controls or stronger enforcement of existing laws on obscenity and pornography.

One housewife, and mother of three, aged 4 to 14, took an opposite viewpoint. Mrs. David Suddeth of Bowie, Md., contended that since obscenity cannot be defined, it should not be the object of any legislation. "I find violence much harder to censor for my children than sexuality would be because there is so much violence in the mass media. Sexual pleasure and depictions thereof are not evil or obscene, and I do not hide them from my children."

In essence, she agreed with Dr. Mary Calderone, executive director of the Sex Information and Education Council of the U.S. Mrs. Calderone astounded at least one member of the commission by stating "Playboy magazine is very good sex education."

When the Rev. Winfrey C. Link, a Methodist minister from Tennessee, asked whether he had heard correctly, she said she knew many physicians who encouraged adolescents to read it.

Dr. Calderone explained it was good sex education to picture a woman's body as beautiful and to discuss Playboy philosophy because she knew that children saw through the sex-as-a-plaything concept and repudiated it.

A considerable part of the testimony yesterday concerned the lack of evidence to support a conclusion that exposure to pornography leads to antisocial behavior. Mrs. Walter V. Magee, president of the General Federation of Women's Clubs, which include 6 million members across the country, said she was convinced of the relationship even without a study and urged the commission to set up community guidelines on smut.

At one point she told of a GFWC program whereby club members buy two copies of magazines suspected of being salacious, read them and make a complaint. Dr. Larsen quipped that enough women of this type could keep the pornographers in business.

John Pemberton, testifying for the American Civil Liberties Union, doubted the cause-and-effect proposition and denounced all controls except for publicly displayed material such as billboards. ACLU opposes pending "obscenity in the mails" legislation.

Arthur A. Magnasson, a member of the obscenity enforcement division of the New Jersey State Sheriffs Association for 20 years called Washington one of the biggest smut areas in the country after Los Angeles and New York. He said he is convinced that pornography causes antisocial behavior, and he blamed the increase of smut in New Jersey mainly on motion pictures. "Ten years ago at least a skin flick was heterosexual; today they're based on the worst sicknesses."

The Commission on Obscenity and Pornography was established in October 1967 to analyze existing laws, determine distribution methods, study the effects of pornography and obscenity on the public and particularly minors, and make legislative or administrative proposals for controlling smut "without in any way interfering with constitutional rights."

This spring it invited national organizations to give their views on the gravity of the situation and a proper definition of the terms. Hearings were held in Los Angeles earlier this month.

ADJOURNMENT TO MONDAY, MAY 18, 1970

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that

the Senate stand in adjournment until 12 o'clock noon on Monday next.

The motion was agreed to; and (at 4 o'clock and 33 minutes p.m.) the Senate adjourned until Monday, May 18, 1970, at 12 o'clock noon.

NOMINATIONS

Executive nominations received by the Senate May 15, 1970:

PUBLIC HEALTH SERVICE

The following candidates for personnel action in the Regular Corps of the Public Health Service subject to qualifications therefor as provided by law and regulations:

I. FOR APPOINTMENT

To be surgeons

Arnold B. Barr
John W. Flynt, Jr.
James W. Justice
James A. Rose
Heino Rubin

To be senior assistant surgeons

Joel G. Breman
David Cammack
Andrew G. Dean
Virden A. Dohner
George E. Hardy, Jr.
Ralph H. Henderson
Charles A. Herron
Donald R. Hopkins
Andrew E. Horvath
Stuart H. Lessans
Albert R. Lorbati
Gary R. Noble
Robert S. Northrup
William G. Prescott
Jeremy A. Stowell
Gerold V. van der Vlugt
Karl A. Western

To be senior assistant dental surgeons

Gary A. Kellam
Francis Y. Kihara
Preston A. Littleton, Jr.
William D. Straube

To be nurse officers

Josephine J. Hedrick
Ruth E. Reifschneider
Lawrence J. Welding

To be sanitary engineers

Kay H. Jones
George C. Kent

To be senior assistant sanitary engineers

James M. Conlon
Charles F. Costa
John M. Smith
William J. Wandersee
Charles W. Whitmore

To be assistant sanitary engineer

Thomas R. Horton

To be scientists

Richard W. Gerhardt
Stanley Glenn
Harold G. Scott
Robert T. Taylor

To be sanitarians

Ramon E. Barea
John H. Brandt
John L. Dietemann
Harold E. Knight
Jack H. Lair
James W. Pees
Robert L. Sanders
James L. Shoemake
David R. Snavely
Charles S. Stanley

To be senior assistant sanitarians

Wayne A. Bliss
William S. Clinger
Theadore H. Ericksen, Jr.
Conrad P. Ferrara
Michael D. Flanagan
Larry O. Garten
Sidney J. Gault
Edwin O. Goodman
Thomas C. Jones
Douglas H. Keefer
William A. Kingsbury
Donald L. Lambdin
Eugene W. Lewis
Frank S. Lisella
Stanley F. Little
Donald L. Mallett
Truman McCasland
Jon R. Perry
Donovan C. Shook
Charles J. Wells
William R. Wheatley
John C. Yashuk

To be veterinary officers

Denny G. Constantine
Leo A. Whitehair

To be senior assistant veterinary officer

James D. Small

To be senior assistant pharmacists

Robert J. Branagan
Gary M. Fast
Bobby L. Golden
John T. Harlowe
Edmund F. Kropidlowski
William E. Rutledge
Jerome C. Short

To be assistant pharmacists

Frank J. Nice
Gerald A. Stock, Jr.
Earl L. Wunder

To be assistant therapist

Gene A. Diullo

To be health services officers

Robert W. Carrick
Owen L. Ellingson
Dwight W. Glenn
Frederick E. Hamblet
Robert J. Lyon
William J. O'Malley
LaVert C. Seabron
Robert Sullivan
William K. Young, Jr.

To be senior assistant health services officers

Roger L. Anderson
Reuben A. Baybars
Raymond D. Beaulieu
David A. Brashear
Norman E. Childs
Coy A. Davis
Gerald L. Gels
Aubrey M. Hall, Jr.
James C. McFarlane
David N. McNelis
James F. McTigue
Alan Palmer
Pantelis G. Rentos
Michael A. Ricciutti
Ralph E. Shuping
Donald R. Soeken
Robert F. Swiecicki
Wilbur F. Van Pelt
Joel G. Veater

To be assistant health services officers

Joseph S. Arcarese
Steven Brecher
Selden C. Hall, Jr.
Karen K. Schilder
Mark O. Semler
Dennis R. Shipman

U.S. ARMY

The following-named officers for temporary appointment in the Army of the United States to the grade indicated, under the provisions of title 10, United States Code, sections 3442 and 3447:

To be brigadier general

Col. Frederick Charles Krause, [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col. William Johnston Maddox, Jr., [redacted] Army of the United States (lieutenant colonel, U.S. Army).

Col. Thomas Howard Tackaberry, [redacted] Army of the United States (major, U.S. Army).

Col. John Terrell Carley, [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col. Jack Wilson Hemingway, [redacted], U.S. Army.

Col. Conrad Leon Stansberry, [redacted], U.S. Army.

Col. George Anthony Rebh, [redacted], U.S. Army.

Col. James McKinley Gibson, [redacted], U.S. Army.

Col. Wilburn Clarence Weaver, [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col. Jeffrey Greenwood Smith, [redacted], U.S. Army.

Col. John Haygood Morrison, Jr., [redacted] Army of the United States (lieutenant colonel, U.S. Army).

Col. Albert George Hume, [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col. Sidney Gritz, [redacted] Army of the United States (lieutenant colonel, U.S. Army).

Col. Arthur Siegman Hyman, [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col. John Gillespie Hill, Jr., [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col. Ernest Paul Braucher, [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col. John Raymond Pierce, Jr. [redacted], U.S. Army.

Col. Harry Herbert Hiestand, [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col. Joseph Frederick Hughes Cutrona, [redacted], U.S. Army.

Col. Orlando Carl Epp, [redacted], U.S. Army.

Col. Samuel Vaughan Wilson, [redacted], U.S. Army.

Col. Frank Earl Blazey, [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col. Olin Earl Smith, [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col. Tom Mercer Nicholson, [redacted], U.S. Army.

Col. Bates Cavanaugh Burnell, [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col. Louis John Schelter, Jr., [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col. Homer Duggins Smith, Jr., [redacted] Army of the United States (lieutenant colonel, U.S. Army).

Col. George Elmer Wear, [redacted], U.S. Army.

Col. Oliver Beirne Patton, [redacted], U.S. Army.

Col. Ronald James Fairfield, [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col. Eugene Michael Lynch, [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col. Winfield S. Scott, [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col. Carter Weldon Clarke, Jr., [redacted] Army of the United States (lieutenant colonel, U.S. Army).

Col. James Alva Munson, [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col. Thomas Edward Fitzpatrick, Jr., [redacted] Army of the United States (lieutenant colonel, U.S. Army).

Col. Richard Edward McConnell, [redacted] Army of the United States (major, U.S. Army).

Col. Carroll Edward Adams, Jr., [redacted] Army of the United States (lieutenant colonel, U.S. Army).

Col. Patrick William Powers, [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col. Daniel Vance, Jr., [redacted], Army of the United States (major, U.S. Army).

Col. Albion Williamson Knight, Jr., [redacted] Army of the United States (lieutenant colonel, U.S. Army).

Col. Max Etkin, [redacted] Army of the United States (lieutenant colonel, U.S. Army).

Col. Dean Van Lydegraf, [redacted], U.S. Army.

Col. Alton Gustav Post, [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col. Richard Wesley Swenson, [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col. Edward Francis Gudgel, Jr., [redacted] Army of the United States (lieutenant colonel, U.S. Army).

Col. Raymond Oscar Miller, [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col. John Benedict Desmond, [redacted], U.S. Army.

Col. Richard Gregory Fazakerley, [redacted] Army of the United States (major, U.S. Army).

Col. Joseph Corbett McDonough, [redacted] Army of the United States (lieutenant colonel, U.S. Army).

Col. John William Vessey, Jr., [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col. John Ember Sterling [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col. John Crouse Burney, Jr., [redacted], Army of the United States (major, U.S. Army).

Col. George Bernard Fink, [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col. John Alan Hoefling, [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col. Joseph Charles Kiefe, Jr., [redacted], Army of the United States (major, U.S. Army).

Col. Robert Haldane, [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col. Donn Albert Starry, [redacted], Army of the United States (major, U.S. Army).

Col. Elmer Raymond Ochs, [redacted], Army of the United States (major, U.S. Army).

Col. Hal Edward Hallgren, [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col. Andrew John Gatsis [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Colonel Rutledge Parker Hazzard, [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col. Lynn Wood Hoskins, Jr., [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col. Louis Joseph Prost, [redacted], Army of the United States (lieutenant colonel, U.S. Army.

Col. Henry Herman Bolz, Jr., [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col. John Edward Stannard, [redacted], Army of the United States (major, U.S. Army).

Col. Stan Leon McClellan, [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col. Louis Rachmeler, [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col. John Garnett Waggener, [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col. Thomas Willard Bowen, [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col. Charles Ralph Bushong, [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col. John Scholto Wieringa, Jr., [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col. Samuel Grady Cockerham, [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col. Charles Dwelle Daniel, Jr., [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col. Wallace Keith Wittwer, [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col. John David Lewis, [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col. Paul Eugene Smith [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col. Robert Willoughby Williams, [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col. Robert Gibbons Gard, Jr., [redacted], Army of the United States (major, U.S. Army).

Col. Edward Charles Meyer, [redacted], Army of the United States (major, U.S. Army).

Col. Joseph Key Bratton, [redacted], Army of the United States (major, U.S. Army).

Col. Alfred Bradford Hale, [redacted], Army of the United States (major, U.S. Army).

To be brigadier general, Women's Army Corps

Col. Elizabeth Paschel Hoisington, [redacted], U.S. Army.

The following-named officers for temporary appointment in the Army of the United States to the grades indicated under the provisions of title 10, United States Code, sections 3442 and 3447:

To be major general, Medical Corps

Brig. Gen. Spurgeon Hart Neel, Jr., [redacted] Army of the United States (colonel, Medical Corps, U.S. Army).

Brig. Gen. Colin Francis Vorder Bruegge, [redacted] Army of the United States (colonel, Medical Corps, U.S. Army).

Brig. Gen. Carl Wilson Hughes, [redacted] Army of the United States (colonel, Medical Corps, U.S. Army).

To be brigadier general, Medical Corps

Col. Robert Morris Hardaway, III, [redacted] Medical Corps, U.S. Army.

Col. Edward Henry Vogel, Jr., [redacted], Medical Corps, U.S. Army.

Col. Robert Bernstein, [redacted], Medical Corps, U.S. Army.

To be brigadier general, Army Nurse Corps

Col. Anna Mae McCabe Hays, [redacted], Army Nurse Corps, U.S. Army.

The following-named officers for appointment in the Regular Army of the United States to the grade indicated, under the provisions of title 10, United States Code, sections 3284 and 3306:

To be brigadier general, Medical Corps

Maj. Gen. James Arista Wier, [redacted], Army of the United States (colonel, Medical Corps, U.S. Army).

Brig. Gen. Colin Francis Vorder Bruegge, [redacted] Army of the United States (colonel, Medical Corps, U.S. Army).

Brig. Gen. Thomas Joseph Whelan, Jr., [redacted] Army of the United States (colonel, Medical Corps, U.S. Army).

The following-named officers for temporary appointment in the Army of the United States to the grade indicated under the provisions of title 10, United States Code, sections 3442 and 3447:

To be major general

Brig. Gen. Daniel Arthur Raymond, [redacted] Army of the United States (colonel, U.S. Army).

Brig. Gen. William Alden Burke, [redacted] Army of the United States (colonel U.S. Army).

Brig. Gen. Robert Davis Terry, [redacted] Army of the United States (colonel, U.S. Army).

Brig Gen. William Edgar Shedd III, [redacted] Army of the United States (colonel, U.S. Army).

Brig. Gen. George Samuel Blanchard, [redacted] Army of the United States (colonel, U.S. Army).

Brig. Gen. Charles Wolcott Ryder, Jr., [redacted] Army of the United Stattes (colonel, U.S. Army).

Brig. Gen. Winant Sidle, [redacted], Army of the United States (colonel, U.S. Army).

Brig. Gen. William Russel Kraft, Jr., [redacted] Army of the United States (colonel, U.S. Army).

Brig. Gen. Elmer Parker Yates, [redacted], Army of the United States (colonel, U.S. Army).

Brig. Gen. Donnelly Paul Bolton, [redacted] Army of the United States (colonel, U.S. Army).

Brig. Gen. William Smith Coleman, [redacted] Army of the United States (colonel, U.S. Army).

Brig. Gen. Frank Butner Clay, [redacted], Army of the United States (colonel, U.S. Army).

Brig. Gen. Raymond Patrick Murphy, [redacted] Army of the United States (colonel, U.S. Army).

Brig. Gen. John Gray Wheelock III, [redacted] Army of the United States (colonel, U.S. Army).

Brig. Gen. John Glenn Appel, [redacted], Army of the United States (colonel, U.S. Army).

Brig. Gen. Joseph Warren Pezdirtz, [redacted] Army of the United States (colonel, U.S. Army).

Brig. Gen. George Sammet, Jr., [redacted] Army of the United States (colonel, U.S. Army).

Brig. Gen. George Philip Holm, [redacted] Army of the United States (colonel, U.S. Army).

Brig. Gen. William Edward Potts, [redacted] Army of the United States (colonel, U.S. Army).

Brig. Gen. Marshall Bragg Garth, [redacted] Army of the United States (colonel, U.S. Army).

Brig. Gen. John Winthrop Barnes, [redacted] Army of the United States (colonel, U.S. Army).

Brig. Gen. William Eugene McLeod, [redacted] Army of the United States (colonel, U.S. Army).

Brig. Gen. Vincent Henry Ellis, [redacted] Army of the United States (colonel, U.S. Army).

Brig. Gen. Henry Carl Schrader, [redacted] Army of the United States (colonel, U.S. Army).

Brig. Gen. Thomas Wright Mellen, [redacted] Army of the United States (colonel, U.S. Army).

Brig. Gen. James Vance Galloway, [redacted] Army of the United States (lieutenant colonel, U.S. Army).

Brig. Gen. C. J. Le Van, [redacted], Army of the United States (colonel, U.S. Army).

Brig. Gen. Robert Carter McAlister, [redacted] Army of the United States (lieutenant colonel, U.S. Army).

Brig. Gen. Frederic Ellis Davison, [redacted] Army of the United States (colonel, U.S. Army).

Brig. Gen. John Holloway Cushman, [redacted] Army of the United States (colonel, U.S. Army).

Brig. Gen. Fred Ernest Karhohs, [redacted] Army of the United States (lieutenant colonel, U.S. Army).

Brig. Gen. Robert Creel Marshall, [redacted] Army of the United States (colonel, U.S. Army).

Brig. Gen. James Joseph Ursano, [redacted] Army of the United States (colonel, U.S. Army).

Brig. Gen. Donald Volney Rattan, [redacted] Army of the United States (lieutenant colonel, U.S. Army).

Brig. Gen. John Charles Bennett, [redacted] Army of the United States (lieutenant colonel, U.S. Army).

Brig. Gen. George Washington Putnam, Jr., [redacted] Army of the United States (colonel, U.S. Army).

Brig. Gen. Sidney Michael Marks, [redacted] Army of the United States (colonel, U.S. Army).

Brig. Gen. Arthur Hamilton Sweeney, Jr., [redacted] Army of the United States (colonel, U.S. Army).

Brig. Gen. James Cliffton Smith, [redacted] Army of the United States (colonel, U.S. Army).

Brig. Gen. John Woodland Morris, [redacted] Army of the United States, (colonel, U.S. Army).

Brig. Gen. Hubert Summers Cunningham, [redacted] Army of the United States (colonel, U.S. Army).

Brig. Gen. Harold Robert Parfitt, [redacted] Army of the United States (colonel, U.S. Army).

Brig. Gen. Clarke Tileston Baldwin, Jr., [redacted] Army of the United States (colonel, U.S. Army).

Brig. Gen. Jack Alvin Albright, [redacted], Army of the United States (colonel, U.S. Army).

Brig. Gen. Hugh Richard Higgins, [redacted] Army of the United States (colonel, U.S. Army).

Brig. Gen. Thomas McKee Tarpley, [redacted] Army of the United States (colonel, U.S. Army).

Brig. Gen. Frederick James Kroesen, Jr., [redacted] Army of the United States (colonel, U.S. Army).

Brig. Gen. Ernest Graves, Jr., [redacted], Army of the United States (colonel, U.S. Army).

Brig. Gen. Herbert Joseph McChrystal, Jr., [redacted] Army of the United States (lieutenant colonel, U. S. Army).

The following named officers for appointment in the Regular Army of the United States to the grade indicated, under the provisions of title 10, United States Code, sections 3284 and 3306:

To be brigadier general

Brig. Gen. Elmer Parker Yates, [redacted], Army of the United States (colonel, U.S. Army).

Maj. Gen. Burnside Elijah Huffman, Jr., [redacted] Army of the United States (colonel, U.S. Army).

Brig. Gen. Winant Sidle, [redacted], Army of the United States (colonel, U.S. Army).

Brig. Gen. John Glenn Appel, [redacted], Army of the United States (colonel, U.S. Army).

Brig. Gen. John Howard Elder, Jr., [redacted] Army of the United States (colonel, U.S. Army).

Brig. Gen. George Sammet, Jr., [redacted] Army of the United States (colonel, U.S. Army).

Brig. Gen. William Alden Burke, [redacted] Army of the United States (colonel, U.S. Army).

Brig. Gen. William Smith Coleman, [redacted] Army of the United States (colonel, U.S. Army).

Brig. Gen. Henry Carl Schrader, [redacted] Army of the United States (colonel, U.S. Army).

Brig. Gen. Vincent Henry Ellis, [redacted] Army of the United States (colonel, U.S. Army).

Brig. Gen. George Washington Putnam, Jr., [redacted] Army of the United States (colonel, U.S. Army).

Brig. Gen. John Winthrop Barnes, [redacted] Army of the United States (colonel, U.S. Army).

Brig. Gen. Daniel Arthur Raymond, [redacted] Army of the United States (colonel, U.S. Army).

Brig. Gen. William Russel Kraft, Jr., [redacted] Army of the United States (colonel, U.S. Army).

Brig. Gen. Raymond Patrick Murphy, [redacted] Army of the United States (colonel, U.S. Army).

Brig. Gen. Robert Davis Terry, [redacted], Army of the United States (colonel, U.S. Army).

Brig. Gen. Frank Butner Clay, [redacted], Army of the United States (colonel, U.S. Army).

Brig. Gen. Charles Wolcott Ryder, Jr., [redacted] Army of the United States (colonel, U.S. Army).

Brig. Gen. William Edgar Shedd III, [redacted] Army of the United States (colonel, U.S. Army).

Brig. Gen. Donnelly Paul Bolton, [redacted] Army of the United States (colonel, U.S. Army).

Maj. Gen. Jack Carter Fuson, [redacted] Army of the United States (colonel, U.S. Army).

Maj. Gen. Salve Hugo Matheson, [redacted] Army of the United States (colonel, U.S. Army).

Brig. Gen. Marshall Bragg Garth, [redacted] Army of the United States (colonel, U.S. Army).

Brig. Gen. William Edward Potts, [redacted] Army of the United States (colonel, U.S. Army).

Brig. Gen. Frederic Ellis Davison, [redacted] Army of the United States (colonel, U.S. Army).

Brig. Gen. Theodore Antonelli, [redacted] Army of the United States (colonel, U.S. Army).

Brig. Gen. Arthur Hamilton Sweeney, Jr., [redacted] Army of the United States (colonel, U.S. Army).

Brig. Gen. Jack Alvin Albright, [redacted] Army of the United States (colonel, U.S. Army).

Brig. Gen. Hugh Richard Higgins, [redacted] Army of the United States (colonel, U.S. Army).

Brig. Gen. William Eugene McLeod, [redacted] Army of the United States (colonel, U.S. Army).

Brig. Gen. Joseph Warren Pezdirtz, [redacted] Army of the United States (colonel, U.S. Army).

Brig. Gen. Sidney Michael Marks, [redacted] Army of the United States (colonel, U.S. Army).

U.S. NAVY

Capt. Carl O. Holmquist, U.S. Navy, to be Chief of Naval Research in the Department of the Navy for a term of 3 years with the rank of rear admiral.

The following named officers of the Navy for permanent promotion to the grade of rear admiral:

LINE

Maurice H. Rindskopf
James D. Ramage
William E. Kuntz
William H. House
James C. Longino, Jr.
Vincent P. Healey
Allen A. Bergner
Robert R. Crutchfield
Walter D. Gaddis
Ralph E. Cook
David F. Welch
Jerome H. King, Jr.
Douglas C. Plate
Martin D. Carmody
William J. Moran
James B. Osborn
John B. Davis, Jr.
Parker B. Armstrong
Jack M. James
Michael U. Moore
William R. McClendon
Leo B. McCuddin
Sam H. Moore
William M. Harnish
Leslie H. Sell
Thomas R. McClellan
James C. Donaldson, Jr.
Tazewell T. Shepard, Jr.
Kenneth C. Wallace
John K. Beling
George C. Talley, Jr.
Shannon D. Cramer, Jr.
Robert E. Adamson, Jr.
William W. Behrens, Jr.
Raymond J. Schneider
David H. Jackson
Burton H. Andrews

CIVIL ENGINEER CORPS

Henry J. Johnson
John G. Dillon

DENTAL CORPS

John P. Arthur

U.S. ARMY

The Army of the United States officers named herein for appointment as permanent professors, U.S. Military Academy, under the provisions of title 10, United States Code, sections 4331 and 4333.

To be professor of physics

Lt. Col. Wendell A. Childs, [redacted], ordnance.

To be professor or social sciences

Lt. Col. Lee D. Olvey, [redacted], Armor.

IN THE AIR FORCE

Col. Robert R. Lochry, [redacted] FR, for appointment as Permanent Professor, U.S. Air Force Academy, under the provisions of section 9333(b), title 10, United States Code.

The following Air Force officers for appointment in the Regular Air Force, in the grades indicated, under the provisions of section [redacted] title 10, United States Code, with a view to designation under the provisions of section 8067, title 10, United States Code, to perform the duties indicated, and with dates of rank to be determined by the Secretary of the Air Force:

To be captain (chaplain)

Borre, Robert J., [redacted].
Dabrowski, George J., [redacted].
Daley, Neil F., [redacted].
Dane, Warren T., [redacted].
Foster, Lowel D., [redacted].
Heather, Thomas V., [redacted].
Hutsler, Charles R., [redacted].
Massey, Reese M., Jr., [redacted].
Matthews, Larry A., [redacted].
Merrell, Robert E., [redacted].
Richardson, Thomas E., [redacted].
Sims, Melvin T., Jr., [redacted].
Telfer, Paul A., [redacted].

To be first lieutenant (chaplain)

Boyles, Lemuel M., [redacted].
Burnette, Robert R., [redacted].
Christianson, Thomas N., [redacted].
Coltharp, Bruce R., [redacted].
Hellstern, John R., [redacted].
North, James J., Jr., [redacted].
O'Keefe, Francis J., [redacted].
O'Malley, John J., [redacted].
Strickhausen, Leslie W., [redacted].
Whelan, Gerald M., [redacted].
Williams, Stephen J. C., [redacted].
Zimbrick, Edward C., [redacted].

To be captain (judge advocate)

Burgan, Jack A., [redacted].
Canellos, Ernest C., [redacted].
Giaimo, Christopher J., [redacted].
Hemingway, Thomas L., [redacted].
Kuhnell, Ludolf R., III, [redacted].
Lamport, Joe R., [redacted].
Losey, Franklin W., [redacted].
Negron, Victor H., [redacted].
O'Connor, William E., [redacted].
Roan, James C., Jr., [redacted].
St Martin, Norman R., [redacted].
Swerdlove, Arthur P., [redacted].

To be first lieutenant (judge advocate)

Adams, Joel E., [redacted].
Bailey, Theron S., [redacted].
Benesch, Wayne C., [redacted].
Brewer, James C., [redacted].
Broderick, Phillip R., [redacted].
Carlton, Daniel A., [redacted].
Carroll, Fred M., [redacted].
Carson, George II, [redacted].
Cole, Robert L., [redacted].
Elder, George P., [redacted].
Foster, Perry T., [redacted].
Fox, Henry H., [redacted].
Gallington, Daniel J., [redacted].
Hawley, Bryan G., [redacted].
Hawse, Lionel A., [redacted].
Heimburg, Charles B., [redacted].
Hilliard, John E., [redacted].
Houston, Bruce R., [redacted].
Hovey, Robert J., [redacted].
Jackson, Grover G., [redacted].
Jacobson, Robert D., [redacted].
Jones, Lawrence L., [redacted].
Kansala, Dennis E., [redacted].
Keeshan, James H., Jr., [redacted].
Keller, Robert W., [redacted].
Kelly, Thurman A., [redacted].
Lingo, Robert S., [redacted].
Love, Joseph D., [redacted].
Marr, Michael E., [redacted].
Mayer, John W., [redacted].
Maynard, Jay W., [redacted].
McCormick, Joseph A., [redacted].
McFarlane, Robert E., Jr., [redacted].
McGee, Brian E., [redacted].
McGrady, Michael S., [redacted].
Mesh, Richard I., [redacted].
Mitchell, Paul C., [redacted].
Moholt, Thomas J., [redacted].
Moore, Donald L., [redacted].
Morton, David L., [redacted].
Nooney, James F., [redacted].
Nunn, Leslie E., [redacted].
ONeill, Philip F., [redacted].
Palochak, John B., III, [redacted].
Pavarini, George F., [redacted].
Peltonen, John E., [redacted].
Perry, Kent T., [redacted].
Ponzoli, Ronald P., [redacted].
Powell, Stephen J., [redacted].
Poythress, David B., [redacted].
Robbins, Ford M., [redacted].
Rogers, Peter N., [redacted].
Sharpe, Samuel S., [redacted].

Shea, Gerald C., [redacted]
Shepherd, William N., [redacted]
Smith, William R., [redacted]
Uskevich, Robert J., [redacted]
Vickery, Harold K., Jr., [redacted]
Waller, Charles W., [redacted]
Woerner, Harold C., Jr., [redacted]

To be captain (dental)

Meade, Thomas E., [redacted]
Sano, Lawrence N., [redacted]
Walters, Glenn R., [redacted]

To be first lieutenant (dental)

Barrickman, William A., III, [redacted]
Benning, Allen N., [redacted]
Cumbey, James L., [redacted]
Dinitz, Fred P., [redacted]
Fielding, Daniel E., [redacted]
Harrell, Connie J., [redacted]
Huff, Thomas L., [redacted]
Hutchinson, John W., [redacted]
Lawless, John E., [redacted]
Masin, William J., [redacted]
Monske, Lane A., [redacted]
Page, Dennis G., [redacted]
Record, Paul W., [redacted]
Rossmeisl, Roman W., [redacted]
Schad, George W., [redacted]
Shannon, John W., [redacted]
Spray, John R., [redacted]
Storby, Gene L., [redacted]

To be major (medical)

Jennings, James F., [redacted]
Kelley, Ira M., [redacted]

To be captain (medical)

Aclin, Richard R., [redacted]
Beck, Roger A., [redacted]
Benson, Bennett N., [redacted]
Bickel, Rudolf G., [redacted]
Bladowski, John R., [redacted]
Booth, Donald J., [redacted]
Borota, Ray W., [redacted]
Bristow, John W., [redacted]
Buttemiller, Robert [redacted]
Cabreraramirez, Lorenzo [redacted]
Callen, Kenneth E., [redacted]
Carroll, Herma G., Jr., [redacted]
Carter, Robert L., [redacted]
Caudill, Robert G., [redacted]
Conrad, Larry L., [redacted]
Davies, Chesley R., [redacted]
Duggar, Perry N., [redacted]
Edwards, David A., Jr., [redacted]
Fielding, Steven L., [redacted]
Fitzhugh, William G., [redacted]
Foshee, William S., [redacted]
Frank, Sanders T., [redacted]
Giacobazzi, Peter F., [redacted]
Goodson, John P., [redacted]
Gregg, Paul T., [redacted]
Hagen, William M., [redacted]
Harlan, John R., [redacted]
Heffron, John P., [redacted]
Hoff, Ted E., Jr., [redacted]
Holmes, James H., [redacted]
Jackson, Arnold J., [redacted]
James, Richard E., [redacted]
Kirk, Clifford C., Jr., [redacted]
Krege, John W., [redacted]
Kutnick, Joel [redacted]
Longnecker, Morton F., Jr. [redacted]
Lovelance, Raymond E., [redacted]
Lykes, Frederick F., [redacted]
May, Gerald G., [redacted]
May, Robert O., [redacted]
Mazzola, Robert D., [redacted]
McCray, David S., [redacted]
McDonough, Gilbert L., [redacted]
McGee, James W., IV, [redacted]
McGovern, Thomas B., [redacted]
Michaelson, Edward D., [redacted]
Mosman, John D., [redacted]
Munsell, William P., [redacted]
Nielsen, Mark W., [redacted]
Payne, John F., [redacted]
Pearson, Harve D., [redacted]
Plager, Stephan D., [redacted]
Ramey, Ralph, Jr., [redacted]
Ransom, Richard W., [redacted]
Ray, John W. C., [redacted]
Reay, Donald T., [redacted]
Riveracorrea, Hector P., [redacted]
Ruggeri, Robert W., [redacted]
Simpson, Charles L., [redacted]
Singal, Sheldon, [redacted]
Singer, Karl L., [redacted]
Snider, William J., [redacted]
Spence, Michael B., [redacted]
Staker, Lynn L., [redacted]
Stetten, Maynard L., [redacted]
Stieg, Richard L., [redacted]
Suedka, William T., [redacted]
Taylor, William M., [redacted]
Tobias, Thurman E., [redacted]
Totaro, Ralph J., [redacted]
Ulrich, Richard A., [redacted]
Verwest, Hadley M., Jr., [redacted]
Wankmuller, Robert T., [redacted]
Wiesmeier, Edward Jr., [redacted]
Willard, James E., [redacted]
Wooddell, William J., [redacted]
Wunder, James F., [redacted]
Yeste, Dixon, [redacted]

To be first lieutenant (medical)

Barrett, Robert T., [redacted]
Becker, David W., Jr., [redacted]
Beman, John W., Jr., [redacted]
Burke, Pat S., [redacted]
Dietz, James W., [redacted]
Garcia, Raymond, [redacted]
Garrott, Thomas C., [redacted]
Goryl, Stephen V., [redacted]
Gralino, Bernard J., Jr., [redacted]
Green, Charles E., [redacted]
Gripon, Edward B., [redacted]
Hawley, William J., [redacted]
Henriksen, Douglas G., [redacted]
Hopkins, Ralph D., Jr., [redacted]
Howington, Jerry W., [redacted]
Jacobs, Robert L., Jr., [redacted]
Jernigan, John F., [redacted]
Kay, James E., [redacted]
Leffingwell, Donald O., [redacted]
Linehan, Timothy E., [redacted]
Luetje, Charles M., II, [redacted]
Masters, Charles J., [redacted]
Moore, Terence N., [redacted]
Murphy, Matthew P., II, [redacted]
O'Brien, Michael W., [redacted]
Parker, Christopher S., [redacted]
Parrish, Jerry A., [redacted]
Plummer, Jon K., [redacted]
Prochazka, James V., [redacted]
Rector, William R., [redacted]
Reider, Daner R., [redacted]
Riherd, Leslie M., Jr., [redacted]
Robertson, Adam D., [redacted]
Sharp, John R., [redacted]
Shepard, Martin J., [redacted]
Sorauf, Thomas J., [redacted]
Spigel, Stuart C., [redacted]
Stewart, Ralph W., [redacted]
Taylor, Richard R., Jr., [redacted]
Torma, Michael J., [redacted]
Trick, Lorence W., [redacted]
Wasserman, James M., [redacted]
Wertz, Andrew W., [redacted]
Whetsell, Douglas W., [redacted]
Wood, Neil L., Jr., [redacted]

To be captain (nurse)

Brant, Alice M., [redacted]
Murray, David, [redacted]
Tuck, Robert R., [redacted]
Warner, Luella, [redacted]
Wilkerson, Eleanor R., [redacted]

To be first lieutenant (nurse)

Aldridge, Patricia D., [redacted]
Alred, Lorene F., [redacted]
Anderson, Ruth A., [redacted]
Baareman, Karen S., [redacted]
Baker, Jean E., [redacted]
Barbito, Angelia, [redacted]
Barger, Deloras Z., [redacted]
Birdlebough, Sandra I., [redacted]
Bishop, Elaine R., [redacted]
Black, Gloria A., [redacted]
Blanchard, Kay L., [redacted]
Bowar, David R., [redacted]
Brinson, Phillis A., [redacted]
Brooks, Rochelle B., [redacted]
Brown, Claire P., [redacted]
Buckley, Pamela A., [redacted]
Burniston, Karen S., [redacted]
Burton, Georgia G., [redacted]
Buxton, Sarah J., [redacted]
Cade, Martha J., [redacted]
Caldwell, Nancy L., [redacted]
Cantu, Lupita, [redacted]
Casterline, Arline, [redacted]
Castlen, Virginia A., [redacted]
Chura, Virginia M., [redacted]
Conley, Margaret A., [redacted]
Cook, Virginia V., [redacted]
Cooper, Elaine G., [redacted]
Corbett, Adele E., [redacted]
Culkin, Grace A., [redacted]
Degnan, Patricia A., [redacted]
Dinsmore, Carole A., [redacted]
Donahue, Joanne T., [redacted]
Dude, Allen G., [redacted]
Duplantis, Ruby A., [redacted]
Dutt, Delores J., [redacted]
Elliott, Michele A., [redacted]
Fitzhenry, Margaret A., [redacted]
Fleming, Rochelle A., [redacted]
Foster, Helen C., [redacted]
Fournier, Deborah E., [redacted]
Fritts, Mary C., [redacted]
Furtak, Loretta J., [redacted]
Gaebler, Barabara A., [redacted]
Garner, Patricia C., [redacted]
Geis, Lauretta S., [redacted]
Gemma, Elaine M., [redacted]
Gersz, Lorraine F., [redacted]
Gokee, Henry F., [redacted]
Green, Arlene R., [redacted]
Hawkins, Garrie O., [redacted]
Henderson, Robert D., [redacted]
Hester, Patricia A., [redacted]
Holmes, Karen L., [redacted]
Hughes, Ellen A., [redacted]
Jaco, Richard G., [redacted]
Jewell, Jean A., [redacted]
Jewell, Mary M., [redacted]
Jones, Frances P., [redacted]
Kliesen, Joyce E., [redacted]
Knight, Anna M., [redacted]
Korte, Marjorie M., [redacted]
Kunzie, Karen L., [redacted]
Kurdelski, Patricia A., [redacted]
Lafrance, Sandra L., [redacted]
Lees, Virginia K., [redacted]
Lemaire, Carol V., [redacted]
Littlejohn, Mary K., [redacted]
Lloyd, Florence A., [redacted]
Loftiss, Diane, [redacted]
Lunceford, Marilyn Y., [redacted]
Martelle, Conita K., [redacted]
Mathews, Abby J., [redacted]
McCloud, Craig R., [redacted]
McDaid, Tarran K., [redacted]
McHale, Susan M., [redacted]
McLaughlin, Anne M., [redacted]
McMillan, Shirley A., [redacted]
Metzgar, Barbara A., [redacted]
Michaud, Claire A., [redacted]
Miguel, Ruth E., [redacted]
Miller, Linda B., [redacted]
Minterfering, Georgann [redacted]
Moore, Judith H., [redacted]
Moore, Terry R., [redacted]
Munshower, Dorothea [redacted]
Myrick, Barbara A., [redacted]
Neubert, Barbara M., [redacted]
Noble, Leslie A., [redacted]
Norton, Patricia [redacted]
O'Donnell, Madge M., [redacted]
Ontko, James P., [redacted]
Otto, Pauline E., [redacted]
Phelan, Mary L., [redacted]
Phillips, Sylvia J., [redacted]
Pollard, Brenda E., [redacted]
Pool, Richard R., [redacted]
Prince, Arysetta F., [redacted]
Ramsborg, Glen C., [redacted]
Ratajczak, Christine A., [redacted]
Ravella, Patricia C., [redacted]
Read, Janice, [redacted]
Reed, Leonard D., [redacted]
Reilly, Carol A., [redacted]
Ritzhaupt, Hazel M., [redacted]
Rosenbery, Nancy J., [redacted]

Ruble, Craig E., [redacted]
Runda, Mary A., [redacted]
Russell, Edith M., [redacted]
Sabinash, Gloria R., [redacted]
Sarracco, Elizabeth, [redacted]
Saulsberry, Linda M., [redacted]
Scarano, Linda M., [redacted]
Semrad, Louis, Jr., [redacted]
Shutts, Monica A., [redacted]
Sobieski, Catherine A., [redacted]
Somers, Pauline E., [redacted]
Spivey, Christine, [redacted]
Sprague, Judith P., [redacted]
Stratton, Maureen, [redacted]
Strauss, Nancye E., [redacted]
Swafford, Vivian A., [redacted]
Swallow, Linda L. Z., [redacted]
Swint, Kathleen A., [redacted]
Tharpe, Mary E., [redacted]
Thurmer, Sandra L., [redacted]
Tokarz, Patricia A., [redacted]
Tracy, Anora I., [redacted]
Troutman, Frederick W., [redacted]
Vaida, Charles T., [redacted]
Vanpelt, Roberta J., [redacted]
Vehik, Carole S., [redacted]
Walker, Jill K., [redacted]
Warner, Jane M., [redacted]
Weaver, William R., [redacted]
Westberry, Mary E., [redacted]
Wheeler, Mary A., [redacted]
Whelihan, Ethel M., [redacted]
Willis, Juanita M., [redacted]
Willoughby, Charleen K., [redacted]
Wilson, Shirley A., [redacted]
Witte, Arlene L., [redacted]
Woods, Fannie E., [redacted]
Zimmer, Ervin O., [redacted]
Zweck, Robert L., [redacted]

To be second lieutenant (nurse)

Jacobs, Gary L., [redacted]

To be captain (medical service)

Anderson, Claire J., [redacted]
Betron, Richard E., [redacted]
Borngasser, Frederick J., [redacted]
Briggs, Edward, [redacted]
Brown, Ross C., [redacted]
Butterworth, Bernal G., [redacted]
Curtis, Keith W., [redacted]
Fairless, David S., [redacted]
Garver, Ralph R., Jr., [redacted]
Green, Kenneth E., [redacted]
Jonas, Stephen A., Jr., [redacted]
Knowles, Harold D., [redacted]
Marquis, Don B., [redacted]
Murphy, Roy C., [redacted]
Nadell, Avrom P., [redacted]
O'Donnell, Philip F., Jr., [redacted]
Powell, George F., Jr., [redacted]
Rasco, William D., [redacted]
Rolfes, George C., [redacted]
Smith, Thomas L., [redacted]
Sorem, David N., [redacted]
Stanley, George H., [redacted]
Tenbarge, Ronald W., [redacted]
Vandherpen, John, [redacted]
Watkins, Charles H., [redacted]
Wisner, Preston H., [redacted]

To be first lieutenant (medical service)

Angell, Albert D., III, [redacted]
Ausmus, Duane G., [redacted]
Casto, Graden J., [redacted]
Couser, David G., [redacted]
DeGroot, Edward B., III, [redacted]
Fox, David M., [redacted]
Grabowski, John J., Jr., [redacted]
Griffin, Richard W., [redacted]
Harmon, Lloyd C., [redacted]
Heuckendorf, Richard P., [redacted]
Hoch, Francis L., [redacted]
Hutchison, Gordon L., [redacted]
Iverson, Jerry M., [redacted]
Kenschaft, Robert B., [redacted]
Lee, Donald E., Jr., [redacted]
Loftus, Thomas, [redacted]
MacDonald, George R., [redacted]
Martin, Howard L., Jr., [redacted]
Murrell, Warren P., Jr., [redacted]
Stephen, Frederick R., [redacted]
Terry, Wayne G., [redacted]
Turk, Herbert A., Jr., [redacted]
Vago, Frederick A., [redacted]

To be second lieutenant (medical service)

Boyd, James F., [redacted]
Cunningham, Terence T., III, [redacted]
Downing, Dennis R., [redacted]
Erwin, James L., [redacted]
George, Charles L., Jr., [redacted]
Griffin, Arland G., [redacted]
Huggins, William C., [redacted]
Hurt, Eric L., [redacted]
Lott, Larry K., [redacted]
Mackie, Kenneth J., Jr., [redacted]
Marsh, Peter H., [redacted]
Montero, Lloyd A., [redacted]
Parry, George M., [redacted]
Pettigrew, Alan G., Jr., [redacted]
Powell, George R., [redacted]
Powers, William J., [redacted]
Russell, Sydney S., III, [redacted]
Sample, Kenneth F., [redacted]
Stephenson, John R., [redacted]
Upton, Thomas L., [redacted]
Vocks, Joseph T., [redacted]

To be major (veterinarian)

Boyd, Dale D., [redacted]
Shuman, Donald G., [redacted]

To be first lieutenant (veterinarian)

Ayers, Kenneth M., [redacted]
Beleau, Marshall H., [redacted]
Bowman, Gary L., [redacted]
Boyd, Robert C., [redacted]
Brown, Bobby G., [redacted]
Bryan, Richard K., [redacted]
Clothier, Eugene R., [redacted]
Cramlet, Stephan H., [redacted]
Gunter, David F., [redacted]
Hansen, Jon O., [redacted]
Harwood, Baxter, [redacted]
Jewell, Asa H., Jr., [redacted]
Kent, Warren W., Jr., [redacted]
Leftwich, Marion W., Jr., [redacted]
Long, Donald M., [redacted]
Mammeli, Bruce H., [redacted]
Mann, David R., [redacted]
McIntosh, Dennis K., [redacted]
Meisegeier, Larry R., [redacted]
Ross, Donald L., [redacted]
Schaad, Lawrence E., [redacted]
Smith, William B., [redacted]
Thomas, Manuel A., Jr., [redacted]
Voelker, Frank A., [redacted]
Walker, Dewayne H., [redacted]
Wiley, George L., [redacted]

To be major (biomedical sciences)

Beatty, Maxine, [redacted]
Deuel, Kenneth H., [redacted]
Devincentis, Joseph G., [redacted]
Fraser, Ella J., [redacted]
Larsen, Reed M., [redacted]
McDonald, Maynard R., [redacted]
Pilmer, Richard B., [redacted]
Steffen, Robert, [redacted]
Verhagen, Paul C., [redacted]

To be captain (biomedical sciences)

Baran. Francis V., [redacted]
Connolly, Francis J., [redacted]
Carson, Jane S., [redacted]
Coyne, Robert V., [redacted]
Deutch, James A., [redacted]
Esters. Lavada, [redacted]
Foley, Thomas J., Jr., [redacted]
Gibbons, William D., [redacted]
Knight, John F., [redacted]
McMurdo, Gordon C., [redacted]
Mikesell, George W., Jr., [redacted]
Mockler, Nedd D., [redacted]
Murphy, John G., [redacted]
Rodes, Grover C., [redacted]
Sparks, George P., [redacted]
Spence, Kenneth J., [redacted]
Steinkerchner, Raymond E., [redacted]
Suggs, Harry J., [redacted]
Talley, Allen J., [redacted]
Titzel, Gene E., [redacted]
Trusty, Ronald D., [redacted]
Williams, Carlton R., [redacted]

To be first lieutenant (biomedical sciences)

Abdo, Joseph C., [redacted]
Baum, Marvin G., [redacted]
Brady, Barbara J., [redacted]
Buckman, John B., III, [redacted]
Bukovac, Ruby P., [redacted]
Campbell, Donald H., Jr., [redacted]
Cheek, Chandler S., [redacted]
Daley, Peter S., [redacted]
Davis, James E., [redacted]
Delancey, Gary W., [redacted]
Ellis, Sharon L. M., [redacted]
Gibeau, John K., [redacted]
Haddon, Rayburn S., III, [redacted]
Krimm, Bernard F., [redacted]
Lerroco, Eric F., Jr., [redacted]
Mudge, Stephanie E., [redacted]
Obrien, Patrick J., [redacted]
Patterson, William E., [redacted]
Pierson, Wayne P., [redacted]
Robinson, John S., [redacted]
Rudolph, Russell R., [redacted]
Scally, Margaret A., [redacted]
Schneider, Robert F., [redacted]
Snedecor, Susan A., [redacted]
Terrell, Sharon C., [redacted]
Williams, Jerry R., [redacted]

To be second lieutenant (biomedical sciences)

Anderson, Herman B., Jr., [redacted]
Anthony, Nicholas C., [redacted]
Aycock, Arthur C., [redacted]
Baughman, Mary A., [redacted]
Benline, Terry A., [redacted]
Biegert, Eugene A., [redacted]
Carter, Fred W., III, [redacted]
Colenzo, Salvatore J., [redacted]
Ebbe, Christopher E., [redacted]
Gallagher, Frank P., III, [redacted]
Grand, Ronald S., [redacted]
Hablitzel, Thomas L., [redacted]
Harris, Joe L., [redacted]
Harris, Ronald J., [redacted]
Holley, Clarence I., [redacted]
Hutcherson, John R., [redacted]
Koistinen, Darrel W., [redacted]
Krull, Allan H., [redacted]
McCracken, James E., Jr., [redacted]
McIntyre, Thomas H., [redacted]
Moran, Jeanne R., [redacted]
Naugle, Dennis F., [redacted]
Parker, David P., [redacted]
Pearson, Timothy J., [redacted]
Raebiger, Carol A., [redacted]
Rosato, Louis W., Jr., [redacted]
Smith, John H., [redacted]
Strozier, Eugene F., [redacted]
Swede, Benjamin M., [redacted]
Vance, Dwight A., [redacted]
Wagner, Lyle N., [redacted]
Weinstock, Sue A., [redacted]
Weyers, George R., [redacted]

To be first lieutenant (medical specialist)

Stoner, Regina C., [redacted]

The following distinguished graduates of the Air Force officer training school for appointment in the regular Air Force in the grade of second lieutenant, under the provisions of section 8284, title 10, United States Code, with dates of rank to be determined by the Secretary of the Air Force.

Bentley, Peter T., [redacted]
Bock, Charles H., [redacted]
Collins, Peter, Jr., [redacted]
Cookerly, David H., [redacted]
Curley, Michael J., [redacted]
Duran, Donaghey E., [redacted]
Egnatchik, Michael R., [redacted]
Hanna, Thomas G., II, [redacted]
Odom, Larry W., [redacted]
O'Sullivan, Thomas V., Jr., [redacted]
Sullivan, James M., [redacted]
Wampole, David F., [redacted]
Wargo, Ronald P., [redacted]
Webster, Russell J., [redacted]
Wood, Steven R., [redacted]

EXTENSIONS OF REMARKS

ADDRESS BY MR. R. BUCKMINSTER FULLER

HON. GERALD R. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 14, 1970

Mr. GERALD R. FORD. Mr. Speaker, the views of Mr. R. Buckminster Fuller are usually original in approach and always stimulating. He gave a very interesting speech at the Navy League's Oceanic Maritime Symposium last February, a transcript of which has just become available. It follows:

KEYNOTE ADDRESS BY R. BUCKMINSTER FULLER AT NAVY LEAGUE OCEANIC-MARITIME SYMPOSIUM, FEBRUARY 17, 1970

Thank you very much. I always find it necessary when I am greeted so warmly, and hear myself spoken of in a way that I hardly recognize, to point out that I am confident the only reason I have ever been heard of is because I set out to deliberately be a comprehensionist, in a world that seems to be completely preoccupied with specialization. I became a comprehensionist because, by good fortune, I did go into the Navy and I did get to the Naval Academy in a special course at the time of World War I. One of the things that impressed me very much was that Alfred North Whitehead at Harvard, who had come to us from Europe pointed out that Harvard was instituting a new phase of advanced education. He said that, whereas the advanced scholar at the European University could find the authorities on various specialized subjects—and did make it their business to find them—there were no specialized schools as part of the general university. But Harvard was the first to institute completely separate specialized schools, with separate campuses, separate faculties and separate buildings in graduate schools. Whitehead pointed out that America applauded, and one school after another, first the private schools and then the public schools, copied this specialization.

America liked the idea of all-star teams and felt that the development of advanced expertise would mean that we would have great stars and that this would be very good for the commonwealth. But Whitehead brilliantly pointed out that the stars who were selected for specialization were the brightest ones and we deliberately tried to persuade them to go on to graduate schools. These individuals, particularly the scientists, were specialized, with all their energies focused on their narrow fields. In other words, they went out linearly. Though this gave them great linear acceleration, it also resulted in creating ever increasing separation, one from the other. This specialization did not permit them to integrate their work, which is what society hoped they would do. Thus, because we had deliberately sifted out the bright ones and made them specialists, and the specialists couldn't put their own work together, the task of putting things together was left to the not-as-bright, and that is pretty much the way it is in our world today. The more specialized, the more brilliant the work of the specialists, the less effective and competent seems the ability to make our total world work, since this same brilliant work requires more generalized political positions.

At any rate, at the Naval Academy I found this strategy of education being completely reversed. There, they were sorting out the bright ones and deliberately setting out to make them generalists, with capabilities in many directions. This made me think a whole lot. It was very clear, for example, that three quarters of our earth was covered with water and that the waters were outside the laws of any of the lands. The water areas of the earth were therefore occupied by whoever was able to master them, since no sovereignty could be expressed over this three quarters of the earth. There would be simply one great master, and great wealth was to be realized through such mastery by those who were simply able to dispose of the others.

As we were brought up in our history, we learned of the great empires, Ghengis Khan, The Roman Empire and Alexander. All these empires grew up when Man was thinking of the earth as a flat surface. An empire in those days was a postage stamp, a rough-edged postage stamp of civilization. Outside of it you encountered very unreliable people, wild people, and then beyond, you came to the dragons.

It was never pointed out to us in our history that the British Empire was the first spherical empire. Nor that the others were planar empires. And because they were planar empires they went to infinity. Because they went to infinity the number of variables that would be operative in an infinite system would infinite in number and if you didn't like what was going on, there was always a chance you could find one of the gods who would take care of it. People had a whole lot of hope in those days.

160 years ago Thomas Malthus, the first economist in the history of Man, was receiving the vital statistics from a closed system, from the spherical British empire. Because of the closed system, his data showed that humanity apparently is reproducing itself much more rapidly than it is producing to support itself.

Later, in Malthus' second book, printed in 1810, we found that Man seemed to be reproducing himself at a geometrical rate and producing the support only at an arithmetical rate. We have from Thomas Malthus the first closed system, seemingly scientific, statement that there was not nearly enough to go around, and man was designed to be a failure. Only relatively few can survive. Those who survived in those days were the "ins" of their time. They were the masters of what we call the British Empire, not merely the British Isles. They were masters of the world; they commanded the seas. They had the most unsinkable of the fleets.

The British took their scientists around the world to see what resources there were in this closed system. Darwin was amongst them. Darwin was able then, with other biologists, to identify what seemed to be all the living species. He found great interrelatedness among the designs of species, and Darwin developed his theory of evolution.

I want you to realize that Darwin could not have developed a theory of evolution in a planar earth that went to infinity, because he would have had to include dragons to the nth power. You can only have this kind of competent thinking when you realize you have closed systems and know what the closed system is. Thus, we have in the last century Malthus making seemingly scientifically clear that there was nowhere nearly enough to go around in this closed system, and we have Darwin explaining his theory of evolution and survival of the fittest. At this same time, those masters of the earth by virtues of their mastery of the seas were saying that they were apparently the best informed and the most powerful, and therefore the fittest.

After a century and a half of this kind of thinking in state craft, nobody yet knows just how much or how many could really be supported. Despite various alliances, the working assumption is that Armageddon is inevitable because there is not enough to go around. For the young individuals who had the muscle, it was: better get your sword while you can because if you don't claim yours while you are strong you will rot in the slums where men die at the average age of twenty-seven. Even some at the Naval Academy are still carrying a sword. This precept carried over to the mass organization of States, looking out for the Armageddon each carrying its sword or gun.

Now there have evolved some new conditions for man and strangely enough as a consequence of our own Navy. The fundamental something I find is the great difference between the ways of thinking about the sea and about the land. It is in no way understood by our world's society at large, 99.9% of man being landed. And I find that even though the Navy thinks in a characteristic way, they themselves do not realize the difference in the way they think from the way the landed man thinks.

But I would like to point out that on the land men who had found a place where they seemed to be able to prosper found themselves having to guard it. There were a great many who had not been prospering who came their way very hungry and who would give their life to displace them.

So the great strategy of survival on the land had been by fortification. You built a fortress around a well and put up strong walled granaries. When you saw people coming who were going to bother you, you took all your food inside and left nothing outside. The people arrived hungry and you who were eating well inside watched from your walls. When they were good and weak, then you went out and decimated them. That worked very well for thousands of years. On the land men thought of their security in terms of the width—the heavier the walls and the higher the walls, the bigger the grain bin—the bigger, the bigger—the more secure. And that is still the primary thinking of our fellow men.

But if you went to sea in a stone boat, it wouldn't do you any good. At sea, there is no law outside of your own. If you have two great men, with two great aspirations at sea, clearly whoever wants to run the show sends the other man to the bottom.

Granted that Archimedes discovered his beautiful principle of displacement in a bath tub; on land, men had learned about floating earlier. Two ships of the same size, displacing the same amount of water, were understood to float exactly the same amount of weight. You see your rival building a ship on the ways. He has learned from the sea, as you have, various tricks and knows this to be the right size ship for him, it is going to be a beauty. And you know what the length is, you know what the beam is, you know what the draft is, and, thus, very easily, you know all she can weigh. So, you can build one the same. But, if you know, as a result of sailing around the world, that in a place called Sitka, the spruce trees make better spars, you know that in a place like the Philippines you can get better fibers for your ropes and in Egypt, better sails, your ship need not be quite the same. When you're stalking your enemy forty miles over the curvature of the earth and you wait to make contact, and when it is really blowing and he has to take off the sails because his mast is not as strong and his ropes are not as strong as yours, he is the one who goes to the bottom. Whoever then, with the same weight, could do the most with the least was the one who stays on top. And you never knew until contact who had found the

strongest ropes. In other words, at sea everything depends on doing *more* with *less*.

Whoever had the best gear so that in the shortest time sail could be gotten on or off, whoever had most energy in the muscles on board his ship, the most adequate metabolic support, whoever could get the most out of a pound and a minute and an erg is the one who is going to prevail. That's all there was to it then. The Sea was the most extraordinary laboratory of engineering for doing more with less, and really doing more with less was such a fundamental secret of navies that this is the secret you found necessary to hide. Anybody could see the size of your ship but they didn't know what you could do with that kind of tonnage. So this is the most classified thing we had and drawings were methodically done away with as fast as you built your ship. So there is not a book, there is not a chapter, there is not a sentence in any book about economics about doing more with less.

And this is the very essence of the Navy. And then, of course, it became the essence of the air because in the air we had to do even more with less because your aircraft couldn't float. She had to be pulled through the sky at hurricane speed to give her lift. And you had to do more with less weight of engine and weight of fuel and so forth. Once in the air, the doing more with less became an even more prodigious battle.

The doing more with less that came out of Navy and air has changed our world. In this century we've gone from less than one percent of humanity to forty percent of humanity enjoying a higher standard of living than any king we knew of before the 20th century. This is despite the fact that during that time the resources per capita has been continually decreasing. The way we got to taking care of forty percent of the people was by doing more with less. And this is not in the economics books. It is not in general policy either. This is what was hidden away. That is why I want to emphasize the curve of doing more with less today while we are thinking about the seas today and what is opening up on the oceans for mankind. As we get going horizontally around our world, gravity is giving you brakes and stops you. A child learns quickly he can run and stop very fast. When he starts falling out of a tree, gravity is pulling him, there are no brakes. Man is very careful about the vertical coping with nature. With ships we have been obliged to keep this vertical constraint always in mind.

On the land, our automobiles are so ill-designed conceptually that we have killed more people with automobiles in this country than we have killed by all the warring men have done in all history. Just think of it. But the sea's threat of gravity was so great that men designed those ships very, very carefully. And man at sea has been very thoughtful of the other man at sea, the dramatics of that gravity are so great. With airplanes it is even more so. Now we really cope with it vertically in our rocketry, due to the dramatic awareness in our hearts of the power of gravity. The weight and the compactness of what you do has to be so great that we do so much with so little in that rocketry, and we do it so well, that astronauts of the various countries are almost getting into the kind of mileage we have done with air without the loss of one life. Not one life. This is how well it's been done. Just think of what we have accomplished there with so little weight and the reliability that has been established.

So I say that out of the curve of doing more with less, there is a fall-out. We had generators in the Navy for about twenty years before we had enough excess power to begin to sell it to the towns; then they just simply put it back into the candles. This old pattern of the land is simply so archaic, you can't find anybody who knows what a building weighs. I have met with architects all around the world and I say "Would you please tell me what the building we're in weighs?" Anybody? No hands. "Just roughly within a hundred thousand tons?" No tons. If you don't know what a building weighs, you certainly don't know what your performance per pound is. I just want to point out that in our land economics we are not using any of the thinking that went into the sea. And it has been entirely a fall-out of the sea that is making man a success on the land today. First electricity. We had refrigeration on our battleships twenty years before it came out on the land. We were making steel in the blast furnaces for our ships fifty years before we put a piece of steel in a building on the land. All this great change has come from the sea.

There is great promise here, and the reason I am stressing this is that it bears on how to begin to think about what we are going to do about our world, and our world is in a mess. It is a horrible mess. You find the men on the land very short sighted. People on the land think in terms of agriculture, they think of this year's crop. This year's profit. When you do something at sea, you plan. Preparing a Navy was a design-science undertaking that takes at least twenty-five years; a generation. And there's not a single thing in the Navy you pick off a tree. It all had to be designed. The most extraordinary, comprehensive, anticipatory design.

And now a word on our astronomy. I find our society today talks about predictions as if it were something very new. But the astronomers have been able for a long time to be able to tell just what each one star is going to be doing for many thousands of years. That's why you can have a planetarium. Our universe is fantastically reliable—both macrocosmically and microcosmically. But here is little man on our little planet. The way air travel and air navigation is conducted it doesn't matter whether it is an Ethiopian flying it or an Indian. The power structure goes out the window once you are in the sky. The reliability is just magnificent. The integrity of navigation is absolutely transcendental to the sovereignty of nations. When we land the ground control takes over. There is a little preference given to the airlines over the private plane here. When you go through the customs gate, then all hell breaks loose.

Throughout the universe, the only part that is unreliable is here at the surface of our earth. Man is behaving very badly in his great ignorance. He thinks with the short sightedness of agricultural undertakings when to do anything really important you have to think at least twenty-five years ahead. Our governments come in for four years and so forth. Nobody has the authority to think really in a very big way, except in terms of the defense—outside the country. So, navies did think in big ways. They thought in enormous ways. Their thinking has been magnificent. The point we should remember on our planet earth curve is that all unexpected improvement is fallout of that competent long distance thinking.

We have gotten to the point where forty percent of humanity is being taken care of at a higher standard of living than anybody has ever known. Were it not for the preoccupation in a negative way of Russia and the United States for arming against each other, Russia's production could have affluence, truly affluence, and they would like to have it, after all their five year planning. Their fine productivity is still going into making weapons against everybody. If Russia is relieved from that, we will have more than fifty percent affluent. The majority of humanity would be affluent for the first time in the history of man. So long as ninety-nine percent were desperate, you always had a revolution. You couldn't help it. But with more than fifty percent successful, we have a very different volition. Where the majority is successful, they realize they can never be happy till everybody is taken care of and we may have a very different switch in the situation.

We are coming to that critical moment. When we go by the fifty percent point which will be somewhere in the early 70s, if we survive on the earth at all, then we will have politicians beginning to say how do we make the rest of man successful in the very shortest time. Up until now, I think we have been given a very great cushion for our ignorance on earth. I would like you to think a little bit of how ignorant we still are, because man tends to be very, very vain. But as a sailorman, you don't kid yourself. You don't pretend you know how to get through that fog if you haven't got a compass. You don't kid yourself. So I just pointed out to you that scientists had five hundred years to get themselves adjusted to the idea the world was round and they haven't done anything about it. They all still see the sun setting. And does anybody use the words "up and down?" Anybody in this room that doesn't use the words "up" and "down?" Show hands. Okay. The words "up" and "down" were invented to accommodate the concept of a flat earth going to infinity. All lines perpendicular to a flat surface only go in two directions—up and down.

We haven't adjusted at all to that new kind of a world that is a spherical world. We have known this theoretically for a long time, but we don't do anything about it in our senses, nor do we change any of our habits. We say we got on very well like this before, we are going to keep right on. If it is a flat earth, then again it goes to infinity. You have infinite room to pollute. You don't have to worry about pollution. And it has been your experience that it's so big that you always found more resources after exhausting the known ones. But as a closed system, no!

You'd think that with our moon undertaking, we might really have had kind of a breakthrough with our senses. But Conrad spoke to the people of the world about being up here on the moon and the President congratulated the astronauts on going up to the moon and getting back here down to earth. And we hear people saying, "never mind that space up there now, let's get down to earth." You should say "where's that?" "Where is down to earth?" That's our flat concept still coming through. Anybody who says you must be practical, lets get down to earth doesn't know what he's talking about. Don't listen to him, ever.

This is the mood you have to go into here talking about our resources. Man, in his great ignorance has gone on polluting thinking of all that room. With infinite space, it's all right to be short-sighted. For this year's profits, we're out to burn up all of our fossil fuel. But why worry about our great-great grandchildren. It takes a good profit to get re-elected president of the board. The Lord has allowed us to be ignorant up to now so we would have enough experience to really learn something.

By now we should have had enough experience to really learn something: To discover that our strength is not in our muscles; that our strength is in our minds; To discover the principle of leverage; To learn how to put levers one behind another around a wheel, put it under the waterfall; How to organize nature to develop work for us. Because all we mean by wealth is the ability to regenerate life on earth. I have asked many, many audiences around the world the following:

"No matter what you think what wealth is, and I am sure everybody in this room has a little different idea about what wealth is. Is there anybody in this room who will disagree with me when I say that no matter

how much you have of it, you can't alter one iota of yesterday?" I never see any hands.

You can forget about yesterday if you want to think about wealth. It has something to do with today and tomorrow. It is a capability. And all it really means is the ability to regenerate life, this is metabolics. It is the mind, the metaphysical mind, and master of the physical.

We also in our great ignorance talk about the United States as a nation. We are not a nation, we are the most cross-bred phase of humanity. We are beginning to be world man. We are a little of all humanity. There have been pools of cross-breeding world man, India and Mexico before us. And in Mexico you see every shape of face, every shape of head, and every shade of color; there's no race. We have a new world man and cross-breeding on this continent and we have a lot of opportunity now. The resources are so abundant as to allow us to be very ignorant and to make enough experiments to find by trial and error what we really have of any importance. And what we have is a mind. And we are really going to have to start using the mind now or we'll all perish very shortly.

I like to think that with our fellow men around the world we had great friendship until recently. In no time at all that friendship had deteriorated. There is a very negative atitude toward people on this continent. I don't suppose that everybody in America realizes how we've fallen out of esteem because we seem to be so shortsighted. I travel around the world and find this to be the case. Since we are shortsighted, we were very fortunate to inherit all the experience of those before us. Just remember that in China in 400 B.C. they had quaternary alloys. We inherited the information on the isolation of the chemical elements—only two of the 92 chemical elements were isolated in this country. We inherited all those kinds of capabilities. And the world has been looking to us askance, because we are very powerful and seemingly falling into the bad habits of yesterday's sovereignty. Just as the old people who had learned it wouldn't work any more were giving it up, we were seemingly stressing our great power.

I think it is very important to begin to talk more about our oceans. I see our oceans as the great teacher that taught us engineering, taught us navigation, forced us to really develop mathematics, forced us to use the capabilities of the mind. The little man on that boat feels awfully tiny on that sea. If he doesn't really use this thing, he's lost. Now consider all of humanity are passengers aboard our little space ship earth, superbly supplied, superbly designed. So superbly designed that it has been able to support humanity for four million years without even knowing it was aboard ship. That's quite a design! To be foolproof for four million years. But it's not infinitely foolproof.

So it would be very great if the message goes out from America that the world's people are shipmates who have for the moment suffered considerable setbacks simply due to the fact that we have been slow in achieving an adequate wage for humanity so humanity could enjoy universally the benefits. A seaman can think of the kind of things we can do that would be of very great importance. Society, all around the world, is doing all the right things for the wrong reasons. We have been backing up into our future. This is particularly true to the oceans. We have developed the atomic submarine in a very big way, first here and now Russia, for the wrong reasons, to be sure, but another fallout from the sea.

The submarine is a very big affair—you want to take a cargo from Buenos Aires to Europe, you couldn't change anywhere, you couldn't swap your goods and trade at sea. Two ships could not dock beside each other. They would perish. But with a submarine we get down below the turbulence and we can change cargoes at sea. We could have underwater cities anywhere around our earth. If we begin to have underwater transfer of our world resources, I think all the sovereignties would just break down. Their customs are broken.

Once you realize there are now in your hands the tools to really use the kind of mind you have as a seaman, it is time to begin to try to make the old world work. And I do travel enough around the world to tell you this. I'm sure most of you really know it, but I find myself in meeting with the Russians, with Norman Cousins committee, with the Russian Academy of Science, there is a very good will and the thinker, the intellectual, everywhere agrees as to the will of man to try to cooperate and to try to make things work. Here I think of the sea as a great safety factor, of the great design of man on earth to have still this three-quarters of the earth which was almost unapproachable by man reserved for the last chapter. Having made a mess of the earlier part, the sea is still there and great, even though we have robbed it of so many of those whales and other things.

I am going to discuss a map. As a sailor, I found it important to be able to see our earth without the distortions we get with mercator and polyconics, polar asmuthals and whatever. I found a method of transferring the data from a sphere to a plane without any visible distortion of the relative shape or the relative size of any of the parts, and without any breaks in the continental contours. The dymaxion map. This shows one world island and one world ocean without any visible distortion. If you cut it and round its edges, it makes an icosahedron. If you look at that icosahedron alongside the globe you will find no discrepancy between them. The data, the way it seems to read, reads just the way the globe does. Here some day is one world island and one world ocean, and that one world ocean is then waiting for all of us to find our final great support.

For very long, the poles have been frozen. Man has not thought tactically in terms of the north pole. Even though very spectacular things have been done, we don't think that way very much yet. While we can negotiate the pole very readily today, we have had the enmity between Russia and North America, so we don't think of it in this way. But look again at this map. One can reach ninety-five percent of humanity from anywhere in America without going near the Atlantic or Pacific. Here is one way; this is a "strip map" of our tomorrow.

It is fortunate that in a sense that our oceans will be abandoned. We have already seen passenger ships decline very, very suddenly. And what will be the significance of a Port of New York or of San Francisco in terms of a north-south air axis. There are great investments in a place like New York and San Francisco and they will fight very hard to try to keep traffic coming their way. But it is not in the new traffic pattern; they are side shows. People will get to New York to see the theater but not on their way to Europe. We will learn to accept this new orientation and to see the ocean as a great garden around that one world island.

Coloring is an important dimension of a map. Coloring on my map is the weather. We typically have weather reported to us in its extremes—the highs and the lows, the wetness or dryness or coldness or hotness. But you find the real difference between, one place and another, however, for instance is how cold does it get, not how hot does it get. The cold pole of the northern hemisphere gets as warm in mid-summer at noontime as does equatorial Africa. But equatorial Africa never gets as cold as it does in Northern Siberia. Hot is very universal. Cold is unique and the colder it gets the more annual variation you have, the more kinds of environment you have to adjust to.

So if you are born in Africa near Lake Victoria, you'll invent a boat to cross it. But if you were born in more northern latitudes, in the summer you invent a boat and in the winter you invent sleds and ice skates. Invention is precipitated by the confrontations man has. The central Arctic bullseye, in which is the temperature control, the climate control, of the northern hemisphere affects almost all of humanity. Australia, South America and the bottom of Africa are exempt. All the rest is in the Northern Hemisphere. If I put color dots on the map as the colors of men's skins around the world, you will find they correspond exactly to the weather. The colder it gets, the whiter they get, the hotter it gets, the blacker they get. If you have to hibernate and you have to inbreed as people did for thousands of years under those special conditions, you get bleached out. They also need hair to cover them when they have to take off their clothes, and they're out in the sun. And just look at the African, look at his hands and the bottoms of feet. They're white. And there's no race.

We have men who have been inbreeding for long periods, isolated from one another, getting very special characteristics. And your sailor man kept going around the world, cross-breeding with all of them and he's a kind of swarthy inbetween.

I've spent a long time belaboring these points. I do find it a practical matter with the kind of competence we have today to consider floating cities that are not going with the waves. The waves are simply going through them. A very practical matter. It would be very easy to go down below the turbulence and have submarine cities. Also very easy within protected waters to have floating cities. And we probably will do a lot of that. Cities have been designed completely anarchistically. We have all our urban troubles—and people don't even know what the buildings weigh. Everybody does things independently.

When you design a ship, one man designs it. She's organic. And when she becomes obsolete you melt her up and make a much better one. But we don't have this kind of logic on the land. And that kind of logic is going to have to prevail in the land. I like the kind of thinking that we do as sailors, and as cross-breeding world man. As we talk to our fellow man and the word gets around the way we are thinking, we are not thinking in yesterday's ignorant way. No longer do we believe it's got to be you or me. We have discovered in our kind of technology it is very practical to consider all of us. We are going to all have to survive or none. And the kind of technology and the kind of attitude out of which that will come is the kind of attitude which has come out of the sailor man.

OBSERVANCE OF RUMANIAN INDEPENDENCE

HON. FRANK T. BOW

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 14, 1970

Mr. BOW. Mr. Speaker, Rumanians throughout the free world celebrated this week the achievement of Rumanian independence on May 10, 1866.

Unfortunately, no such celebration could be conducted in Rumania where the regime has tried unsuccessfully to eradicate memories of the days when Rumanians were truly independent and the masters of their own destiny.

Americans of every background should join in observance of this occasion, and in contemplation of the chain of events that led to the loss of Rumanian freedom following the Second World War.

The tremendous reception given President Nixon by the people of Rumania during his visit there is evidence of the strong bonds of affection that unite our two peoples. It was evidence also of the hope that Rumania may once again be free of Communist imperialism. I share that hope and I trust that the knowledge of our sympathy and moral support gives strength to the people of Rumania.

CAMBODIA WEAKENS U.S. HAND AS SOVIET GAINS IN NEAR EAST

HON. SAMUEL N. FRIEDEL

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 14, 1970

Mr. FRIEDEL. Mr. Speaker, last week I spoke out several times against the President's intervention in Cambodia, reflecting my concerns and those of my constituents over a further expansion of the war in Indochina. At that time, I pointed out the dangers of a burgeoning conflict in that area and the impact we are feeling now at home.

The world spotlight, however, can swing too far in one direction. While the Nation struggles with domestic outcry and dissent over Cambodia, we neglect the ominous developments in the Middle East. Israel fights on almost all her borders. Soviet pilots have joined the air forces of Egypt. While we look elsewhere, the Russian fox entrenches himself in the Middle East.

Mr. Speaker, there is a very real distinction between American involvement in Indochina and our time-honored commitments to the State of Israel. In the first instance, I believe that the United States has mistakenly supported countries and regimes that are unstable or just beginning to develop. In the second, in the Middle East, this country has preserved its friendship with a duly constituted democratic society in Israel since its very foundation in 1948.

Our priorities are very clear, but we have developed a blind side to the dangers that face Israel. The situation worsens by the day in the Middle East, but we remain caught up in the frustrations and anger of Southeast Asia. We must look to our friends.

Mr. Speaker, an excellent column along this line of thought appeared in the Washington Post this morning. I wish at this time to cite the article by Joseph Kraft entitled "Cambodia Weakens U.S. Hand as the Soviets Gain in the Near East" and have it included at this point in the RECORD:

CAMBODIA WEAKENS U.S. HAND AS SOVIET GAINS IN NEAR EAST

(By Joseph Kraft)

The quaint conceit that President Nixon's Cambodian plunge strengthens this country's global stance encounters reality in the Near East. And the result of the meeting is dismal.

For the Russians are blandly deepening their penetration of Egypt in ways that cause Colonel Nasser to flex his muscles anew. But the United States faces this challenge from a position of weakness unmatched since the Moscow-Cairo axis started abuilding 15 years ago.

The basic facts are well known. In the past few months the Russians have become the mainstay of Egyptian air defense. They have set up new surface-to-air missiles—the SA-3—around Cairo and Alexandria. They have supplied crews to man these weapons.

In addition, Soviet pilots are flying Mig 21 jets on operational, as distinct from training, missions. While the exact nature of these missions is in some doubt, the Soviet pilots are rising whenever Israeli pilots penetrate Egyptian territory beyond the Suez Canal zone. In effect, the Russians are protecting Egypt's hinterland.

Thus protected, Colonel Nasser, after the usual fashion of the gambler, has had a sudden access of confidence and courage. He has stepped up the attrition raids that take such a heavy toll of Israeli manpower. "We've been here for seven thousand years, and we'll be here seven thousand more," he boasted to one recent visitor.

The Israelis have so far been cautious in response. They have not flown sorties in the area now patrolled by Soviet pilots. Defense Minister Moshe Dayan has expressed interest in getting a cease-fire. But this restrained attitude will be maintained only if there is some indication that Israel does not stand alone—that she has American support.

As to Washington, nobody here doubts that the latest Soviet move represents a challenge and a potential threat to the peace. Nobody doubts that Israel will once more act alone if some kind of American help is not forthcoming. Nobody doubts that if Washington sits on its hands there will be some further Soviet move to penetrate Egypt—perhaps the stationing of the SA-3 missiles and their Russian crews in the Canal Zone within easy range of Israeli guns.

But with all these dangers implicit in inaction, Washington has been looking the other way, dodging conclusions, playing for time. Thus a massive intelligence analysis is under way to determine exactly the nature of the new mission assigned to Soviet pilots in Egypt. Moscow was asked by Ambassador Jacob Beame—who doesn't exactly have the clout to make strong demands—for an explanation of the new assignment for the Soviet pilots. When the first explanation was found to be too vague, he was sent back for more.

In the long run, everybody concedes that the President will be obliged to take some action. The best guess is that Israel will be offered more planes and credits, and perhaps a closer working arrangement in defense. But this will be done quietly and with little public stir—slipped over the transom, as it were.

What this means is that the American response in the Near East will be a weak response—slow in coming and almost invisible. No doubt there are good reasons for this weakness.

Delay is necessary because the Nixon administration has been too obsessed with Cambodia to think about anything else. The Congress and much of the country have been so upset by Cambodia that any blaring forth of new undertakings would excite a hostile reaction. But that only says that the weak response in the Near East is rooted in conditions created by the Cambodian strike.

One weak response, to be sure doesn't mean the end of the world. But it shows that the claim about Cambodia strengthening the American hand around the world is contemptible. It is, in fact, only slightly less contemptible than the suggestion that the blame for this country's weakened condition should fall on those who protested, rather than those who undertook, the wholly unnecessary move in Cambodia.

THE NEED FOR HANDGUN CONTROL

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 14, 1970

Mr. MIKVA. Mr. Speaker, I include in the RECORD an article from the April 23, 1970, edition of the Wall Street Journal, by Mr. Alan L. Otten, entitled "Poor Protection." The article concisely summarizes the case that I have already made before this body for comprehensive legislation to put a stop to the senseless proliferation of handguns in our increasingly violence-prone society.

Not only is the handgun the all-time favorite American murder weapon, accounting for two of every three homicides, but it has become the key element in nearly one-third of all robberies. In the latter case the easy availability of second-hand pistols and revolvers virtually insures the professional thief, narcotics addict, or rapist the instant courage he requires. Even those law-abiding citizens who seek assurance of self-protection through the gun in the bureau drawer are tragically mistaken. Statistics show that the most probable victim will be another family member, not the would-be thief, who naturally prefers to work in an empty house or apartment, or relies on the element of surprise.

The legislation I have introduced in this regard, H.R. 16250, would go far to curb the dangerous boom in the production and sale of handguns, which can scarcely be justified for sporting purposes. I pray that we will not need further proof in the form of a rising toll of injuries and deaths, or the spectacular assassination of some public figure, to move the Congress to establish realistic nationwide control over access to handguns. The article follows:

[From the Wall Street Journal, Apr. 23, 1970]

POLITICS AND PEOPLE: POOR PROTECTION

(By Alan L. Otten)

WASHINGTON.—One of the capital's favorite phrases, often abused, is the one about "an idea whose time has come." Over the years, the time apparently came for such diverse notions as civil rights and nuclear test bans, Medicare and clean air, and scores more.

Somehow, the time has never seem to come for one particular idea: Tough Federal controls over guns, especially handguns. Yet the arguments for few proposals are as solidly convincing as are those for tight restraints on handguns. And to underscore the paradox, the most compelling argument may be the deep danger handguns pose to the very people who buy them for self-protection.

A national gun control law was enacted in 1968, after the assassinations of Martin Luther King and Robert Kennedy, but it is narrow and hole-filled. It forbids mail-order and interstate gun shipments to individuals, the importation of cheap foreign guns, gun ownership by the criminally convicted. Basically, though, it leaves to the states and cities such matters as store sales and private transfers of second-hand guns.

Only a few local governments have made any serious gun control efforts, and these have been frustrated by the ease of buying guns in neighboring jurisdictions with weak laws or none at all. Legally or illegally, just about anyone who wants a gun can still manage to get one.

Proposals to control rifles and shotguns are at least debatable; they are used widely for hunting and sports, comparatively rarely in crime. But pistols, revolvers and other handguns have little sporting purpose, and are overwhelmingly the favored weapon for violent crime and violent death.

Two of every three homicides are committed with firearms, practically always handguns; since 1963, the number of gun killings has risen 48%, while the number of homicides with other weapons has increased 10%. Handguns are by far the favored weapons for political assassinations, for killing police. Nearly one of every four aggravated assaults and one of every three robberies now employ guns, practically always handguns, and here, too, the percentage rises year after year.

The reason for this increasing resort to handguns is simply that there are more of them around. Once a standard item of clothing in the Old West, "the great equalizer" gradually became less widely owned. It began to become more common again after World War II, when thousands of GIs brought home captured pistols as souvenirs, and postwar movies and TV made a hero of the man with the gun—the cowboy, sheriff, soldier, spy, even the debonair crook.

But the really big handgun boom has been in the last few years. Between 1962 and 1968, while the annual sale of long guns was doubling, the annual sale of handguns quadrupled. By 1968, there were an estimated 24 million handguns in civilian hands, with another 2.5 million being manufactured or imported each year.

And the reason for the spread of handguns is also obvious: Fear. The man on the street fears for his own safety in the midst of soaring crime and urban rioting. Store owners and other businessmen arm to deter holdups. Families arm to guard themselves and their possessions from the robber, the rapist, the rioter.

These frightened gun buyers now provide a swelling lobby against gun controls, reinforcing the hunters and right-to-bear-arms champions who fear that tight handgun curbs would merely be the entering wedge for curbs on all guns. They argue self-righteously and strenuously that "the criminal will always manage to get a gun, so why shouldn't we have them for our own protection?"

Two things are wrong with this argument, however. First, the criminal won't always manage to get a gun. Experience in the few places that have tough gun laws here and abroad strongly suggests that they may keep many a person from crime, or at least turn him to less deadly weapons. In England and Wales, where there are tough gun controls, only 6% of robberies were carried out with guns in 1967, compared to 37% in the U.S.

The other thing wrong with the "let-us-have-guns" argument is that most guns are no protection at all. The home a burglar enters is usually empty or asleep; the burglar, a recent Federal study notes, "is more likely to steal the home-defense firearm than be driven off by it." Most robberies (robberies involve personal contact, whereas burglaries don't) occur away from home; since the gun-owner rarely carries the gun with him, it's not much protection there. Home robbers usually manage to take the resident by surprise, depriving him of any chance to use his gun. "The burglar avoids confrontation, the robber confronts too swiftly," the Federal study declares.

The gun in the bureau drawer is far less likely to protect the owner than to endanger him and his family. The husband riddles the two-timing wife. The mixed-up kid evens the score with the too-tough parent. The drinking buddies' argument comes to a violent conclusion. The gun goes off accidentally while Dad is cleaning it, or while Sonny is showing it off to his schoolmate. Fully half of all gun killings occur within the family, 80% among family or friends.

Maintains the National Commission on the Causes and Prevention of Violence, headed by Milton Eisenhower: "The armed segment of our population is paying a heavy price in accidents and in the shooting of family members, friends, and acquaintenances for whatever deterrent effect possession of self-defense firearms may be providing."

The Eisenhower Commission is merely the latest in a procession of Presidential and other prestigious study groups recommending tightly restrictive licensing that denies handguns to all but police and other security personnel and perhaps store owners in high crime areas. The Commission also recommended, as others before it, a crash program to develop a nonlethal weapon—one that would instantly incapacitate an attacker for 30 minutes or so while police were summoned, but would not kill or maim.

With such a weapon to rely on, average citizens might gradually swing behind tight gun curbs. Until then, however, new gun control moves will be fiercely fought by frightened men and women who believe that by arming, they add to their own safety.

"The time has come to bring the handgun under reasonable control," Mr. Eisenhower's commissioner conclude. It would be nice to think they're right, but all signs are to the contrary. Gun control is one idea whose time seems to keep slipping further into the future.

PAUL R. HANDLERY DAY

HON. GEORGE P. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 14, 1970

Mr. MILLER of California. Mr. Speaker, Mr. Paul R. Handlery, president of the Handlery Hotels and prominent civic leader, has been selected as recipient of the 1970 honor award given by the San Francisco Friends of the National Jewish Hospital and Research Center. This recognition is given for his outstanding community service and rigorous effort in behalf of the medically indigent.

The National Jewish Hospital opened its doors on a free, nonsectarian basis in 1899. It operates under the unique motto:

None may enter who can pay . . . none can pay who enter.

The guiding philosophy of its founders and supporters is that pain knows no creed. We in California have benefited from the hospital's philosophy to the extent of 196,000 patient-days of free care for the treatment of emphysema, tuberculosis, asthma, cystic fibrosis, and other chest diseases.

Its program of treatment, research, rehabilitation, and education is dedicated to protecting mankind's birthright to breathe. Because of its contributions in the field of medicine, the World Health Organization of the United Nations has recognized the National Jewish Hospital as its world center for the study of respiratory diseases.

The resolution passed by the senate of the State of California that June 3, 1970, be observed as "Paul R. Handlery Day" in California is a highly deserved tribute to a man who has contributed so much of himself and his resources toward furthering these humanitarian efforts. I am happy to join with other Californians in honoring Mr. Paul Handlery for his unselfish devotion to such a worthy cause.

NIXON'S POSTAL PLAN FOLLOWS BRITISH LEAD

HON. MORRIS K. UDALL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 14, 1970

Mr. UDALL. Mr. Speaker, the April 24, 1970, edition of the Arizona Daily Star contained a column by Philip Wagner which compared the current situation regarding reform of the Post Office Department with the experiences over the years of the British Post Office.

In a number of respects, the recent proposals for postal reform that we are now considering follow a course that has already been taken in Britain and their goals and ours are much the same.

We can learn much from the innovations and experiences of the British in this area and I would like to insert this article, entitled "Nixon's Postal Plan Follows British Lead," for the interest of my colleagues:

NIXON'S POSTAL PLAN FOLLOWS BRITISH LEAD

(By Philip Wagner)

WASHINGTON.—The first Nixon effort to reform the postal service fell by the wayside, for two main reasons. One is that Congress has always enjoyed its domination of the Post Office Department—the power to set postal rates, determine various types of postal service (including those that are free), set wage rates and play politics with the rank and file. The other is that postal employes have enjoyed it too, being convinced that they can do better for themselves by lobbying politically than by negotiating with a business-type management.

The postal strike shook those traditional attitudes, on both sides. And in that one respect it may have been a good thing. As the administration was quick to see, it offered postal reform a second chance if the promise of a substantial wage increase were coupled with a second try at revamping the structure of the service.

When the President sent up his special message on the subject last week, most attention was focused on the proposed new 8-cent rate, on the promised raise in postal pay, and on its proposal for collective bargaining with binding arbitration. But the real guts of the message is the plan to abolish the politics-saturated Post Office Department, recognize the postal service for the commercial operation it really is, and give it the autonomy it must have if it is ever to become a self-supporting and accountable operation.

True, it would still not have the legal form of a public corporation. But it would go a long step in that direction. It would have the independent managerial authority and flexibility (including the power to innovate and raise investment capital) which it has never had up to now.

In this respect, the new Nixon plan follows the course of postal reform in Britain, but a third of a century behind. Which is appropriate in a way, because the British have always been the postal innovators.

It was the British who dreamed up the notion of flat-rate postage for letters to and from any part of the country. It was an Englishman, Sir Rowland Hill, who invented the postage stamp—every stamp collector knows about the first postage stamp, the Penny

Black, which went into service in 1840 and so as a by-product founded philately as well.

For nearly a century after that the British Post Office was an ordinary revenue department of the government under the postmaster general. As an organization subject to the whims of politics it suffered the same kinds of disability as our own political postal service until finally, in the early Thirties, the British had the good sense to admit that the Post Office was basically a commercial operation gave it a degree of financial freedom.

After some twenty years of this, Parliament went further and gave it sufficient authority to balance its income and outgo; and in 1961 it was actually cast loose from the Exchequer, which is to say the Treasury. But it was still a government department, with a political postmaster general, a minister, and close dependence on Parliament.

Finally last fall, and with a minimum of fuss, it was cast loose completely from politics. It became a public corporation, fully accountable for its operations, with a nonpolitical board of directors and a chief executive, under a minister with little more than liaison powers between the corporation and the government. It does not depend on appropriations but must pay its way and make a profit as well. It may set rates, negotiate wages, borrow for capital purposes and even manufacture equipment.

There is one big difference between the British and the American situation. The British embraces more. It not only operates the mails but operates "telecommunications," which is to say the telephone and telegraph system, and it is involved in several other operations as well, notably data processing (for hire) and the GIRO money transfer system. These are basically different from letter carrying, being "capital intensive,' whereas letter carrying with its big corps of postmen, postmasters, sub-postmasters and so on is "labor intensive." There is much more chance for technological improvements in the one set of operations than in the other. Hence they are separately administered, and their financial goals are different too. The telephone system is expected to earn an 8½ per cent profit on assets, but letter carrying has the more modest goal of 2 per cent annually on expenditures.

Nevertheless, the new autonomous structure does give the post service an opportunity to move as rapidly as managerial and technical improvements can be devised toward a more efficient and less labor-intensive service—something that has never been possible under the politically dependent and basically irresponsible management of the American system. Assuming that Congress goes along with the President's new set of proposals, we can learn much from the British experience.

ASIAN SPECIALISTS CONDEMN THE INDOCHINA WAR

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 14, 1970

Mr. FRASER. Mr. Speaker, I was impressed by the statement just released by a few of the Nation's outstanding authorities on Asia. These scholars who have studied the people and the history and the politics of this area for years are deeply aware of the tragic mistake President Nixon is making in that area.

WASHINGTON, D.C.

As specialists on East and Southeast Asia, we are appalled at the statement released Tuesday by twelve professors from George Washington University and other Washington area institutions declaring full support for President Nixon's recent actions in Indochina.

In Wednesday's *Washington Post*, Professor Charles Moser, a professor of Slavic languages, is quoted as saying that the President's decision to move into Cambodia was "an extremely reasonable one, and deserves the support of reasonable men."

We disagree completely. We believe that the so-called temporary military action in Cambodia can only escalate the scope of the conflict, render less probably any negotiated settlement, make almost impossible efforts at political accommodation inside South Vietnam, and generally promote around the world an image of official American recklessness and irresponsibility.

We call upon all academic area specialists to declare their support for the Hatfield-McGovern Amendment cutting off military appropriations for the Cambodian intervention in thirty days, the war in Laos at the end of 1970, and in Vietnam by no later than June 30, 1971.

George Kahin, Professor of Government, Cornell University, Daniel Lev, Professor of Political Science, University of California, Berkeley, David Marr, Professor of Asian Studies, Cornell University, William Liddle, Professor of Political Science, Ohio State University. Truong Buu Lam, Professor of History, State University of New York, Stoneybrook. James Scott, Professor of History, University of Wisconsin, Herbert Phillips, Professor of Anthropology, University of California, Berkeley, Benedict Anderson, Professor of Government, Cornell University, Donald Voth, Professor of Sociology, Southern Illinois University.

ISRAEL

HON. EMILIO Q. DADDARIO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 14, 1970

Mr. DADDARIO. Mr. Speaker, on May 15 the State of Israel will celebrate the 22d anniversary of its independence.

Since that community of people has joined the larger community of free men, they have displayed a spirit and a courage that has made possible the preservation of a culture and fulfillment of the dreams of millions.

This Nation, and Israel's friends all over the world, can be proud to have supported that nation from its inception. But we must be continually alert to the present dangers, and their implications, and insure continued assistance to her.

The first 22 years have seen the tiny country move from an underdeveloped desert to a flourishing nation. Marked by such progress, Israel has set an example for all.

But these early years have also been marked by deep and serious challenges. At times that nation has been subject to a state of siege. Presently, the tension in the Mideast has risen to the point where all international order is jeopardized. Our response to this situation should continue to be a policy enlightened by the commitments of this Nation to those people. By continuing to extend support to this embattered nation we will insure her the right to exist; and the bond of affection between us will continue to grow.

So on celebrating this 22d anniversary, I wish her a future of prosperity and I hope that this spirit of independence and cause of freedom continues to be championed by the American people.

U.S. MOVE TO CLOSE LAKES LAB COULD CRIPPLE ANTIPOLLUTION EFFORTS

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 14, 1970

Mr. DULSKI. Mr. Speaker, at a time when there is wide concern, finally, about the increasing damage to our environment by pollution in particular, it is distressing to see the Federal Government closing down key antipollution installations.

Yet, such is the case on the Great Lakes where the Department of Interior is literally gutting the work of the Bureau of Commercial Fisheries, which has been performing an outstanding service on the Great Lakes for some years through its several laboratories and research facilities.

This is the same Bureau whose laboratory developed the vital techniques for controlling the sea lamphrey and the alewife which have done appalling damage in the lakes.

The Government has been giving liberal lipservice to its antipollution efforts, but the closedown of the Bureau's work on the lakes is an inexcusable step in the opposite direction.

It is a rebuff to the Congress which appropriated funds for biological studies of the pesticide pollution problem, only to have the funds frozen by the administration's austerity program. Other funds have been rechanneled to ocean research.

Despite the obvious pollution crisis in the Great Lakes and the repeated bemoaning of the problem at many levels of Government, the cold fact is that the concern for the Great Lakes pollution problem retains a low priority in domestic considerations of this administration.

The background of the work of the Great Lakes laboratories is well detailed in an article published in the Michigan Journalist of the University of Michigan and reprinted in the May 6 edition of the Buffalo, N.Y., Evening News, as follows:

U.S. MOVE TO CLOSE LAKES LAB COULD CRIPPLE ANTIPOLLUTION EFFORTS

ANN ARBOR, MICH., May 6.—With increasing concern for the natural environment reflected in public opinion and political rhetoric, it seems inconceivable that the foremost laboratory studying the environmental and fishery problems of the Great Lakes—a lab which developed techniques for reducing the specter of the sea lamprey and the alewife—is about to be sacked.

Yet, if the Bureau of Commercial Fisheries continues its present budgetary and bureaucratic reshuffling, Great Lakes research will at best receive a crippling blow.

The Great Lakes are the world's largest and most valuable freshwater source. Once

their waters welcomed drinking, swimming, commercial and sport fishing, and aesthetic admiration. Man cannot survive without fresh-water. The Great Lakes are dying examples of man's ignorance and knowing abuse of this fact.

DEAD FISH ON BEACHES

Lake Erie is a vast, silent sewer. Atlantic salmon, lake trout, whitefish, blue pike, and yellow perch, useful species which once comprised 85 per cent of the total fish taken in these lakes, now comprise less than 5 per cent and some species have been wiped out. Carp and sucker, low-value "trash" fish, now abound. Alewife dieoffs periodically supply our beaches with millions of pounds of stinking, poisonous meat.

The sea lamprey, after twenty years of parasitic ravaging of native Great Lakes fish, now threatens the recent coho salmon programs in Lakes Huron and Ontario. And, in the spring of 1969, the federal Food & Drug Administration seized 34,000 pounds of commercial Great Lakes salmon, declaring that its high pesticide content was dangerous to human health.

In the midst of this ecological nightmare, the Bureau of Commercial Fisheries (BCF) is preparing to break up the most effective, expert scientific force ever to focus on the problems of the Great Lakes.

TO PHASE OUT PROGRAMS

The activities of the BCF, an agency of the U.S. Department of the Interior, in the Great Lakes region are essential to sound, ecological management of these tremendous bodies of fresh water.

The BCF supports the Great Lakes Fishery Laboratory and the Exploratory Fishing and Gear Research facility in Ann Arbor; four research ships on the Great Lakes field stations on Lake Erie, Huron, Michigan and Superior; and an impressive collection of scientific equipment.

In February, however, the BCF initiated action to phase out all of its operations concerned with the Great Lakes. Before July 1, 1970, the budget for Great Lakes' work had to be cut by $400,000—nearly a third. Ernest D. Premetz, the BCF's deputy regional director for the Great Lakes, said that dismissal notices have been sent to 19 of the 82 people on the research staff. Nine of those receiving notices are professional biologists.

REDUCTIONS ARE MADE

As of July 1, 1970, the regional BCF office in Ann Arbor will be closed; the Great Lakes Fishery Lab will drop from the budget of $1.2 million to $376,000; the Exploratory Fishery & Gear Research facility will be all but gutted (one man, $15,000 budget); all other functions, such as the technology lab in Ann Arbor, will be reassigned to other areas within a year.

William M. Terry, BCF's acting deputy director, said that its Great Lakes research program could not escape reductions. President Nixon's budget for next year, Mr. Terry pointed out, has reduced the agency's budget from $52 million to $45 million.

A BCF budget document stated that $1.5 million of this $7 million cut in agency funds will be absorbed by "low-priority biological research programs not critical to programs planned for major emphasis."

LAB CUT TO $350,000

Since commercial fishing on the Great Lakes has been in steady decline, the BCF intends to transfer its responsibilities in the Great Lakes area to the Bureau of Sports Fisheries & Wildlife (BSFW). The BCF can then concentrate entirely on oceanic research. On the surface, this transfer doesn't appear significant.

But the BSFW will have only $350,000 to run what has been a million dollar operation. The Great Lakes Fishery Laboratory will receive only $20,000, a fraction of its previous funds.

In effect, the BSFW will take charge of empty buildings, unmanned equipment, and complicated research projects that have been abandoned midway.

The money Congress has already authorized to the BCF for Great Lakes research is being rechanneled to oceanic research. It is extremely unlikely that the Appropriations Committee will duplicate these funds for the Great Lakes work of the BSFW.

LACKS RESEARCH APPROACH

One Ann Arbor biologist argues that even if the BSFW received a budgetary boost, which is doubtful, the agency doesn't have the necessary research approach.

The traditional research philosophy of the BSFW, he said, has been aimed at sport fisheries only and has tended to focus on immediate problems. The present Great Lakes team of the BCF is concerned with the lakes as a total environment. The BCF team recognizes the lakes as ecosystems.

This basic ecological outlook stresses the inseparable interrelations and interactions, between the living organisms of the lakes and their non-living environment. By studying individual fish as well as fish populations, then the BCF team can often identify subtle but important changes within the lakes themselves. The fish serve as indicators.

The total team approach that has been nurtured by the scientists at the Great Lakes Fishery Laboratory and other BCF facilities around the lakes has enabled them to warn of impending dangers.

TO CUT BUDGET $244,000

These scientists alerted the public to the sea lamprey threat in the 1930's, the alewife threat in the early 1950s, the pollution threat in Lake Erie in the late 1950s.

Dr. G. Y. Harry, director of the Great Lakes Fishery Lab in Ann Arbor, said that the lab must cut its budget by $244,000 before July 1, 1970. To comply with the cut, eleven lab employes will be released by May 30.

The history of the Great Lakes Research Lab illustrates the tragic crisis found so often in resource management. Over 30 million pounds of lake herring were taken from Lake Erie in 1924. Two years later, only three million pounds were taken, not nearly enough to sustain the industry. Lake herring were rapidly disappearing from the lake. With the downfall of commercial herring fishing serving as a warning, the federal government recognized Great Lakes Fishery Investigation as a legitimate budgetary item.

The depression of 1933 decimated the budding research movement until about 1947.

LAMPREY FUND BOOSTED

Another crisis was required to rejuvenate interest in the Great Lakes. During the 1940s, the sea lamprey invaded the upper Great Lakes through the Welland Canal.

The lamprey went wild in its new favorable environment and quickly destroyed the populations of lake trout in Lakes Huron and Michigan. Other species were seriously affected by this snake-like parasite The process was repeating itself in Lake Superior when controls developed by the research lab began to be effective.

In 1950, Great Lakes Fishery Investigations funds jumped from $32,000 to $287,000—thanks to the lamprey.

The Great Lakes Fishery Investigation team, which operated from totally inadequate facilities, developed a method of electric shock for handling lamprey, and later a very specific poison in lamprey control.

Finally, in 1963, Congress supplied $1.5 million to construct a federal Great Lakes Fishery Laboratory on the campus of the University of Michigan. By September 1965, Great Lakes scientists had a functional and complete research unit.

Soon after moving into the new lab, the biologists became concerned about pesticide contamination in Great Lakes fish. In 1965 they began a program to monitor pesticide content in fish.

The program was hardly substantial, but, as Dr. Harry put it, "almost all the information you read about concerning pesticides in the Great Lakes has come from the Great Lakes Fishery Lab."

$176,000 VOTED FOR LAB

As anxiety increased over pesticides in the lakes, Congress appropriated an additional $125,000 for biological studies of the problem by the lab. Now this money is being withheld as part of the federal austerity program. The Food & Drug Administration is also withholding Great Lakes salmon from the commercial market because their DDT content is too high.

During the summer of 1967 millions of pounds of alewives clogged the intake waters of industrial plants along the southern part of Lake Michigan and destroyed the recreational value of its beaches. This little fish was an intruder into the Great Lakes from the Atlantic Ocean.

With the destruction of large predator fish by sea lampreys, the alewife was able to realize its great potential for population growth. It was first reported in Lake Michigan in 1949. By the time of the great dieoff of 1967 about one-half of the total weight of all fish in Michigan consisted of alewives.

The massive alewife kill of 1967 convinced Congress that an alewife problem existed. In 1969, Congress saw fit to appropriate $176,000 to the Great Lakes Fishery laboratory to monitor adequately the abundance of alewives and to determine the factors which caused the dieoff.

Dr. Harry indicated that the lab is just now getting its alewife study of the ground. The recent actions of the BCF guarantee that the lab's alewife program will never become airborne.

THEIR JOBS ON THE LINE

U.S. Rep. Mervin Esch of Ann Arbor is trying to save the BCF's research activities involved with the Great Lakes. His protests alone, understandably tempered by his membership in the Republican party, have not been enough and will not be enough to stop the elimination of these indispensable scientific services.

"Surely this administration does not intend to drain the vitality of the country's only major freshwater research facility," Rep. Esch has said.

As budgetary casualties, the Great Lakes will be here to remind all of us in this region just where the present priorities lie. The flight to alter this ranking will be exceedingly difficult because, as one BCF official who disagrees with the move has said, "Many of the scientists fighting this thing are fighting with their jobs on the line."

MARYLAND COPTER PILOT DIES IN VIETNAM

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 14, 1970

Mr. LONG of Maryland. Mr. Speaker, CWO Robert W. Gardner, a fine young man from Maryland, was killed recently in Vietnam. I would like to commend his courage and honor his memory by including the following article in the RECORD.

COPTER PILOT DIES IN AIR CRASH IN VIETNAM

CWO Robert W. Gardner, 22, of Wheaton, was killed when his helicopter was shot down April 27.

"He said he was over so that the kids with long hair could have the freedom to demonstrate here," Donald M. Gardner said yesterday about his son.

"He was home on a 30-day leave earlier this month and there were demonstrations, and I remember him saying that's what he was fighting for—freedom," his father said.

The chief warrant officer had already had two helicopters "shot from under him" and expressed foreboding about his return to Vietnam April 18, his father said.

It was not immediately known to Mr. Gardner where his son's helicopter crashed. All four members of the crew were killed.

Mr. Gardner had been in Vietnam since February, 1969, and was serving an extra six month hitch there when he was killed.

He was a member of the 3d Platoon, of the 281st Assault Helicopter Company, stationed in NhaTrang in the Central Coast region. His unit supplied Special Forces camps.

HOT ROD FAN

Born in Washington, he grew up in Wheaton, where he graduated from Wheaton High School in 1965. He attended Montgomery County Community College and the University of Maryland before joining the Army in 1967.

A hot-rod enthusiast, Mr. Gardner owned a dragster, which he named "Honest Injun." He was a familiar figure at local drag races and in 1967 he raced in the Hot Rod International in Pomona, Calif.

Besides his father and mother, he is survived by three brothers, Ronald Gardner, of Kansas City, Mo., and Steven and Paul Gardner, both at home.

LETTER FROM INDOCHINA

HON. MICHAEL J. HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 14, 1970

Mr. HARRINGTON. Mr. Speaker, the steadily worsening situation in Southeast Asia and particularly the introduction of American ground combat troops into Cambodia are both alarming and repugnant. Our invasion of Cambodia can only serve to get us more deeply involved in an unending, enervating, and immoral conflict unless we act now to take back our constitutional prerogatives and to prohibit further involvement in Southeast Asia. In this regard, I would like to bring to my colleague's attention an article by Robert Shaplen entitled "Letter from Indochina" which appeared in the May 9, 1970, issue of the New Yorker magazine.

The article traces the events surrounding the widening conflict which is now being referred to not as American involvement in Vietnam, or the Vietnam war, but a situation so broad that it is termed the Indochina war. It is the thesis of this article that the United States is not moving toward disengagement. Rather, the present Cambodian action sets the stage—indeed necessitates—further attacks of this nature. I share Mr. Shaplen's fears.

The article recounts the abysmal failure of the Nixon administration in attempting to win a war that is subject only to political settlement.

Mr. Shaplen states:

The prospects for peace are . . . gloomier than ever. And what is happening in Saigon today, on the government side, scarcely improves the outlook. The rebellious attitude of South Vietnamese students and war veterans, and the friction between President Nguyen Van Thieu and the National Assembly, which has worsened the already bad economic crisis, threaten to cancel the gains that have been made in the country over the past year.

Mr. Shaplen concludes that the present problems in Saigon can only aggravate the problems surrounding an American withdrawal and more importantly will create a broader war that will further intensify the painful disillusionment of the American people in their Government. This is the real cost of the present action—the alienation of more and more Americans from their system of government. We cannot afford to fight a war abroad which is destroying us at home.

The full text of the article follows:

LETTER FROM INDOCHINA

(By Robert Shaplen)

SAIGON, May 2.—In the entire Indo-China area during the last two months, the Communists of Peking and Hanoi have been given, and have employed to their advantage, a whole new set of options and opportunities, which, it seems, President Nixon's use of American strength in Cambodia will do little to alter. The events that have, so far, worked against us began with the overthrow of Prince Norodom Sihanouk of Cambodia by pro-Western generals and politicians, then continued with this group's almost immediate errors of judgment and action—particularly its brutal actions against Cambodia's Vietnamese minority and its overeagerness to join battle with much stronger and more experienced Communist forces—and included renewed heavy Communist pressure in Laos and a serious deteriorating political and economic situation in South Vietnam. In that country, although our stated policy of Vietnamization was reaffirmed when the President announced, on April 20th, the withdrawal—against the advice, not surprisingly, of his generals—of another hundred and fifty thousand men in the next year, the "low profile" our policymakers have sought to maintain had been elevated considerably even before the President's speech on Cambodia by our shipment of arms to Phnom Penh and by our troops' increasing involvement in operations around the Cambodian border. When conditions are as volatile as they now are, it is difficult, if not impossible, to be guided by something as vague as the doctrine enunciated by the President on Guam last July, emphasizing our intention of limiting our involvement and depending on Asian initiatives. Now, instead of Vietnamization, we are faced, in effect, with a new Indo-Chinazation, including the possibility that both Laos and Cambodia may soon be dominated or controlled by the Communists. This belatedly brings into clear focus the problem we have all along refused to face—the unrealism of fighting an isolated war in one small country in the middle of a large racially mixed area without sufficient understanding of the over-all political or military consequences.

The principal beneficiaries of recent events would appear to be the Chinese Communists. Peking is the military and political bulwark behind the emerging new Indo-China United Front Against American Imperialism, created after a meeting on April 24th and 25th somewhere in China. This hastily called "summit conference of the Indo-China peoples," apparently convened at Sihanouk's instigation, forged an alliance of the New Revolutionary Movement in Cambodia, headed by the ousted Prince, with the Hanoi regime and the already established Communist rebel governments of South Vietnam and Laos.

With their growing support of insurrectionary movements in Thailand and Malaysia, and to a lesser extent, in Burma and the Philippines, the Chinese are now in a stronger position to control the revolutionary apparatus throughout Southeast Asia than they have been at any time since 1965, when the Vietcong were stopped by American troops from winning the Vietnamese war and when the Peking-backed coup in Indonesia failed. The response so far of the non-Communist Asian states to the new crisis has been slow; Indonesia has called for a meeting at which Thailand, Japan, and about fifteen other Asian nations can discuss the matter, but that is all. While the Americans have found themselves being inexorably drawn into Cambodian operations, in which the chances for any sort of decisive military engagement will probably prove as evanescent as they have for ten years in South Vietnam, Peking and Hanoi have determined to gain as much as possible from the confused state of affairs.

There is little reason to expect them to cease doing so, particularly in Cambodia, especially in view of Hanoi's decision, indicated in enemy documents, to "re-guerrillaize" the war in South Vietnam and to prolong the conflict there until after the departure of the bulk of American forces. No one with any experience in Vietnam, including Hanoi's top experts, has minimized the difficulties of achieving this goal, but no one doubts the will of the Communists or their patience and endurance. In any event, the recently increasing number, in several South Vietnamese provinces, of young men abducted and sent to North Vietnam for training and indoctrination underlines the long-term approach that Hanoi has again adopted. Another indication of this is the vast amount of matériel that has poured down the Ho Chi Minh Trail from the North during the last several months.

Only about twenty per cent of this traffic has been interdicted by American bombing. The coup in Phnom Penh has momentarily denied the North Vietnamese access to the southern Cambodian ports of Sihanoukville, Kep, and Ream, through which most of the Chinese matériel used in the Mekong Delta of South Vietnam was previously shipped with the agreement and profitable connivance of the Sihanouk regime. However, the Communist forces in Cambodia are showing every intention of trying to regain access to those ports and supply routes. In the meantime, they are already extending the branches of the Ho Chi Minh Trail deeper into Laos; through the border area where Laos, Cambodia, and South Vietnam come together; and farther into Cambodia, as well as into the Vietnamese Highlands and the Delta.

This extension, though it will be no easy feat, will undoubtedly serve to strengthen the arguments of the American military leaders who have been against halting the bombing of the Trail in Laos—in return for which Hanoi and its local Communist supporters of the Pathet Lao have indicated their willingness to limit military operations in that country and to start political negotiations there, which would inevitably lead to stronger *Communist* representation in any new coalition government. This is bound to come eventually anyway, and some Americans have felt that a break in the Laotian situation now could produce some movement in the deadlocked peace talks in Paris, and perhaps bring to an end at least some of the fighting in Vietnam. The intense mixture of political accommodation and competition would certainly continue, accompanied by terrorism and guerrilla warfare, but the Americans would be out of it sooner rather than later. The whole series of developments

in Cambodia, Laos, and Vietnam scarcely encourages any of the recently expressed hopes for the summoning of another Geneva conference to collectively neutralize the former Indo-China states. The French have once more suggested this, and the Russians briefly put out a similar idea, then backed away from it. Even if the Americans obtain some fresh support from the Russians, who undoubtedly are unhappy about the benefits that Peking is deriving from the new situation, no new Geneva conference could conceivably get off the ground without the participation of the North Vietnamese and the Chinese.

The Cambodian coup must first be viewed in the light of the country's relations with Vietnam and the Vietnamese. The traditional enemies of the Cambodians have always been the Vietnamese, who for centuries threatened to take over the remnants of the once great Khmer Empire and would have done so by the middle of the nineteenth century had not the French moved in to colonize Indo-China. Sihanouk, a member of the Khmer royal family, after winning Cambodia's independence from France in 1953, stepped down as king to become both an active head of state and a father figure to his six million Khmer "children." He built roads and schools, but at the same time he permitted the country to slip deeper and deeper into an economic abyss. He set up a series of inefficient state-run enterprises, including everything from a gambling casino to cement factories and banks, but a large share of whatever profits there were went into the pockets of Sihanouk's friends in and around the royal palace. Politically, the bouncy Prince ran the nation with the help of a few relatives and associates, while his hand-picked Sangkum, a nationalist "movement" that convened twice a year, dominated the National Assembly. He failed to create any firm administrative lines between the palace and the Sangkum, on the one hand, and the people, on the other. Between there was a growing political gap, increasingly filled by discontented civil servants, students unable to find jobs, and a small group of powerless intellectuals. The thirty-thousand-man Army, controlled at the top by pro-Sihanouk officers, was both restive and resentful in the middle and lower echelons. It engaged in little or no military activity—in fact, it hardly kept its mixed array of weapons clean—and this is an important reason for its present inability to contend with the Communists.

Until two or three years ago, when the Vietnamese Communists and Chinese Communists, working through a handful of Khmer agents, incite local rebellions against his rule, Sihanouk countenanced with silence or bland denials the use of Cambodia as a haven for North Vietnamese Communist troops, who moved back and forth at will between Cambodia and South Vietnam. He sought to distract his people's attention from the Vietnamese incursions by denouncing the United States and by touting "the unity of the Indo-China people." He frequently described China as his "greatest friend," though his relations with Peking cooled somewhat after the Communist-inspired uprisings.

As Hanoi and the Vietcong became more brazen in their use of Cambodia, building hospitals, rest camps, and complex jungle bases there, Sihanouk had to admit what was going on. By mid-1969, he was forced to acknowledge that between forty and fifty thousand Communist troops were spread out over eight or nine Cambodian provinces, about half of the troops in the usually deserted northeastern border areas and the rest farther south, particularly in the mountainous region of the Elephant Range, just northeast of Sihanoukville and across from Vietnam's Mekong Delta. He then denounced the Communist incursions and showed less hostility toward the Americans; in fact, he even called upon them to maintain "a presence in Southeast Asia" after the end of the Vietnam war.

Secretly, he accepted American intelligence obtained in various ways—including infrared aerial photographs, electronic sensors on the border, and reports by agents and prisoners—which enabled him to pinpoint Communist troops and installations, and he used this material in making diplomatic complaints to the Vietcong and to Hanoi, both of which, along with an impressive list of Communist and non-Communist nations, maintained legations in Phnom Penh. (The United States was allowed to send a small mission back there last year after a four-year hiatus.)

However, through Chinese middlemen, he continued to sell the Vietnamese Communists large quantities of rice and medicine, and he also allowed the arms traffic between Sihanoukville and Vietcong areas in South Vietnam to continue, siphoning off—as a cut in kind—about twenty per cent of all the Chinese-made AK-47 automatic rifles and ammunition that passed through the country. In spite of his growing displeasure over the Vietnamese incursions, Sihanouk had given the diplomatic representatives of the Vietcong embassy status, equal to that of the North Vietnamese government. Meanwhile, characteristically, he was saying privately that once the Communists took over his country he would be finished but that if the Cambodians had to live under some form of Communism the Chinese variety would be better than the Vietnamese.

Sihanouk's alternating moods of euphoria and despair proved both emotionally and physically debilitating—to him as well as to his associates. Increasingly, he showed signs of hysteria. He travelled annually to France to rest for a month or more and try to lose weight. Through the years, he had often used these absences for political purposes, playing off his left-wing and right-wing opposition against each other back home. In the spring of 1967, for example, when the head of the present government, General Lon Nol, was Prime Minister, and when left-wing disturbances in several provinces had led to a crackdown of sorts, Sihanouk came home, fired Lon Nol, and took over as head of a "special government." He thereby averted what at that time might have developed into a coup.

A serious automobile accident suffered by Lon Nol may have delayed its happening. Sihanouk then named three members of the Assembly—Hu Nim, Khieu Samphan, and Hou Youn—as leaders of a Communist conspiracy against him. The three men soon fled, either into the jungle, to North Vietnam, or to China. What is now interesting is the fact that these same three men, described by Sihanouk as his bitter personal enemies, have been mentioned by Peking as "leaders" of the movement against the new Lon Nol government, and are probably now somewhere in Cambodia. This offers further evidence that Sihanouk is more a captive of Peking today than a spearhead of an independent government-in-exile, or that at best he is regarded by the Chinese as a useful figurehead—albeit somewhat of a nuisance. Peking is obviously aware of Sihanouk's deep-seated hatred and fear of all Vietnamese. Despite his temporary collaboration with Hanoi and the Hanoi-controlled Laotians and South Vietnamese, the Chinese are also aware that the North Vietnamese or the Vietcong would destroy Sihanouk at their convenience.

It is in the perspective of this brief history of Sihanouk's role that the events of the last two months must be analyzed. Last September, a month after Lon Nol had agreed to become Prime Minister again, but with stronger powers, Sihanouk sought to test his own prerogatives as chief of state by getting four ministers who were sympathetic to him to resign. He expected this to lead to the fall of the government, but Lon Nol balked. He conferred more and more frequently with his former classmate and longtime friend Prince Sisowath Sirik Matak, a counsin of Sihanouk's, who, after ambassadorial tours of duty in Tokyo and Manila, had returned to Phnom Penh last summer to become First Deputy Prime Minister.

There is considerable evidence that Lon Nol and Sirik Matak had been scheming together for at least three years to overthrow Sihanouk, but the actual hard planning for the current coup probably began last December. By that time, Sirik Matak and Lon Nol had further clipped Sihanouk's wings by putting into effect a number of new legal measures, including one that brought tax receipts directly into the government treasury instead of into the office of the chief of state, and another shutting down the Phnom Penh gambling casino, which had long been a source of profit for the palace. Early this January, Sihanouk announced that he would leave for France. He anticipated that Lon Nol would find it impossible to deal with the country's growing economic crisis and would box himself in politically, thereby leaving the way open for Sihanouk, the indispensable man, to return and once again take over. But this time it didn't work out.

To begin with, Lon Nol and Sirik Matak moved to dismantle a number of state enterprises that Sihanouk had established. They also liberated from government shackles a good part of the foreign trade, eased domestic trade restrictions, and allowed various foreign nations to open banks. And they created a new currency issue, which would prevent the Vietcong from using counterfeit Cambodian money to buy supplies. On March 8th and 9th, demonstrations broke out against the Vietcong in the eastern province of Svay Rieng, where villagers, with the help of Cambodian troops, seized weapons from Vietnamese guerrillas. On March 11th, there were demonstrations against the North Vietnamese and Vietcong Embassies in Phnom Penh. In the next few days, as Sihanouk's supporters began to rally, Sirik Matak emerged as the strong man of the coup, and insisted on settling the issue of Sihanouk's future role as quickly as possible. Meanwhile, on a French television program, Sihanouk denounced the campaign that he said was being mounted to take his country into the American "imperialist camp" just when he was planning to visit Moscow and Peking en route home in order to urge the Russians and the Chinese to persuade the Vietnamese Communists to quit Cambodia—an unlikely eventuality under any circumstances.

At this juncture, however, Sihanouk panicked. Lon Nol and Sirik Matak had sent him word in Paris that they were dispatching two emissaries to see him there. These men were supposed to tell him that he could return to Phnom Penh in the role of chief of state if he accepted what had already been implied as early as the previous summer and was now made explicit—that he would no longer run things single-handed in his old manner. Sihanouk responded by cabling that he would not receive anyone, and was off to Moscow and Peking. Had he returned to Cambodia and appealed directly to the public, or had he simply stayed in Paris for the time being, he would have stood a better chance of regaining at least part of his power. By March 18th, the coup was given formal approval by a well-staged vote of the National Assembly, before which Sirik Matak played a recorded speech of Lon Nol's listing Sihanouk's sins. Unanimously, the Assembly dismissed Sihanouk as chief of state and named Cheng Heng, the head of the Assembly, in his place. Sihanouk had by now been in Moscow four and a half days. He received the news of his deposition from Premier Aleksei Kosygin a few hours before he left for Peking. He took it calmly, and spoke vaguely about forming a government-in-exile. His mission to Moscow

had, predictably, been a failure. While the Russians had given him a royal welcome and had commended his professions of continued Cambodian neutrality, they had shown no willingness to intercede with the Vietcong and Hanoi, which were already about to close their embassies in Phnom Penh.

In Peking, Sihanouk rapidly slipped further into the Communist camp. He labelled his dismissal as chief of state illegal, insisting that it could take place only by national referendum. He denounced the actions that had been taken in his absence as motivated by the "personal ambitions and greed" of his rivals and as backed by the Central Intelligence Agency of the United States, which had long been his bete noire. (There is no evidence that the Americans participated in the coup or that they were even apprised of it until a few hours before it took place, although they were undoubtedly aware of what might happen and did nothing to try to prevent it.)

In Saigon, there was considerable difference of opinion among American officials as to whether the effects of the coup would be advantageous or disadvantageous. (These doubts mounted even as joint South Vietnamese-Cambodian military operations were launched in Cambodia.) As the Cambodians began massacring Vietnamese residents of Cambodia, and demonstrating their growing inability to handle the rapidly deploying Communists—who dispersed over a wider area both for their own protection from South Vietnamese air and ground attacks and in order to mount fresh assaults against the ill-prepared government in Phnom Penh—the American doubts about the usefulness of the coup and about the ability of the Lon Nol government to sustain itself grew even stronger.

In Peking, Sihanouk, typically poured forth a series of frenzied and contradictory statements. "I have absolutely no intention of seeking to resume power, which, in fact, I have lost, or of retaining the now absurd title of head of state of Cambodia," he said first. Then he pledged himself to "participate in the sacred struggle our people will wage from inside and outside the country to obliterate this coup d'etat and restore legality and democracy." A few days later, he said, "I am an unlucky man, with a bad destiny," and excoriated "the reactionary group of Lon Nol, Sirik Matak, Cheng Heng, and their American masters." In this message, he called not only for a new government but for a "National Liberation Army," which he promised to support.

Sihanouk's Chinese hosts played it cool. They received him and praised him without embracing him. Premier Chou En-lai expressed their attitude clearly when he said, early in April, "The Chinese government and people firmly support the just stand taken by Prince Norodom Sihanouk . . . and they consistently support the policy of independence, peace, neutrality, democracy, and defense of state sovereignty and territorial integrity pursued by him." This could hardly have given Sihanouk the sort of encouragement he sought; nor could he have been pleased by an announcement that the Chinese had designated the same three Cambodian assemblymen he had denounced three years before as members of this New Revolutionary Movement.

It is to the Prince's credit that he was able so quickly to arrange the summit meeting in the last week of April with Prince Souphanouvong, head of the Laotian Patriotic Front; Nguyen Huu Tho, chairman of the National Liberation Front of South Vietnam; Pham Van Dong, the Premier of North Vietnam; and some fairly sizable and impressive delegations. Following long diatribes against United States imperialism, the leaders of the conference pledged "reciprocal support" while promising to respect each one's policies concerning "the liberation and defense of his country." This was broad enough to satisfy all those present without committing them to anything drastic or new. Despite the show of solidarity, Sihanouk remained, ideologically, the odd man out, in more ways than one, and he must have sensed it. Whether or not he secretly makes a visit to Cambodia over the next few weeks, he has little choice right now but to spend most of his time either in Peking or, if the Chinese let him go there, in Paris. In either case, as he continues to orbit in Communist-controlled space, his chances of ever reassuming his special neutral role in Cambodia are slight. Should the Lon Nol government fail to survive, Sihanouk may gain the satisfaction of having his previous intricate balancing act, with all its acrobatics, justified by history, but there will probably be no encores.

While the situation in Cambodia is, at best, precarious for Lon Nol, the situation in Laos remains perilous for the neutralist government. Since Premier Souvanna Phouma's rejection last June of an indication from Hanoi that if the Americans stopped bombing the Ho Chi Minh Trail it would be willing to talk about a military and political settlement, the Communist military forces have attacked more strongly than at any time since 1962. Having replied to the North Vietnamese ambassador's proposal in May by saying that the North Vietnamese would have to withdraw all their forces (then numbering fifty thousand, and now closer to seventy-five thousand) from Laos before the American bombing would stop, Souvanna Phouma allowed General Vang Pao, the leader of the Mei tribal army that is the country's only reliable fighting force—and that is supported by the C.I.A.—to move onto the Plaine des Jarres, in north-central Laos, which has been held since 1964 by the Communists. With the help of American bombers, Vang Pao began what turned out to be a considerable counter-escalation of the war in Laos. The North Vietnamese were driven eastward off the Plaine, losing a vast amount of equipment and supplies. By the end of the year, they had been regrouped and reinforced, and in January they began their own counterattack, which has now imperilled Vang Pao's two major bases, Sam Thong and Long Cheng, adjacent to the Plaine. No fewer than fourteen North Vietnamese and Pathet Lao battalions are occupying that area today.

The Communists can probably capture both sites (they took Sam Thong in March and then lost it again), though at a considerable cost in casualties—which Vang Pao, despite the fact that he has suffered heavy losses himself, is still capable of inflicting. A second move the Communists can make is to try to interdict the whole area between Vientiane, the administrative capital, and Luang Prabang, the royal capital, just to the west of the Plaine des Jarres. Another possible Communist move is an attack against the town of Paksane, on the Mekong River, west of the Laotian Panhandle and the main area of the Ho Chi Minh Trail complex. Such an attack would threaten both the heart of Laos and neighboring Thailand. The seizure by Communist forces on April 30th of the town of Attopeu, west of the Ho Chi Minh Trail, is clear proof of the determination of the North Vietnamese to widen their Trail complex by safeguarding the route south from Laos into Cambodia via the Sekong River. Attopeu lies between the plateau and the Sekong, and as long as the Laotian government held it, traffic along the river could be interdicted. Despite several attacks on Attopeu over the past years, the Communists had never been so bold as to grab it, and the fact that they have now done so emphasizes as nothing else could their need to find new supply routes into Cambodia, now that they no longer have Sihanoukville.

In the last two or three weeks, the Communist offensive has been held back by rains in the North, which came earlier than usual this year. The North Vietnamese battalions are also suffering, as they did last year, from illness and from a shortage of supplies—a problem that has been aggravated by the Vientiane government's removal of most of the population in and around the Plaine. In the past, these people were impressed as porters by the North Vietnamese troops. Moreover, the rains helped lift the smog, abetted by brush fires at the end of the dry season, that had restricted allied air attacks; in the last few weeks, the planes have been hitting hard again at the now overextended North Vietnamese lines.

Early in March, the central committee of the Laotian Patriotic Front, which is the political arm of the Pathet Lao, offering Souvanna, at Hanoi's instigation, a peace plan that included, as before, a demand for complete American military withdrawal, plus a demand for disavowal by Laos of any foreign military alliances, and for an election to set up a National Assembly and create "a democratic government"—pending which there would be "a consultative conference and a provisional coalition government" embracing all parties. This is essentially the same program that the Communists have offered South Vietnam. Souvanna, in his reply, repeated what he had said before—that the North Vietnamese consistently have violated the Geneva accords of 1962 in Laos and have invaded the country in force.

He then declared that he was ready to a cease-fire and to the immediate withdrawal of all foreign troops, under the supervision of the International Control Commission, and to "a meeting of the interested parties, in a place to be determined, to discuss thoroughly all points of difference and to seek an equitable and definite solution, taking into account national interests only, without interference in the internal affairs of neighboring countries, which is the very condition of neutrality." This seemed more an amendment than a rejection of the Communists' offer. In a number of interviews recently, Souvanna has said that the area of Laos through which the Ho Chi Minh Trail runs is virtually uninhabited and as far as he is concerned is of no real national value, that the North Vietnamese can have it, and that it is up to Washington and Hanoi to decide what to do about stopping the bombing. In the last month and a half, the Russians and the Americans have exchanged messages in which Moscow countered an American request for new consultations on Laos with a demand that the Americans stop the bombing first. All this has left things pretty much as they were.

Meanwhile, American opinion has been further aroused by the gradual disclosure—through leaks, and finally the release of a partial transcript of the secret Senate hearings on Laos—of the details of the American involvement in Laos since 1964. Despite the fact that relatively little has now been disclosed that had not been known before, if only unofficially, the reaction in the United States was to increase sentiment against any further involvement in Laos or Cambodia. Unfortunately, whatever chances existed for halting the bombing of the Ho Chi Minh Trail—even for a trial period—have been diminished as a result of our intervention in Cambodia. To stop the bombing now, the American military argue, would give the North Vietnamese total freedom to pour supplies and troops not only into Laos and South Vietnam but also into Cambodia. Because of the longer route involved, the military maintain that they can interdict thirty or more per cent of the traffic rather than the current twenty per cent.

In view of North Vietnam's determination to dominate Laos as well as South Vietnam and Cambodia, and of China's approbation and supervision of this course, it seems that there is little the United States can do except persuade Souvanna Phouma to restore the coalition with the Communists that fell apart

in 1964. The low-level American counter-insurgency support in Laos has bought time but not space, and as far as the United States is concerned the situation is not likely to improve, no matter how many more alternating dry-season and wet-season offensives and counter-offensives take place.

The recent Cambodian events simply aggravate the Laotian situation, since the widening of the war serves the Communists better than it does either the new Cambodian government or the Americans. However, there are signs that the Communists are aware of the dangers of overextending themselves in Cambodia, too, and that they need time to create their own rebel political structure there. They may threaten Phnom Penh, but they are not expected to actually attack it; they seem more interested in consolidating their new military strength within the country and then creating an equivalent of the Provisional Revolutionary Government in South Vietnam. If Lon Nol collapses, they will naturally move swiftly to take over, but they would almost certainly prefer a coalition deal in Cambodia, as in Laos, since it offers them the best and safest road to power.

Whatever the previous opportunity for or the advisability of big new ground and air attacks on Laos and Cambodia in order to "win" the war in Vietnam, as once urged by the military, there is no likelihood that such an effort can now succeed. The announced primary objective of our first Cambodian attack, the headquarters of COSVN—the Communists' Central Office for South Vietnam—has so far proved elusive, and will probably continue to do so, since reliable reports indicate that it was moved at the time of the coup against Sihanouk. Negotiation is still the best way out, but it still takes two to negotiate. Since neither Hanoi nor Peking wants negotiations at present—they certainly want to wait and see which way Cambodia turns—that leaves only the Russians as a source of leverage, and Moscow has continued to vacillate. The Russians are scarcely in a position to persuade their Chinese antagonists to begin talks, and since the coup in Cambodia the Soviet influence over the North Vietnamese is probably less than it was.

The prospects for peace are thus gloomier than ever. And what is happening in Saigon today, on the government side, scarcely improves the outlook. The rebellious attitude of South Vietnamese students and war veterans, and the friction between President Nguyen Van Thieu and the National Assembly, which has worsened the already bad economic crisis, threaten to cancel the gains that have been made in the countryside over the past year. It has become fashionable in Vietnam to maintain—and it is basically correct—that the psychological and political benefits gained by the Communists in the 1968 Tet offensive were dissipated by the huge losses they suffered and by the fact that the Saigon government, though belatedly, became aware of its opportunity to pull itself together. Some improvements were indeed made, but today the situation, aggravated by rampant inflation, has become more serious than ever, both economically and politically.

Ironically, the coup in Cambodia and its aftermath have given the Communists an unexpected physchological boost similar to the one they received from the Tet offensive, and at far less physical cost. What was regarded as a pro-Western move could prove to be the final blow to the American effort to withdraw from Vietnam in orderly fashion. The ugly racial aspect of the situation, with Vietnamese not only killing each other in Vietnam and in Cambodia but killing and being killed by Cambodians, could set off a new bloodbath, which in the long run would mostly benefit the Communists (although the attempt to create interracial unity at the Indo-China People's Conference suggests that the Communists are also aware of the dangers of racial upheaval).

If everything now comes unhinged, those who have urged the United States to admit failure in Southeast Asia and to gain stature by withdrawing completely will win new support at home. If things somehow stick together in Cambodia and Laos and the war simply drags on, but in a broader area, it will surely get messier, and public opinion in the United States will be more sharply divided and more painfully disillusioned than ever. At the moment, nothing is clear or certain. Correspondents cover the war in Cambodia by riding down dangerous roads on Hondas or in air-conditioned Mercedes-Benz sedans hired in Phnom Penh for inflated sums. (A dozen reporters have been captured by the Communists so far.) In Laos, the correspondents chase the elusive Vang Pao around in hired planes. In Vietnam, they ride helicopters by day and are briefed in Saigon at dusk with computerized statistics about population control and body counts. Less and less makes sense. The war—or wars—has become as unreal and macabre as a bad trip in the East Village.

IMPORT THREATS

HON. ROBERT H. MOLLOHAN

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 14, 1970

Mr. MOLLOHAN. Mr. Speaker, I call your attention to the following editorial which appeared in the April 14, 1970, issued of the Weirton, W. Va., Daily Times.

It points out all to well why this country must adopt immediate and adequate safeguards against imported steel products, especially those from Japan.

As the editorial so aptly explains it, "The chief threat to American markets comes from Japan. While broadening their export trade throughout the world they have maintained a rigid closed-door policy toward imports and foreign investments."

The article said the Japanese can produce and ship steel products to this country more cheaply than we can produce them ourselves because "their wage rates are low."

Mr. Speaker, action must be taken now to protect this country's steel industry and insure that it will not continue to be hurt by these cheap imported goods.

The editorial follows:

[From the Weirton Daily Times, Apr. 18, 1970]

IMPORT THREATS

National Steel Corporation, of which Weirton Steel is a division, produced 8,853,000 tons of steel in 1969, but in just two months this year foreign steelmakers shipped into the United States 1,478,000 tons of steel products.

The imports for January and February of this year represent an increase of 37.2 percent over the same months of last year.

The dollar value of the imports of the first two months this year was $224,710,000 or 64.5 percent higher than the $136,584,000 worth of steel imported in the same two months last year.

The trend of shipping higher grade and more expensive steels into the United States also gained momentum since the first of the year.

The chief threat to American markets comes from Japan. While broadening their export trade throughout the world they have maintained a rigid closed-door policy toward imports and foreign investments. Their wage rates are low and they can compete very easily with steel industries of other nations.

Just this month, Japan's two leading steel producers, Yawata and Fuji, merged to become the Nippon Steel Corp., second largest in the world next to U.S. Steel. Together last year the two companies produced 31.5 million tons of steel, or 36 percent of Japan's entire output.

Officials of Nippon hope to overtake U.S. Steel by 1972. The Japanese in 1968 agreed voluntarily to limit their shipments to the U.S. to 5,200,000 tons a year, but they have found new markets in Europe and China to bolster home markets that are rising fast.

American steel industries, meantime, have a problem of diminishing returns on their production.

While the U.S. steel industry set records in 1969 for steel production, mill shipments and dollar volume of sales, it earned less money than it did in 1968. Of each sales dollar, net profit was only 4.5 cents, lowest since 1962's. 4.04 cents. The 1968 figure was 5.3.

The steel industry's new income was $966 million last year, down 10.5 percent from 1968's 1.08 billion.

RON MOSCATI SNAPS SERIES OF REMARKABLE PHOTOGRAPHS

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 14, 1970

Mr. DULSKI. Mr. Speaker, it has been said that a picture is worth a thousand words.

Like other sayings, this is only a generalization—but it often is true.

Readers of the Buffalo, N.Y., Courier-Express in my home city were treated recently to a remarkable series of photographs by one of the newspaper's staff photographers, Ron Moscati.

Many of you may have seen one or two of the pictures since they were given national distribution on the Associated Press wirephoto network.

The pictures were deserving of impressive handling—and they were given such display—in the Courier-Express as well as in other newspapers and periodicals.

Ron Moscati demonstrated the capabilities and sensitivities of an outstanding pictorial journalist in his assignment. He arrived on the scene of a house fire along with the city firemen. For metropolitan newsmen house fires usually are routine assignments.

This fire was fatal to 1-year-old Charlotte Ellis who was found in a second-floor bedroom by Lt. Fred Larson of Engine Co. 9. Lieutenant Larson carried the child to the street and administered continuous artificial respiration until an ambulance arrived. The child was reported still alive when taken from the scene, but died later in a hospital.

FATHER WATCHES HELPLESSLY

Ron Moscati captured on film the anguish of the infant's father as he watched helplessly as Lieutenant Larson administered mouth-to-mouth resuscitation. The picture was a vivid front-page feature.

The same fire provided another dramatic scene when Ron saw a fireman

leaning from a second-story window, yelling to his colleagues on the ground. Ron kept snapping as the firemen ran into position beneath the window to help break the fall as the firemen plunged earthward while flames licked at his body.

Ron Moscati caught a series of four spectacular pictures of: First, the fireman leaning from the window; second, beginning his plunge from the window as his colleagues raced to position with extended arms; third, the pileup of firemen on the ground after the impact; and fourth, two colleagues helping the injured fireman from the scene.

The dramatic factors of these tremendous photographs is perhaps expressed as well as any by Buffalo Fire Commissioner Robert B. Howard Jr., who said:

> Dr. (Joseph) Manch (Buffalo schools superintendent) and (City Court) Judge H. Buswell Roberts told me on Sunday morning that the human relations promotional value of the pictures could not be purchased for a million dollars.

To Ron Moscati, I offer my hearty congratulations for a double-barrelled outstanding photographic accomplishment. And my congratulations, too, to the Courier-Express for giving these great pictures the prominent display which they deserved.

ISRAEL AND THE WORLD

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 14, 1970

Mr. EILBERG. Mr. Speaker, on Sunday May 10, 1970, at Independence Mall, Sixth and Market Streets, Philadelphia, in the very shadow of Independence Hall, a birthday party was held. The occassion was the 22d birthday of the state of Israel. It was sponsored by the Philadelphia Branch of the Rabbinicial Assembly, the United Synagogue of America, the National Women's League, and the National Federation of Jewish Men's Clubs, Middle Atlantic Region.

Excitement at the rally was increased because many youngsters representing various organizations around the city of Philadelphia had marched to Independence Mall with pledges of monetary support for Israel from the entire community based upon their completion of the march. The program of the day was impressive, including important religious and lay leaders in the community, as well as all of the U.S. Congressmen from the southeastern Pennsylvania area and important representatives of the news media.

The program was particularly moving on this important Israeli holiday because the tempo of the struggle for her survival in the Middle East has increased with the Russian invasion of the Arab states in the area.

One of the most moving statements made on this memorable day was delivered by Rabbi Jacob Chinitz of Beth Ami Synagogue. This forceful orator, I am glad to say, is the leader of a significant congregation in my congressional district.

I submit for the RECORD his statement which in many parts is truly inspirational. His remarks follow:

ISRAEL AND THE WORLD

This 22nd birthday of the State of Israel can be celebrated in private—and it can be celebrated in public.

According to a verse in the book of Numbers it should be private: "Behold, here is a people that dwells apart, and is not reckoned among the nations." In one sense, privacy and solitude, isolation, are forced on Israel. Beginning 22 years ago as the child of nations united, with its birth certified before its birth took place—the only state in history thus blessed in advance of its own creation—today Israel finds itself outvoted, outvetoed, in the UN by Arab, by Soviet bloc, by so-called Third World nations.

If we have to celebrate alone, our thoughts and memories, our emotions and dreams are rich and ancient and souring. If no one else knows or understands, we know what it means to pick up the harps of psalmody laid down by the rivers of Babylon 25 centuries ago.

We know what it means to pray in a Jewish Jerusaleum at the locus of Judaism's faith, the remnant point of Solomon's Temple mount.

We know what it means to see the bones of Auschewitz flourishing in the Valley of Jezreel and upon the hills of Judaea.

We know what it means, if no one else knows, to concretize, to embody, in earth and flesh and blood, and brains and brawn too, in university and town council, in the Kenesset and in the Beth Hakenesset, the political dreams of Herzl, the ethical will of Ahad Haam, the messianic yearnings of Luria, the liturgical hymns of David, the dying visions of the Six Million martyrs and the ten thousand heroes of Israel's casualties, memorialized today.

It is not statehood that we idolize—and let not neighboring theologies thus misconstrue our Israel. It is not military skill that we glorify—and let not our children be misled by the prattling of proletarian mobs. It is not flags that we worship.

We celebrate today the 22nd birthday of a faith restored to its heart and a people restored to its womb and a history reset on its track.

But according to another verse, in the Deuteronomy, this celebration should be public. "For this is your wisdom and understanding in the eyes of the peoples, who will hear of all these laws, and they shall say: this is truly a wise and understanding and great nation."

Israel in its insularity, Israel in its unique isolation, is yet part of this world and intimately involved with its crises and in its destiny. And so on this birthday we invite many parties to our party.

We invite the Arab people and the Moslem religion. What threat have a hundred years of Zionism and 22 years of Israel held out to you? Have we destroyed your holy places? Have we imperiled any of your 14 Arab states? Have we driven or threatened to drive your people into the sea? The 15th Palestinian state that you are now talking about—how was this nationalism created if not by Zionism and partition and the state of Israel?

It is your own state of Jordan that swallowed up East Jerusalem and the West Bank in 1948, the territory that was envisioned in the UN plan as the Arab state of Palestine and an internationalized Jerusalem. Have we brought other than health, and hospitals, and science, and a higher standard of living to the Middle East? Would there have been a Haganah and would there have been a Tzahal, Israel's Defense Forces, if not for the attacks and the threats of annihilation that you have directed against us from the Hebron of 1930 to the Israel of 1970?

We invite the socialists and the progressives of the world to our party. Where have voluntary, humanistic collectives been established more successful and more moral than the Kibbutzim of Israel? It is a labor government that rules in Israel. Is Mapai deserving of your radical epithets and topsy-turvy criticism?

We invite the Russians to our party. You voted for partition on November 29, 1947. You provided the arms for defense in 1948 and 1949. Why do you threaten to destroy us today? Are Arab dictatorships and monarchies really more in tune with the memory of your hero Lenin, whose centennial you have just observed, than the social democracy of Israel?

We invite the British to our party. In 1917 you issued your Balfour Declaration, the modern counterpart to the declaration of Cyrus with which the Jewish Bible, the Tanach, ends: Who from among all his people, may the Lord his God be with him, and let him go up. Though later you kept us out with your white papers, though you hoped for our defeat and death before we were born, we forgive you. Come and celebrate with us in a land where your parliamentary procedure is practiced, where your common law is part of the legal system, where your language is second to our Hebrew reborn.

We invite the French who helped us in 1956, and for the decade 56–66. You turned against us in 1967. But we invite you back. The ideals of your revolution live among us in our egalitarian and free society.

We invite all Conservatives who wish to conserve human values. Come and celebrate the conservation of one of the oldest human traditions. Where have ideals and values, and human life, and natural resources been conserved as they have been in Israel and its restored soil?

We invite the revolutionaries, including our own radical Jewish youth, who are interested in change in favor of human values. Consider the revolutionary change in the condition of the Jewish people: exterminated between 1939 and 1945, threatened with further genocide in 1948, 1956, 1967, losing by attrition and assimilation its authentic identity and way of life. From this stage to the stage of self-determination, self-defense, and self-expression in a land which is now capable of self-expression through the restoration of its ancient children.

We invite the Black community. If you can understand what it means to grasp for emancipation after 400 years of slavery, can you not understand what it means to reach for freedom after 2,000 years of slavery in the Diaspora?

We invite the Christian religion. We gave you your New Testament. Your savior was born one of us. He preached to the children of Israel, now regathered in the land of Israel, which gave birth to your faith as well as ours. Why do you not glory in prophecy fulfilled?

Above all, we invite America, the America of Independence Hall, the America of 1776, which took inspiration in its founding from the fount of our Bible, and which, in turn, served as the inspiration for declaration of Atzmaut, independence, proclaimed by Ben Gurion and his colleagues on May 14, 1948, the fifth of Iyar, 5708.

As an ancient people, we know the evils of war, of materialism, of conformity, of anti-intellectualism, of race and religious hatred. To the extent that these are present in America we grieve and we criticize. But as an ancient people, having seen and suffered under all the empires of history, having lived under and survived all political systems, we know that America, with all its faults, is the best

that ever was and is. If we plead for peace, in Southeast Asia, or in the Middle East, we shall never raise the flag of the enemies of America.

We feel that the freedom for the spirit of man born in this Independence Hall almost 200 years ago, and the freedom reborn in Israel 22 years ago, travel along parallel lines. A big wheel run by faith, for the vast free world of mankind, and a little wheel run by the grace of God, for the Jewish people.

God bless America. God bless Israel. God bless mankind.

TALKIN' LIBERAL HEGEMONY BLUES (WITH A NOTE OF OPTIMISM)

HON. JOHN J. DUNCAN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 14, 1970

Mr. DUNCAN. Mr. Speaker, I have just read an interesting article in the New Guard magazine which discusses conservatism and liberalism in our colleges and universities. I would like to place this in the RECORD at this point:

CONSERVATISM AND COLLEGE TEACHING—TALKIN' LIBERAL HEGEMONY BLUES (WITH A NOTE OF OPTIMISM)

(By John P. East)

Today in American colleges and universities political "liberalism" is the established *Weltanschauung*. This is hardly a new or startling finding, and in fact it is so commonly known that, in the words of the lawyer, we need not "prove" it, we may simply take "judicial notice" that it is so. The noted sociologist Seymour Lipset has written recently, "Intellectuals, academics . . . in the United States tend as a group to be disproportionately on the left. They are either liberal Democrats or supporters of left-wing minor parties." [6]

In those academic disciplines where the discussion of politics is central, political science and history, the liberal-left dominance is greater than it is in the whole of academe. In my discipline of political science, and to a lesser extent it is true of history departments, conservatism, either of traditional or libertarian strains, is represented by an exceedingly small group of professors. Qualitatively they may be significant, but quantitatively they are not.

An unorthodox, yet revealing, method of underscoring this liberal-left dominance is to note some of the typical material I have received as a professor of political science. Obviously the senders had obtained lists of college and university faculties from various sources (perhaps the American Political Science Association or the American Historical Association), and mailed out their material on the valid assumption that the recipients would likely be of a liberal-left persuasion.

For example, periodically I receive a letter from Robert M. Hutchins, President of the Center for the Study of Democratic Institutions, inviting me to join "the Center," and to receive *The Center Magazine*. In his letter Hutchins advises, "At the Center, distinguished guests like . . . Arnold Toynbee . . . Senator J. William Fulbright . . . Arthur J. Goldberg . . . and U Thant meet with staff members like Harry Ashmore . . . Linus Pauling . . . and Rexford G. Tugwell. The result is a continuing dialogue [sic]. . . . As you can imagine, these discussions are lively, the observations and conclusions arresting and thought-provoking."

An attached brochure informs the reader, "Many [sic] viewpoints are represented in the output of the Center, but Center adopts none as its own [!]," and that tapes of Center convocations are available for "regular use in classrooms." The key word is "classrooms," and the receiver of the letter is expected to take it from there. Hutchins concludes his letter with this postscript: "Please forgive us if you are already a member of the Center. . . . This invitation has been mailed to selected lists which cannot always be checked to eliminate duplication. We hope that you will understand. . . ." The "selected lists" are, of course, lists of college and university faculty members in the crucial disciplines of political science and history, and when Hutchins pleads for "understanding" he will probably get it, for he knows his academic clientele well.

Commentary Magazine periodically sends out an announcement to political science professors in which the teacher is encouraged to require his students to buy reprints of articles for classroom use that have appeared in *Commentary*. The reprints are by "many of the world's best writers," including Arthur M. Schlesinger, Jr., Richard N. Godwin, Paul Goodman, and Michael Harrington. The announcement lists nearly one hundred colleges and universities that are using the reprints. If the professor requires his students to participate, he will receive a free subscription to *Commentary*. The editors of this liberal publication clearly know "where the ducks are."

C.O.P.E. sent out a letter to all members of the American Political Science Association. Signed by C.O.P.E.'s national director, the letter to me stated, "It occurs to me that you might be interested in informing your students of organized labor's role in politics, particularly those students majoring in political science. If you would be interested in having a C.O.P.E. representative address one or several of your classes, may I suggest that you write to me. . . ." C.O.P.E., knowing the academic mind, overtly seeks access to the classroom.

One of my favorites is the form letter sent out during the 1968 campaign to the academic community by Barbara Tuchman and Henry Steele Commager on behalf of the National Committee for an Effective Congress. In the letter to me I was urged to send my contribution "today" because "such Senators as Fulbright, Church, Morse, McGovern and Nelson could go down before racists, isolationists [!], cops and bombs zealots or, at best, standpat non-entities." I was warned that unless contributions were made I could expect to see "arch-conservatives," "drum-beating war candidates," and "extremist right-wing organizations" gain a "stranglehold on all important legislation." The letter was tailor-made for the liberal mind that dominates academe.

As a member of the American Political Science Association, I received a letter in 1968 from the Deputy Chairman for Research and Publications of the Democratic National Committee. This letter informed me that "as practicing political scientists, many of you will undoubtedly be working actively in the Democratic Party in your communities during the coming Presidential Campaign year. I hope that you will feel free to contact me for research materials, flyers, pamphlets, and other types of campaign documents that you can put to good use in your political work or *in your classes*." The italics are mine, and again we have a case of a liberal organization asking liberal academe to give it access to the classroom.

Never to be found flagging in the struggle for things liberal, the *New York Times* through its Book and Educational Division has mailed out to professors a brochure of their new filmstrip series which will "challenge and inform young minds." The teacher is urged to use the filmstrips in the "classroom." Again, we are back to the classroom, and the potential subscriber is told that the first film is entitled "Behind the Bamboo Curtain" in which such questions as "Why Chinese Communism is compatible with China's national heritage" will be answered. One doesn't have to get the film to see the picture.

I have only brushed the surface in illustrating the types of material I receive as a professor of political science. Similar types of material are not received from conservative sources. Is it a matter of neglect on the part of conservatives? Probably not. It is a matter of knowing the political complexion of the academic community. Conservatives would be wasting advertising dollars in mass mailings to academe, which is dominated by the liberal-left. It is a liberal market and the advertisers know it.

THE EFFECT OF LIBERAL DOMINANCE

The most crucial effect of faculty liberalism is upon the students. There are studies indicating that colleges and universities have a liberalizing effect on young people.[2] As Seymour Lipset puts it, "Universities clearly do have a liberalizing effect, so that there is a gradual shift to the left." [3] It is hardly surprising that liberal faculties would produce liberal students.

The problem goes beyond that to the radicalism of the student New Left. Here we confront that chronic malady of the liberal in which there are "no enemies on the left." This problem has been recently stated by University of Chicago Professor Theodore Lowi, himself a liberal:

"Liberals are famously capable of handling demands that originate from their right. Their defenses are well organized, their responses are facile yet firm, their knowledge of what is negotiable and what is nonnegotiable is unmistakably clear. In contrast, liberals are almost completely incapable of handling demands that issue from their left. Complaints from the left confuse the liberal. Complaints from the left automatically weaken him by implication that he is not liberal enough. Demands from the left make him feel illegit. And the liberal feels this way regardless of the actual, substantive character of the demands. Facing left, the liberal frankly cannot distinguish a good demand from a bad one, for voices from the left remove his bearings." [4]

When student New Left radicalism erupts on a campus, for the reasons Lowi outlines, the liberal scholars are often put to rout in disarray. For example, if SDS members were identifiable young fascists, the liberal professoriate would resolutely meet the threat and subdue it (and rightly so). However, because SDS fanaticism is of leftist origins the liberal professors are frequently put to flight. Liberal dominance of our faculties then not only has the effect of sanctioning New Left radicalism, but accelerates its growth by being innately incapable of moving against it. As M. Stanton Evans, among others, has pointed out, it is not surprising that we have a minority of student radicals today on our campuses.[5] In view of the politics of academe, it is amazing we do not have more of them, and that they have not surfaced sooner. Conservatives need to be thankful for little things.

Liberal dominance of the faculties means a shutting out of conservative thought and ideas. Students are likely to know who Arthur Schlesinger, Jr., and John Kenneth Galbraith are, and they are almost certain to know of Che, Fidel, Ho, Malcolm X, Goodman, Sartre, Cleaver, and Marcuse. Their teachers have prepared them well. On the other hand ask them about Kirk, Burnham, Voegelin, Strauss, Hazlitt, Tonsor, Molnar, Herberg, Possony, Kinter, or any figure af-

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Footnotes at end of speech.

filiated with contemporary conservative thought, and the likelihood is great they will have never heard of them. At best they may know of Buckley (who doesn't?), but the image they will have of him is usually unfavorable. Why this ignorance and distortion? The liberal faculties have ignored these figures, and when they do refer to them it will be disparagingly.

One of the most appalling manhandlings of conservative thought I have encountered of late is the statement by Professor Thomas Greer in his widely used paperback text, *A Brief History of Western Man*. Greer informs his student readers, "Drawing upon the political tradition of Edmund Burke, the Fascists asserted that the state is a living entity, transcending the individuals who compose it."[6] One could weep silently at philosophical illiterates who cannot distinguish between Burke and Mussolini, but we must cry out with anguish that they should write our textbooks.

As suggested by Greer's book, liberal dominance of the academy means the text books reflect that fact, for the textbook publishers know their market. Neil McCaffrey, head of the Conservative Book Club and Arlington House, was asked, "Does Arlington House ever intend to invade the textbook field?" He answered, "Not in the foreseeable future. First, the educationist hierarchy tends to buy its books only from established textbook publishers. It's a tight field, very hard and costly to break into. *Even more important, the educationist hierarchy would not be sympathetic to a conservative publisher.*"[7]

A further effect of liberal dominance and the absence of conservative voices on the campus, is to frame the discussion of political issues for the students in terms of liberal versus radical. No conservative alternative is offered. For example, at one campus a committee made up of faculty and students had the responsibility of selecting guest speakers who would be paid out of student fees. One heated committee debate was over whether to invite Mrs. Martin Luther King, Jr., or Leroi Jones, with liberals preferring the former and radicals the latter. Conservative representation on the committee could have suggested George S. Schuyler, but as already suggested such voices are rare in the academic world.

A profound effect of faculty liberalism has been, in the words of Russell Kirk, the growth of "Behemoth University" in America with all of its ugly side effects. With liberal faith in mass education the emphasis in higher education has too often been on size rather than quality with the resulting impersonality and IBM syndrome of the modern campus. This has been a contributing factor to student radicalism, for it fosters rootlessness and alienation. Conservative guidance would have stressed quality over quantity, the personal over the impersonal, it would have kept research and teaching in proper balance, and because of this emphasis it is doubtful that anomie and alienation would have blossomed so extensively on the modern campus.

Under liberal guidance "Behemoth University" has tended, in its lust for quantity over quality, to emphasize "things," whereas under conservative influence the emphasis would more likely have been on ideas and "the life of the mind." Where the campus liberal has encouraged direct political "action" and "involvement," the conservative, if present, would have encouraged thought, contemplation, and reflection, and he would have resisted the politicizing of the campus for any point of view. To illustrate this latter point, it is difficult to conceive of a conservative calling for a politicized campus for the support of his Vietnam policy. He would prefer to keep the campus forum open, neutral, and competitive to facilitate orderly discussion of issues within a framework of academic freedom.

Finally, where liberal education theory has been preoccupied with the "now" and the "relevant," the conservative would more likely have stressed the long view philosophically and historically, and he would have encouraged appreciation of "the permanent things." But alas conservative, influence on the campus has not been sufficiently pronounced in recent decades, and the liberal-left has presided over the rise of "Behemoth University."

WHY LIBERAL DOMINANCE?

A question I am asked frequently by non-teaching conservatives is why the liberal-left so heavily dominates our college and university faculties. The question is simple and obvious, but the answers are complex and elusive.

Going back to the Enlightenment, the Renaissance, and even beyond, we find the roots of contemporary liberalism which have brought it into ascendancy and dominance in Western intellectual thought. In addition to the Renaissance and the Enlightenment, we find its origins in gnosticism, scientism, utilitarianism, Marxism, positivism, pragmatism, secularism, hedonism, materialism, and other "isms" that have gone into the making of what today we call contemporary American liberalism.

It is beyond the scope of this article to analyze these ingredients and to delineate their respective contributions to contemporary liberal thought. It will have to suffice to note that they have been dominant themes in Western thought in recent centuries, and they are foundation stones of modern Western liberalism. In brief, *intellectual thought* (not necessarily the work-a-day world of the proverbial "man in the street") in our times has been heavily liberal, and so it is not surprising that colleges and universities, which by mission and function are expected to be "intellectual," would reflect in stark form a liberal hue. As to why the world of the intellectual liberalism has taken root and evolved over recent centuries is a complex matter of intellectual history clearly outside the principal concern of this brief essay. For present purposes, I am saying it is a matter of historical record that liberal dominance in intellectual thought has come about, and it is not surprising this fact is reflected strongly in our colleges and universities, the centers of our intellectual life.

One is still plagued, however, with the nagging question of why liberal dominance is so utterly disproportionate in academe compared with American thought and life in general. We have conservatives in journalism, the professions, business, practical politics, and throughout American culture generally. Indeed, a broadly defined conservatism may well be the dominant theme of American life. Certainly it is clear that the liberal-left professoriate is hardly representative of "mainstream" America. Why is the imbalance so great and so pronounced?

The problem is more fruitfully approached not by concentrating on why liberals move into academic work (why shouldn't they; it is an honorable and challenging profession), but rather by focusing on why conservatives shy away from college and university teaching.

To begin with, the graduate schools, which train our future faculties, are overwhelmingly liberal and they attract and reproduce their own kind. This vicious circle is difficult to break. At best the graduate school environment for the conservative is usually a neutral one, and sometimes it can be hostile. Too often liberal academe equates liberalism with intelligence, and conservatism with lack of same. The end result is to discourage conservative students from entering graduate work in such crucial disciplines as political science and history where this formula is more likely to be honored.

Furthermore, the academic world is heavily bureaucratized and socialized, and unappealing to the conservative. It may be questionable whether college and university organizations are any more bureaucratized than the modern business corporations, but it is true that they can be highly socialized in terms of economic rewards. The difference between "top" and "bottom" salaries at a given institution are often not great, and salaries over-all are held at levels lower than comparable jobs in private industry. If college and university salaries were based upon a "free market," they would increase dramatically, for clearly today a college education is a "service" or "commodity" in great demand. But the libertarian spirit of the free market is anathema to the liberal professoriate, and it would prefer lower salaries to a breach of faith regarding its sacred economic theories. This is not an economic setting sufficiently challenging to many conservatives.

Part of the blame for conservative absence on the compus must be placed upon American conservatism itself, which is heavily rooted in the narrow confines of economic conservatism or *laissez-faire* capitalism, and its growth beyond those roots has been qualitatively but not quantitatively impressive. Many of our most talented conservatives in America have been caught up in either creating or servicing the great industrial-technological revolution that has preoccupied America over the past century. This point was personally brought home to me by a close and brilliant conservative friend who is now a partner in one of America's leading law firms. He was a *Phi Beta Kappa* undergraduate in history, and graduated first in his law school class. He told me, "I would rather be a third-rate lawyer than a first-rate history professor." The priority is clear, and I feel it reflects in a personalized way the narrow economic base of much of American conservatism, and its rejection of a more broadly-based cultural conservatism.

I find my non-teaching conservative friends in their frenzied lives of maintaining and serving the great American industrial-technological apparatus (I agree that someone must do it, but why not make the liberals do some of this dirty work?) live almost wholly in a world of "action" in which "the life of the mind" is at best a remote dream. In this regard their life style is not much different from the liberal world where action takes priority over thought, contemplation, and reflection. There can even be a subtle anti-intellectualism in which books and "ideas" are considered hallmarks of the effete to the "dynamic" young executive "on the go."

In discoursing with nonacademic conservatives, I have found they are likely to be readers of the *Wall Street Journal* and *U.S. News and World Report*, and these and similar publications are their principal sources of "conservative" ideas. They will usually know of William F. Buckley Jr., but will probably have read little of his work. There is some chance they may know of James Jackson Kilpatrick, John Chamberlain, and M. Stanton Evans, and be vaguely familiar with their editorial stance. The nonteaching conservative may know of such free-market exponents as Milton Friedman, Ludwig von Mises, or Henry Hazlitt, but the odds are not great. Finally, and most revealing, there is little chance that the nonacademic conservative is familiar with such figures as Russell Kirk, Eric Voegelin, Richard Weaver, James Burnham, Leo Strauus, or other conservative figures of comparable stature.

In short, too much of American conservatism is an intuitive, narrowly based economic conservatism with at best an additional exposure to popular conservative editorial writers. But when it comes to the cultural conservatives of the stature of Kirk, *et al.*, Amer-

Footnotes at end of speech.

ican conservatives know little. "Getting and spending" exacts a heavy toll. Because it lacks cultural breadth and depth, American conservatism itself is partially to blame for the dearth of conservative teachers on our campuses. Unfortunately, to a considerable extent it lacks the intellectual content to nuture potential young teachers.

NEEDED: CONSERVATIVE TEACHERS

The need for conservative faculty members is compelling. I am not calling for an infusion of ideologists of the right into academe, but I am agreeing with Professor Stephen J. Tonsor's observation that "The ideological and cultural uniformity of higher education in America is a disgrace. Why is it that our colleges and universities have conformed themselves over the past two decades to the orthodoxy of secular liberalism?"[8] Like Tonsor I am calling for political pluralism and diversity within our faculties. I am contending that we need conservatives, whether they are of traditional or libertarian bent or a mixture of both, to enter the teaching profession at the college and university level. We need scholars in the classroom who will defend, in the words of M. Stanton Evans, ". . . traditional values . . . the free enterprise economy . . . [and who will offer] reasoned opposition to the menance of communism. . . ."[9]

Before conservative America can nurture young teachers it will have to broaden its cultural base beyond merely economic conservatism. A good start has been made in this direction through such publications as *The National Review, Modern Age, The Intercollegiate Review, University Bookman, Triumph,* THE NEW GUARD, *Human Events,* and *The Freeman.* An impressive recent addition to broadening the cultural base of American conservatism is the Conservative Book Club of Arlington House.

We need to encourage our talented undergraduate conservatives to enter college teaching. Why not? It is an honorable profession, the financial rewards in it have improved significantly in recent years, and *above all,* opportunity for service to the country and conservative principles in general is unexcelled, for as Lincoln put it. "The philosophy of the classroom today, is the philosophy of Government tomorrow."

Unfortunately there is evidence that some leading conservatives no longer feel the struggle on the campus is worth the effort. Russell Kirk has recently written, ". . . wild horses couldn't drag me back to permanent residence on the typical campus."[10] Similarly, prior to his recent entry into the partisan political arena, former Professor Philip M. Crane wrote, "If there were a genuine hope of reforming the university from within, conservative professors could take the lack of promotions, minimal pay raises, cramped offices, paper work, committee overloads, suppression in the journals, prejudice in the reviews as a small price to pay to achieve the restoration of the academy. But the prospect of internal reform appears remote."[11] It appears that Kirk and Crane are conceding conservative defeat on the campus.

Is American conservatism willing to concede the loss of higher education to the liberals and radicals? If so, a great and tragic watershed in the history of the Republic has been passed. The struggle today on our campuses for the minds of the young is spirited and vital. If you will, this is where the action is. If conservatives are willing to concede this crucial battle, I fear they will ultimately lose the war. This battle is too significant to be forfeited.

I do not agree with Crane that the matter is as desperate as he describes it. It is bad, but not that bad. Indeed, if my own personal experience is any guide, I have found a considerable amount of liberal openness to a conservative teacher. It is true that one becomes something of "the house" conservative, but there is still enough of the libertarian spirit in much of academic American liberalism that it will listen to a statement of the conservative viewpoint.

I have been called upon frequently to debate and defend conservative positions on campuses in my area, and often the forum has been provided by the liberals. For example, I was asked to debate publicly a liberal professor on the evening of the October 15 Moratorium on the proposition: "Resolved: The United States should immediately and unilaterally withdraw from Vietnam." I took the negative position, and we had an exceptionally large student turnout. Here was a forum provided by liberals and radicals who often look in vain for conservative opposition on the campus. One neighboring college called upon me to substitute for Secretary of State Dean Rusk (!), who had to cancel his appearance at the last moment. I am not exactly in a league with Dean Rusk, but the campus in question was desperate to find anyone with academic credentials who would defend American policy in Southeast Asia. Here again, the forum was provided by liberals. American conservatives must avoid paranoia about the American campus, for afterall they have left the playing field, and frequently the liberal looks in vain for his natural American opposition.

In brief; "the harvest is plentiful, but the laborers are few. . . ."

FOOTNOTES

[1] Daniel Bell and Irving Kristol (eds.), *Confrontation: The Student Rebellion and the Universities* (New York: Basic Books, Inc., 1969), p. 47.

[2] Ibid., pp. 47, 55; Jeffrey Hart, *The American Dissent: A decade of Modern Conservatism* (Garden City, N.Y.: Doubleday & Co., Inc., 1966) pp. 171–175; Allan Brownfeld (ed.), *The New Left* (Washington, D.C.; U.S. Government Printing Office, 1968), pp. 214–215.

[3] Bell and Kristol (eds.), *op. cit.*, p. 55.

[4] Quoted in "To the Left of the Professors," *Human Events,* March 1, 1969).

[6] For Evan's excellent statement on this, see Brownfeld (ed.), *op. cit.*, pp. 214–215.

[6] Thomas H. Greer, *A Brief History of Western Man* (New York; Harcourt, Brace & World, Inc., 1968), p. 523.

[7] From an interview in *Human Events,* (May 20, 1967), 9. (Italics added.)

[8] Stephen J. Tonsor, "Alienation and Relevance," *National Review,* (July 1, 1969), p. 661.

[9] M. Stanton Evans, "A Generation of Growth," *Human Events,* April 12, 1969), p. 52.

[10] Frederick Wilhelmsen (ed.), *Seeds of Anarchy: A Study of Campus Revolution* (Dallas: Argus Academic Press, 1969), p. 28.

[11] Philip M. Crane, "Conservatives in the Academy," *Human Events,* (April 12, 1969), p. 56.

TRIBUTE TO MRS. BETTY McCALL ZOROTOVICH

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 14, 1970

Mr. ANDERSON of California. Mr. Speaker, on May 23, 1970, the community of San Pedro, Calif., will be honoring Mrs. Betty McCall Zorotovich upon her coming retirement after 32 years of teaching in the Los Angeles Harbor area. I wish to take this opportunity to commend her and share with my colleagues the following information about this noteworthy woman:

Betty Zorotovich was born in Imperial, Calif., October 28, 1908. Her parents were Thaddeus Dale McCall and Cora Faure McCall. Her father was born and raised in Texas. He was employed by International Harvester and became their representative in Mexico for a number of years. The family moved to the Imperial Valley and became one of the pioneering families in that area when it was first settled. There were five other children in her family: Thad, Bob, deceased, Carlos, Johnny, and Dulcie.

Betty graduated from Imperial High School in 1925, and graduated from UCLA in 1929 with an A.B. degree, majoring in economics. She obtained her teaching credentials from UCLA in 1938.

On June 29, 1929, Betty married Nicholas Zorotovich in San Gabriel, Calif. They later had two children, Virginia Mae and Nicholas Dale. Virginia is now married to Comdr. Jack Hyde and has given the Zorotovichs four grandchildren: Jack Elgin, Nicholas Craig, Leslie, and David. Nicholas Dale presently teaches at the San Pedro High School and has also given his parents four grandchildren: Pamela, Nicholas Scott, Kathi Ann, and John Patrick.

In 1938 Betty began teaching at Gompers Junior High School in Los Angeles. After a short period there, she transferred to Dana Junior High School in San Pedro where she has taught ever since. In the beginning of her teaching career, she taught English and history. In the mid-1940's she taught art and became chairman of the art department. In the late 1940's, she became interested in why many children of seemingly normal or above-average intelligence could not read. Mrs. Zorotovich began using the kinesthetic method developed by Dr. Fernald, and has used this method and expanded it in her work with remedial reading. She has since become one of the outstanding teachers of remedial reading and has conducted workshops for other teachers in this area. Today hundreds of young people in San Pedro can read more proficiently because of her devotion to them. In recent years she has continued to teach English, history, and remedial reading.

In the late 1940's she helped to establish the Art Patrons of San Pedro to coordinate the efforts of the local artists, writers, thespians, and photographers. She served as the first president of the group, and at one time it was the second largest such group on the Pacific coast. She helped to organize the Writers' Guild of San Pedro and has served as president of the group. She was named an honorary member of the Ephebian Society because of the extensive work she did in the organization along with Mr. Zorotovich. She also served as president of the Ephebians at one time.

Betty is a member of Delta Kappa Gamma, an honor organization for outstanding women educators. She is now president-elect of Alpha Beta chapter.

Betty plans for retirement include some travel, especially in Mexico, with her husband, Nicholas.

I wish to join the entire community of San Pedro in commending Betty Zorotovich for her outstanding contribution to her community and wish her many years of fruitful and happy retirement.

ISRAELI CRISIS

HON. JAMES H. SCHEUER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 14, 1970

Mr. SCHEUER. Mr. Speaker, on April 30 I met with Assistant Secretary of State Joseph Sisco to be briefed on the worsening crisis in the Middle East, from which he had just returned. For the benefit of my colleagues, I am inserting an article on this briefing into the RECORD:

[From the Day Jewish Journal, May 4, 1970]

AMERICA MUST SELL 12F PLANES TO ISRAEL BECAUSE OF THE DANGER OF SOVIET INTERFERENCE

(Interview with Mr. Jacobson. Congressman Scheuer's report of the interview we had with Mr. Sisco, the Assistant Secretary of State.)

The meeting was held with Mr. Sisco, in Mr. Sisco's office. Even though the meeting was an informal meeting it lasted for one hour and was the first meeting that Mr. Sisko had with a representative since he has been home from the middle east.

Congressman Scheuer, Bronx Congressman gave his wonderful opinion and also the opinion of many high American officials that the United States has no alternative but to declare openly that Russia is helping Egypt and the Arabian countries. That Russia is testing the United States by sending pilots to Egypt. Nixon must make a very quick and decisive decision. High officials in the Nixon administration are of the opinion that the United States has no other alternative but to send one hundred and twenty-five planes that Golda Meir has requested from Mr. Nixon.

These opinions have been made after the official of the United States government found out that Russia has sent from two thousand to three thousand military technicians to Egypt. They are the advisers and workers to the entire missile system.

The Russians also sent around one hundred pilots, members of the Russian Air Force to be ready to counter attack the Israeli attacks to the mideastern military machine. The situation in Israel is very serious. The interference from the Soviet Union is a challenge to the United States and to see how far the Nixon administration will go.

Many officials of the State Department feel that the only way that the United States can show Russia that we will not let Israel down is to send the much needed planes to Israel.

Congressman Scheuer also stated that the (Big Four) who have been trying to find a solution to the problem are not succeeding. U Thant is not sympathetic to Israel and the situation is hopeless as long as Russia and Syria and the similar nations are members of the United Nations.

Congressman Scheuer also stated that there is only one way to clarify our stand with Russia and that is the United States will not sit idly while the security of Israel is in danger and to help is to send, as soon as possible, without hesitation, the planes to the State of Israel.

Congressman Scheuer sent a telegram to President Richard Nixon on this matter and Congressman Scheuer hopes that very soon the Nixon administration will make this wise and only decision and send Israel the help she so desperately needs, so that she can hold off the attacks of Egypt which only really started with the Russian interference in the middle east.

MEDICAL STUDENTS AND FACULTY OPPOSE WAR IN CAMBODIA AND VIETNAM

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 14, 1970

Mr. FRASER. Mr. Speaker many students and faculty members from the Nation's medical schools have been stopping by offices on the House and Senate sides during the last few days to express their opposition to the war in Cambodia and Vietnam.

I am placing in the RECORD the excellent statement prepared by this group on the history of their effort and the plans they have for forming a "medical Alliance for Political Action":

MEDICAL ALLIANCE FOR POLITICAL ACTION (MAPA)

Medical students, faculty, and administration represent a national constituency heretofore unrepresented politically in Washington. This group has accepted this muteness without question during the past years. Always viewed as members of the great silent majority due more to the group's apathy than ideas, we have galvanized around certain issues which we cannot, in good conscience, continue to ignore.

Last week a group of first-year medical students from Yale decided that we must temporarily suspend classes to address ourselves to these issues. Business as usual had to stop for a time. But what to do with this allotted time was a question whose answer was not immediately apparent. After much discussion, we formed two groups, one to focus on local issues and one committed to a national effort. The idea of yet another mass march on Washington seemed a worn-out and ineffective way of making our views known. So we agreed to come to Washington to confront those in power and to tell them how we of the medical community feel about the Indo-China War, the oppression of minority groups at home, and the stifling of dissent.

We also agreed that if we could get representation from several medical schools, our position would be that much stronger. Carloads of students and faculty were sent out to various medical schools around the East Coast to gain their support, and information about our proposed endeavor was mailed to every medical school in the United States.

We have been in Washington for the past three days, and we estimate that upwards of 600 Medical, dental, and nursing students, faculty, and administrators have come to join our effort, with delegates from as far away as the Midwest and; seven the West Coast. The magnitude of this effort, especially in view of the short time in which it was put together, is testimony to our broad base of support. We have been heard here in Washington, and we will continue to be heard.

We understand now the need for our voice to be heard beyond this three day period. Representatives from the major medical delegations have met and decided to form an organization to carry out such a purpose. This organization will be named the Medical Alliance for Political Action, and will include not only medical students, faculty, and administration, but also all other health related professionals who feel their political opinions have not been expressed by any previous voice in the medical community.

SOVIET-U.S. CARGO SERVICE

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 14, 1970

Mr. RARICK. Mr. Speaker, a Soviet subsidized steamship company now seeks to bid for a scheduled cargo service contract to the United States.

Obviously but another prestige display to propagandize Soviet Sea Power.

But who can underbid government owned and subsidized vessels operated with "scab" labor?

Several newsclippings follow:

[From the Evening Star, May 12, 1970]

REDS SEEK PACIFIC RUN

(By Stephen M. Aug)

A Soviet shipping company has served notice it intends to compete with United States and Japanese shipping lines in the lucrative Pacific trade at cut-rate prices, the chairman of the Federal Maritime Commission says.

If the plan goes through, the Far Eastern Steamship Co. would be the first Russian-owned firm to operate regularly scheduled cargo service to the United States in 20 years—or since the outbreak of the Korean War.

Mrs. Helen Delich Bentley, FMC chairman, told newsmen yesterday the firm had applied to the commission on April 28 and plans to begin the service June 1.

She said the rates to be charged average 13 percent below those charged by shipping companies that belong to the Trans-Pacific Freight Conference, an international rate-making association. Some of the rates are 47 percent below conference charges.

Under federal law the commission has the power to block such a plan if it believes there is danger of a rate war that would be detrimental to U.S. trade and commerce. The commission is expected to act next week—but Mrs. Bentley would give no indication of what action it would take.

COMPLICATION CITED

Complicating matters, she noted, is the fact "we are entering a period of negotiations with the Russians and trade, of course, is one of the areas" under discussion.

The state-owned firm, Mrs. Bentley said, plans to provide a general cargo service—ranging from trucks and cars to electronic instruments and sake—between 11 Japanese ports and four U.S. West Coast ports: Los Angeles, Portland, San Francisco and Seattle.

The company, which has head offices in Vladivostok, plans to begin with three ships. Although the number is small, Mrs. Bentley said "it's a sign that the Russians are going into the third flag trade on a pretty large basis," and "it very well could take cargo away from American flag ships." Third flag shipping means entry of an outside nation into trade between two other nations.

MAY NEED ICC OKAY

The Russian company plans to attract tonnage which might otherwise move through Atlantic or Gulf Coast ports, and it has filed for approval of overland common point rates. Such rates presumably would require Interstate Commerce Commission authorization. An ICC spokesman said no application has been filed there.

Although no Russian vessel has provided regularly scheduled service to the United States since the outbreak of Korean hostilities, there is no federal law that would prevent it. The FMC may act only if rates would have detrimental effects on trade. But in

order to enter any U.S. port—13 are authorized to receive Communist bloc vessels—a Russian ship must notify the State Department several days ahead of arrival. If shore leave for the sailors is sought, a list must be sent ahead 21 days before arrival. Fueling also requires government permission.

Mrs. Bentley said the application from FESCO follows about six months of discussions between the Soviet Union and the State Department. She added that the White House has since been told. There has been no reaction from the Japanese government, she said.

EIGHT U.S. LINES

Currently, eight U.S. lines provide regular service to Japan. They are American Mail Line, American President Line, Matson Line, Pacific Far East Line, Sea Land Service Inc., States Steamship Co., Waterman Steamship Corp. and United States Lines. Japanese lines also are involved in the trade.

Mrs. Bentley said none of the Soviet ships anticipating entering the trade is known to be specially equipped to carry containerized shipments.

She said also it was not known what commodities the Russians plan to take out of the United States. No export tariffs have been filed. She speculated the vessels might pick up outbound cargo at Vancouver, B.C., which currently is regularly served by Soviet vessels.

Mrs. Bentley, who has long felt the United States must match or be ahead of Russian merchant vessel activities, said she believes the Russians are "trying to expand their merchant marine all over. As the Russians become stronger in their merchant fleet their seapower strength grows." She called the move "another reason why we must build merchant ships."

[From the Washington Post, May 12, 1970]

RUSSIA SETS JAPAN-U.S. SEA SERVICE

A Russian steamship company plans to begin regularly scheduled service between Japanese and U.S. ports, the chairman of the Federal Maritime Commission announced yesterday. This is the first time since the Korean War Russian ships have attempted to enter U.S. oceanborne commerce, FMC chairman Helen Delich Bentley said.

Mrs. Bentley said she interpreted the Russian move as another indication that country is expanding its merchant marine activities all over the world.

Far Eastern Steamship Co. (FESCO Lines), a Russian flag service company, has filed a proposed freight rate with FMC, Mrs. Bentley said. The proposed rates would average about 13 per cent below the group of ships now serving that route, she said.

FMC's staff has been asked to prepare a report for the Commission indicating whether the proposed rates could set off a rate war which could be "detrimental to U.S. trade and commerce." If the Commission decides a rate war is possible, it can hold hearings and possibly issue a cease and desist order.

The Russian line must have a freight rate approved by FMC before it can enter U.S. trade. FESCO Lines plans to begin the service June 1. FMC's initial decision on the rates will probably come next week, Mrs. Bentley said.

Presently, there are no U.S. cargo ships regularly serving Soviet ports, she said.

WILL DISBELIEF GET AMERICANS?

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 14, 1970

Mr. HOGAN. Mr. Speaker, I would like to call to the attention of my colleagues a very interesting article by Jenkin Lloyd Jones which appeared in the Evening Star on Saturday, May 9, 1970, entitled "Will Disbelief Get Americans?"

This column discusses the repeated emphasis of the mass media on those who refuse to bear arms in defense of this country rather than praise for our American forces who are defending this country with their lives every day in Southeast Asia.

I insert this into the RECORD at this point:

WILL DISBELIEF GET AMERICANS?

(By Jenkin Lloyd Jones)

I've been reading the May 5 Look magazine—the one with the big cover picture showing Joan Baez and her husband, David Harris, over the caption, "A family kept apart by conscience."

And there's quite a story about it all, with poignant pictures of the loving couple and the baby, and with brave letters from prison where Dave is doing three years for refusing the draft.

Those pictures took up so much space, in fact, that some pertinent items must have been squeezed out of Joan's biography. Like, for example, the fact that she was up to her eyebrows in radical causes long before we were involved in Vietnam. Look simply describes her as "a gentle anti-militarist."

Well, I know some other young couples who have been "kept apart by conscience." I know one young mother who lost her husband in a Vietnam battle and whose life was a double hell for weeks afterward as Yippie and Weatherman types called her up in the middle of the night, laughing, cursing and taunting her.

There are many thousands of young couples kept farther apart than Joan and Dave because the husbands had too much conscience to bug out and run to Canada. And if jail is onerous, so is an advance command post in the jungle, and jail's safer.

What is really going to be interesting is whether this great and powerful nation is going to be able to survive the steady and incessant drumfire of sympathy in much of the mass media for those who would refuse to bear its arms. However inadvertent this editorial selection may be, what can be the end effect except to raise a generation conditioned for surrender?

"The Ideological War Against Western Society" was a series of lectures delivered last winter at Rockford College in Illinois by an Englishman, Arthur A. Shenfield, visiting professor of economics.

Schenfield's thesis is that it is time sophisticated people detected the difference between social criticism designed to correct evils and social criticism designed to undermine national morale. He says:

"If one finds that men attack minor evils but either ignore or bless major evils; or that men attack minor forms of a particular evil but ignore or bless major forms; or that men attack an evil when they find it in one place but ignore or bless it when they see it in another place, then one may conclude that their purpose is not to destroy evil but to destroy the society that harbors the evil they choose to attack. The behavior of many of the ideological critics of Western Society fits this description.

"If the assault on the alleged evil in a society is conducted in such a manner as to deprive it of its self-respect, of its pride in its past and of recognition of its achievements, one may conclude that the purpose of the assault is not to remove the evils but to destroy the society.

"If the assault on these alleged evils takes a form calculated to persuade the society to abandon its will to defend itself against aggression, one may conclude that the critics are waging a war primarily against the society itself.

"Finally, if the assault on the alleged evils is calculated not to remove or diminish them but to aggravate them, one may conclude that either the intelligence or the motive of the critics is suspect."

It is curious how selective the fingerpointing is among many of our home-grown caterwaulers. The alleged massacre of 100 Vietnamese at My Lai is cited as proof of America's degradation while nothing is said of the 5,000 corpses found in the mass graves at Hue after the Communist Tet offensive.

Demands that we dismantle our "military-industrial complex" seem to ignore the fact that all arms are produced in military-industrial complexes, including those of the Soviet Union and Red China.

Cries that we must "take risks" for peace come from those who appear unaware that we started taking risks with our fast repatriation of troops in 1945 and that into every weakness Communist power flowed.

The claim that work on our antiballistic missile system would be "provocative" seems to overlook the Soviet Union's feverish work on its own antiballistic missile system, nor are the critics apparently worried about what would happen to mankind if a totalitarian power ever achieved overwhelming nuclear blackmail.

Finally, what is there in the militant left's policies on America's race problems that is designed to do anything else than exacerbate tensions and rip apart the fabric of American society?

Bob Dylan sings, "You Don't Know What's Going On—Do You, Mr. Jones?" It's time Mr. Jones found out.

LOYALTY DAY—MAY 1, 1970

HON. WILLIAM B. WIDNALL

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 14, 1970

Mr. WIDNALL. Mr. Speaker, on May 1, of this year, I enjoyed the privilege of participating in the Loyalty Day observance of the Hasbrouck Heights, N.J., Post 4591 of the Veterans of Foreign Wars. The main speech at the ceremony was given by Comdr. Harry J. Beck of Montvale Memorial Post 10161, V.F.W. I thought it was especially well done and the content of his eloquent talk was worthy of the attention of all of our people in the United States.

Commander Beck has for some time been dedicated toward carrying the meaning of loyalty throughout the Nation and he has made a real contribution by his devotion and dedication.

I am including at this time a copy of his address that evening:

LOYALTY DAY—MAY 1, 1970

You're sitting in an airplane—you're in the take-off pattern—waiting! Planes are landing—planes are leaving—Your pilot awaits the signal from the traffic controller. The traffic controller watches intently the big radar scan with its total area picture of all traffic patterns—this one holding over Sandy Hook—that one holding over Lakehurst—this one coming in on Runway No. 3, another, your flight sitting on No. 4—30 seconds—the incoming on No. 3 touches down—the controller sees an opening—signals your pilot, and 1 minute and 20 seconds later you're safely airborne!—Did you ever doubt it for a minute?—Of course not! Or you wouldn't be there!

You had faith in the pilot's skill—more than that—you had faith in the skill of the traffic controller to correctly interpret the changing patterns on the big picture before

him and you had faith in his ability to make the right decision that would see you safely on your way.

President Richard M. Nixon is our National Traffic Controller—He has his eye on the big World Wide picture before him—watching the changing patterns—a commitment here (Laos)—a withdrawal there (Vietnam)—now a commitment to Cambodia!—

We cannot see the total picture as he sees it—But we must have faith that what he is doing is right for the good of all of us—We wouldn't think of telling the air traffic controller how to do his job.—For God's sake let's not tell the President how to do his. What he needs now more than ever is our faith—What he needs now as never before—is our loyalty.

Let's take a look at that word loyalty. The dictionary defines loyalty as being steadfast in allegiance to one's country, government, or sovereign; faithful to a person, ideal, or custom. However accurate, this is a rather naked explanation of the meaning of the word.

To me it means much more. To me loyalty is that quality which prompts a person to be true to the thing he understands. It means definite direction, fixity of purpose. Loyalty supplies power and poise. It is a quality woven through the very fabric of one's being and it makes that thing to which you are loyal, yours. Loyalty gives success to those who are true to the cause which they undertake. Loyalty is positive, it is active—it's alive!

Now we know the meaning of that word with which we name this day. We know also its opposite, disloyalty, so ably demonstrated by the dissidents and the misguided who march in May Day parades, among other things. There is another word, however, that presently concerns us more, and that word is unloyalty. Unloyalty is very much more common than disloyalty. Unloyalty means simply—indifference.

This word concerns us greatly because it describes a very large segment of the population of our country; a segment which our President calls the Silent Majority. These people would probably resent it if you told them they were unloyal . . . yet that is what they are. They're inactive, passive, indifferent. They are also the balance of power that can make the difference between winning or losing the fight against the divisiveness that now splits our great nation. They must be awakened, they must be activated, and they must be given to know that if they don't stand up now and be counted while they are still free men, before too long someone else will count them as slaves.

We in the V.F.W. do our best to sound the call to these people through our Operation Speak Out . . . and we do a good job. But lately the impetus seems to have lessened. I hear comments like, "Every time I mention something like 'respect for the Flag' I'm called a Flagwaver" or "When I say a teacher who doesn't say the Pledge of Allegiance in school might be leftist oriented I'm called a witch hunter." Well there's nothing wrong with Flagwaving! It's a darn sight better than flag burning or flag spitting or flag trampling! And as for a teacher who doesn't say the Oath of Allegiance in school—I sure as hell wouldn't call him 100% American!!!

It's fashionable, and calculated—and to some degree effective, for liberals, intellectuals and pseudo-intellectuals to deride your loyalty by describing it in obtuse or exaggerated terms to make you feel like an extremist. They use words like Flagwaver or Fascist. Another tack is to generalize a specific to make your logic look faulty.

For example, when a teacher in our school system wore a black armband on Moratorium Day last October, I told the principal the man was suspect as he was displaying un-American behavior. The principal's reply was "You guys think every teacher is a Communist." In the first place, it wasn't 'you guys'—I alone made the accusation. And in the second place it wasn't all teachers, it was one lousy punk who is obviously aiding the enemy's effort. Needless to say I now have my eye on the principal.

I realize we face obstacles never faced by those brave and determined men who fought so hard to give us freedom. We fight a much more difficult fight. At least they knew who their enemy was and anyone found assisting the enemy was hanged. Today the enemy's unknown agents are all about us, he could be a neighbor, or a coworker. And as for assisting the enemy—how do you hang a Television Network?

There is an old saying—hard work is not easy. If we are to be successful we must work at it. We must be active, we must speak out, we must be aware, and above all we must spread our influence. Teddy Roosevelt said, "No man is worth his salt who is not ready at all times to risk his body, to risk his well-being, to risk his life, in a great cause." We had a great cause once—we who fought in World War II—we risked our bodies, and we risked our well being—and we put our lives on the line. We have a great cause still, ours is the cause of freedom—ours is the cause of restoration of Love and Respect for our Flag, ours is the cause of Honor and Unity.

When you go home tonight, take a good hard look in the mirror and ask yourself, "Are you worth your salt?"

Written by: Harry J. Beck, Commander, Montvale Memorial Post No. 10161, V.F.W.

Delivered on: Loyalty Day May 1, 1970, at Hasbrouck Heights Post No. 4591, V.F.W.

WHITE COLLAR CRIME

HON. LAURENCE J. BURTON

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 14, 1970

Mr. BURTON of Utah. Mr. Speaker, in further amplification of the speech by Assistant Secretary of the Treasury Rossides which was inserted in the RECORD yesterday, I would like to enter herein an article entitled "White-Collar Crime" from the March 30, 1970, issue of Barron's which also indicates concern over the same banking measure, H.R. 15073:

WHITE-COLLAR CRIME; MUST ALL U.S. CITIZENS PAY FOR THE SINS OF A FEW?

"On Capitol Hill, where sheer survival virtually guarantees distinction of sorts, Rep. Wright Patman, who has stood for the First Congressional District of Texas since 1928, long ago gained fame as a tireless champion of cheap money and lost causes. Like some latter-day William Jennings Bryan, the Texarkana Democrat, who also happens to be chairman of the House Banking and Currency Committee, eloquently has denounced the American Bankers Association as a 'greedy lobby' . . . In his epic struggle with the vested interests, Rep. Patman over the years has launched a series of protracted, and generally fruitless, investigations into the nefarious activities of tax-exempt foundations and commercial banks. Much of his pet legislation has either died in committee or fallen short of passage. . . . Since the 'Thirties, when he helped pass the veterans' bonus and terrorized the rapacious chain stores, the aging Populist has been long on threats and promises but short on performance. However, even Wright Patman can't lose them all."

Since these lines first appeared in print (Barron's, June 6, 1966), the Texan has launched upon what in his league at any rate look perilously like a winning streak. With the help of homebuilders and mortgage lenders, Rep. Patman (whose name graces more than one notorious piece of legislative price-fixing) that same year succeeded in slapping ceilings on the return paid depositors by thrift institutions and commercial banks, a move which heavily penalized the saver of small means and led to massive disruption of the flow of mortgage funds. Now the Congressman is up to more mischief, which, thanks to the skillful demagoguery of all those in favor and the weakness of the opposition, stands an ominous chance of becoming law.

Known as H.R. 15073, and innocently titled "A bill to . . . require insured banks to maintain certain records, to require that certain transactions in U.S. currency be reported to the Department of the Treasury, and for other purposes," the measure aims at helping the authorities track down illegal transactions made by U.S. citizens abroad. "The foreign bank with its secret accounts," so Robert M. Morgenthau, former U.S. District Attorney, current Deputy Mayor of New York City and gubernatorial hopeful, recently told the Patman Committee, "is the place where the organized underworld and the purportedly respectable businessman meet."

What irresistible targets, especially in an election year, for politicians-on-the-make. Mr. Morgenthau, who apparently commands a worshipful press as well as a powerful Congressional ally, is apt to make the most of it. Yet the legislation—not to mention the sensationalism from which it has sprung—smacks as much of fraud as anything the D.A.'s office has uncovered. There has been a handful of prosecutions for illegal acts involving the use—or abuse—of foreign banking facilities. Of these Mr. Morgenthau has made a federal case; from them, in testimony distinguished (as we shall see) for inaccuracy and bias, he also has conjured up a frightening, and largely illusory, wave of "white collar crime." To combat the evil, he and others are pushing an ill-conceived, wretchedly drawn bill (it has gone through over a dozen drafts) which would give hardened criminals no pause. It would vastly increase the cost of doing legitimate business, destroy the last vestiges of financial privacy (by compelling banks to photocopy and keep for official inspection records of all checks drawn by every depositor), and, by raising doubts abroad about the ultimate aim of such authoritarianism, jeopardize the global standing of the dollar. Political ambition may not be a crime, but it could be a national disaster.

If so, one need not seek far for the villains of the piece. Messrs. Morgenthau and Patman for years have been working hand-in-glove. In 1968, with the former's approval, the latter introduced a bill to prohibit Americans from doing business with foreign banks operating under laws which permitted (or mandated) secrecy. Cooler heads, noting that the ban would apply not only to Switzerland but also to the Bahamas, Lebanon, Panama and West Germany, finally prevailed. The pending measure takes a different tack. It gives the Secretary of the Treasury broad discretion to require banks to keep records of each check, draft or similar instrument offered for collection or deposit, as well as ascertain the identity of payer and payee. In addition, the Treasury could require the filing of reports by anyone taking out of the country U.S. currency or coin in sums exceeding $5,000 at a clip or $10,000 in a calendar year. U.S. citizens also would have to report all transactions with foreign financial agencies which refuse to open their books to Washington. Thus, the long arm of the law finally would reach out for "persons holding positions of responsibility and power in the business and financial world," who, accord-

ing to Mr. Morgenthau, use foreign bank accounts to "cheat on taxes, trade in securities in violation of our securities laws, trade illegally in gold, perpetrate corporate and other frauds and hide the fruits of their white collar crimes."

Quite a bill of particulars. On close scrutiny, however, it grows rather less impressive. The ex-D.A. claims credit for the indictment of "more than 75 persons" on such charges, and the "referral of dozens of cases" to the Internal Revenue Service. Then he goes on to estimate: "For each case we prosecuted there were roughly six cases where we had specific information that a crime had been committed, but we were unable to prosecute either because we lacked the resources . . . or because the evidence we had was inadmissible in court." Without a shred of evidence, he sweeps on to the grand conclusion: "For each potential case we uncovered, there were thousands of other cases of criminal conduct cloaked by secret foreign accounts which were not touched by our investigations."

Numbers games aside, Mr. Morgenthau makes a better prosecutor than witness. In any case, his latest testimony drew scathing rebuttal from the New York Clearing House Association. Thus, Mr. Morgenthau discussed an incident allegedly involving the Hamburgh branch of Chase Manhattan which didn't exist at the time. He charged that U.S. banks are opening branches in Nassau "obviously because of the convenience which its secret bank accounts offer to Americans to unload cash. . . ." In fact, as the association tartly observed, U.S. banks establish branches in the Bahamas in order to acquire Eurodollar deposits. Time after time, in his allegedly expert testimony, Mr. Morgenthau displayed a lamentable ignorance of business and banking. "The direct connection between the provisions of the bill," the association said, "and much of Mr. Morgenthau's testimony is far from clear."

Just so. As matters stand, Swiss bank accounts, numbered or otherwise, are open to scrutiny when the alleged offense is punishable under Swiss law. Violations of securities acts and regulations, purchases of gold and tax evasion simply aren't regarded as crimes, a point of view which, in the light of the high esteem the Swiss financial community enjoys throughout the civilized world, might give legal zealots over here something to think about. Be that as it may, H.R. 15073 will scarcely deter the criminal element. Persuasive testimony on this score was offered by Carl W. Desch, senior vice president of First National City Bank and spokesman for the 10 member banks of the New York Clearing House Association.

He stated: "It should also be kept in mind that criminals are masters at avoiding regulatory procedures and that the provisions of the bill can easily be circumvented. For example, Chapters 2 and 3 of Title II of the bill relate to transactions in coin or currency but say nothing about travelers checks or bearer bonds which are, of course, as easy to negotiate abroad as currency. Other methods which readily come to mind include the transfer of funds by mailing or transporting cash abroad, the so-called courier system; the transfer of funds by the purchase of foreign exchange or commodities or silver for future delivery and sale of the contract abroad; the transfer of funds by the purchase of a check or draft from a commercial bank, a savings bank or a savings and loan association; the transfer of funds abroad by underinvoicing commodities exported or by the issuance of letters of credit in favor of an agent abroad, kickbacks and so forth. Some of these methods involve the banking system; some of them involve the banking system in a manner that would leave no trail; and others would not involve the banking system at all."

Mr. Desch, whose statement got scant coverage in the press, made several other telling points. While testimony before the Committee focused "almost exclusively on foreign transactions," he pointed out, H.R. 15073 covers a staggering number of domestic dealings. He estimated that in 1970 the U.S. banking system will handle over 20 billion checks, each of which on average will pass through two-three institutions. Hence the measure would require banks to make at least 20 billion—perhaps as many as 50 billion—photocopies per year, equivalent to over 160 million pounds of "little pieces of paper." Such a requirement, needless to add, would be exceedingly costly and time-consuming for banks and their customers.

Dollars-and-cents aside, the pending legislation constitutes a shocking invasion of privacy. Prior to the latest version available as we went to press (the 13th or 14th), it authorized the Treasury, without subpoena, to scrutinize all financial records. True, that provision applied only to uninsured banks (like Brown Brothers Harriman, for example) and, for the moment, has been dropped. However, it could reappear in some future draft and it would set an alarming precedent. As Mr. Desch observed: "Legislation authorizing government officials to browse at will among records of financial institutions would raise substantially the same sort of constitutional and ethical questions as legislation authorizing law enforcement authorities to listen in at random on telephone conversations or to open letters to sample their contents." As to the broad record-keeping requirements, the association spokesman was equally incisive: "I wonder whether this measure is not analogous to requiring the Post Office to open and record the contents of every piece of mail passing through it or requiring the phone company to tape every conversation going over its lines."

Finally, Mr. Desch warned, H.R. 15073 could go far toward lessening the appeal of the U.S. dollar as a reserve and trading currency. "Foreigners other than official institutions keep many billions of dollars, perhaps as many as six billions, on deposit in the United States. We believe that legislation which would make less private the records affecting the accounts in which such large sums are held would be viewed with alarm by a substantial number of foreigners, the vast majority of whom we would assume are entirely honest. Similarly, extensive reporting requirements as to currency and banking transactions would seem to many foreigners to be the beginning of exchange controls . . . Any legislation which would shake foreign confidence that the dollar is a freely spendable store of value would have the gravest repercussions indeed."

So much for H.R. 15073, the case against which we find compelling. One last comment on those who espouse such draconian measures may be in order. In the Language of Dissent, Lowell B. Mason, maverick bureaucrat, observed that whenever so-called crimes against the state (or the people) begin to loom as more heinous than crimes against the individual or person, society is moving down the road to serfdom. Thus, in the Soviet Union, rapists and thieves "were treated with tolerance and circumspection. On the other hand, those accused of violating the state's political or economic commands were sentenced to death or exiled to Siberia without any semblance of trial." Again, to quote Ralph Nader, "If you want to talk about violence, don't talk of the Black Panthers. Talk of General Motors." We don't expect Mr. Morgenthau to change his mind about "white collar crime"; he plainly has too big a stake in it. We can only hope that Congress will have sober second thoughts.

BATTLE OF NEW MARKET MEMORIALIZED

HON. JOHN O. MARSH, JR.

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 14, 1970

Mr. MARSH. Mr. Speaker, today—May 14—there was dedicated on the New Market Battlefield at New Market, Va., in my congressional district, one of the most unusual memorial facilities in the United States. This facility is a hall of valor, honoring the memory of the corps of cadets of the Virginia Military Institute who fought as a corps in the Battle of New Market on May 15, 1864.

The purpose and nature of this memorial and the Battle of New Market are more fully described in two newspaper articles that appeared in the Richmond, Va., Times-Dispatch on May 10, 1970, and I would like to call them to the attention of the Members.

At a time when great violence and unrest is marking so many American campuses, I would pay a special tribute to the corps of cadets at the Virginia Military Institute, which has not been the scene of campus disorder.

Since its founding, VMI has furnished to America trained leaders. In each of the wars in which this country has engaged in which VMI men have served, they have performed in keeping with the courage and spirit exemplied by the corps at the Battle of New Market.

The newspaper articles follow:

[From the Richmond Times-Dispatch, May 10, 1970]

BATTLE OF THE BOY HEROES—CENTER TO HONOR SKIRMISH

(By Gene Carrow)

NEW MARKET.—Although the battle here on May 15, 1864, was a sidelight to a vastly larger campaign, a sidelight has kept its memory alive outside the detailed footnotes of studies intended primarily for historians.

Robert E. Lee, grappling with the 100,000-man Federal army of Ulysses S. Grant and the crucial Wilderness Campaign to the east, could spare no reinforcements for Major Gen. John C. Breckinridge, faced with a smaller Union threat in this Shenandoah Valley area.

Ordered north from Dublin, in Pulaski County, to meet the 6,500-man Federal force under Major Gen. Franz Sigel that threatened Confederate supply lines at Staunton at Lee's left flank, Breckinridge was forced to alert all available troops as he rushed north.

Along with the battle-hardened regulars available, Breckinridge called out the Corps of Cadets at the Virginia Military Institute in Lexington.

Breckinridge intended to use the cadets as a last reserve, as supply guards, but, as the battle wore on, the cadets moved from a third Confederate line into the hot front line of the battle.

After holding down a position against the main Federal counterattack to the left-center of the Confederate line, the cadets played a full role in the final Confederate charge that broke the Union line and sent Sigel's troops retreating back toward Mt. Jackson.

The 247 cadets formed approximately one-sixteenth of the Confederate fighting force at New Market, but the stories of their part in the fighting grew as the years passed.

Writing in 1912, historian Edward R. Turner disagreed with the myths that had

grown around the teen-aged troops, but he minced no words about his opinion of the role they had played in the fighting.

"They did not rally the Confederate army, nor stem a route, nor capture unaided a powerful battery under impossible circumstances," Turner wrote. "But at a critical moment, they did conduct themselves in a manner beyond all praise."

Turner called the cadets' participation in the Confederate charge that broke the federal line "one of the most remarkable episodes of the Civil War, or, indeed, of any war . . . that in the first battle in which they had ever served they should do what they did is almost beyond belief."

The young cadets, as they joined Breckinridge's main force in Staunton on May 12, had been taunted by the war weary regulars, according to most accounts of their muddy march up from Lexington. After the battle, came praise from Breckinridge, from Confederate legislators in Richmond and even from Union commanders whose troops had opposed them in the field.

In the battle, 57 of the cadets fell. Of this number, five died on the field and five more were later to die of the wounds they had received during the day's fighting.

In an annual ceremony, the 10 who died are still honored by VMI cadets. On each anniversary of the battle, with the Corps in formation, the names of the 10 are called. As each name is sounded, a representative of the company in which that cadet served answers, "Died on the field of honor."

Since 1964, another memorial to the cadets who fought at New Market has been taking shape, a fully-developed park on a part of the field where they joined hardened Confederate veterans in pushing back the Federal attempt to take the Valley.

The 160-acre tract that forms the memorial includes the Bushong House, around which the cadets advanced in moving up to the Confederate front line.

The ground over which the left flank and center of the Confederate line launched its final, successful charge of the afternoon also forms part of the memorial site left to VMI by George R. Collins, a 1911 VMI alumnus who died in 1964, barely a month after the battle's centennial.

In addition to the land, Collins's handwritten will also contained a $3 million bequest to cover the development and maintenance of the land as a memorial park.

The full development is costing approximately $1.25 million, according to James J. Geary, director of the battlefield memorial. Interest from the rest of the fund will be used to maintain the site, he explained.

The primary emphasis in developing the park site was to restore it, as nearly as possible, to the view it would have presented in 1864.

Certain concessions—parking lots, signs, lots, instructional signs, scenic overlooks and graveled walkways—were made for the benefit of visitors.

Others were forced by 20th Century innovations. Interstate route 81 left a pedestrian underpass as the only direct route from the main portion of the tract to about 20 acres on the east side of the highway, and, contrary to the first hopes of park officials, overhead telephone wires could not be buried, though they were moved close to the interstate highway and away from the main portion of the park.

In the absence of a permanent visitors' center, one of the two front rooms in the Bushong House was turned temporarily into a small theater for the showing of a 12-minute prize-winning film that takes the cadets from Lexington through the New Market battle. The other front room became a temporary display room, and the rest of the 19th Century farmhouse was turned into quarters for a caretaker.

With the completion of the new visitors' center, to be officially dedicated at ceremonies at 11 a.m. Thursday, the exhibits and rows of chairs will make way for Civil War period furniture. The exhibits now in the Bushong House will join a host of others in the large display rooms of the new center and the modest drawing room theater will be replaced by a full 120-seat auditorium.

Original plans called for the park, complete with the new visitors' center and museum, to be ready by May, 1967. As it turned out, the opening came about two months late, without the specially built visitors' center.

The decision to open before the center-museum was complete was made, only after much thought, in January, 1967, commented a park official.

On July 1, 1967, when the memorial park first opened to the public, it was complete, even down to four full-size model Civil War cannon. Two of the imitation 19th Century Napoleon 12-pounders were cast of iron, but two others were made of fiberglass from moulds taken from the authentic Civil War field-piece that sits in front of the Harrisonburg municipal building.

The original plans for the park's development will be realized with the finishing of the sprawling visitors' center and museum, which will be named The Hall of Valor.

In addition to the large theater where the 12-minute color film. "New Market—a Field of Honor," will be shown, a second, smaller theater will offer "Stonewall's Valley," a new color film that delves into the personality of the troop commander and traces his 1862 campaign through the Valley.

A room adjacent to the large theater will feature exhibits relating to the Battle of New Market and a large, circular display room is to contain pictures and three-dimensional displays that trace the key movements of the war.

While it aims at nothing less than providing a capsule view of the entire Civil War, the Hall of Valor commemorates the cadets' participation in the 1864 battle here. "Through honoring them," Geary explained, "the museum will pay tribute to the role of youthful valor on both sides of the Civil War and in all the nation's other conflicts."

As it has taken shape over the past year, the museum-center represents the fourth design developed by architects for the memorial. The first three submitted, though approved by the VMI Board of Visitors, were turned down by the State Art Comission. At least two were formally rejected.

Two of the rejected designs called for a large, basically square building. A third was roughly circular in shape. All three designs were for clean-line, architecturally modern buildings.

Now a bright orange, the steel sheeting and structural members that form the walls and braces of the core will turn dark in a rusting process that will provide a maintenance-free surface as natural oxidation progresses.

Like the crater of a volcano, the ribbed core stands slightly above the surrounding hills.

Similarly, like the eruption of a new volcano, slow but sure and deadly, Union and Confederate troops converged on the town in 1864, almost casually at first, but fiercely and decisively as the muddy Sunday in May wore on.

For most historians, the struggle waged here between almost 4,500 Confederates and 6,500 Union soldiers is only a footnote to the Wilderness Campaign.

That the battle was fought in New Market was basically an accident. Neither Maj. Gen. Sigel, commander of the Union forces, nor Maj. Gen. Breckinridge, the Confederate commander, chose this town more than hours before the battle as a place to fight.

The forces that met here had to clash. Sigel had been sent south by Gen. Grant to cut the supply line formed by the Central Railway connection in Staunton. Eventually, he would link forces with the 10,000 troops under Brig. Gen. George Crook, who was advancing into Southwest Virginia.

If the forces that met here were destined to meet, they could have as logically fought the battle for the Valley at a number of different locations between Staunton and Mt. Jackson.

Pausing in Staunton on May 10 for two days, Breckinridge considered waiting near there for Sigel to bring his troops south, down the Pike. Again, after moving through Augusta and Rockingham counties, the Confederate commander again waited for Sigel, trying to lure him beyond New Market.

For Breckinridge, commander of the smaller of the two forces, luring Sigel's force into battle against prepared positions on prechosen ground would have been sound; it would have helped offset the numerical advantage that belonged to Sigel.

For a different reason, Sigel was also playing a waiting game.

When his army left Winchester on May 1, no sizable Confederate force stood in his way. The only relatively large mass of troops were 1,600 cavalry and mounted infantry, commanded by Brig. Gen. John D. Imboden.

Moving rapidly, Imboden's men chopped up flanking forces numbering 500 and 300 that Sigel had sent to the east and west to cover his advance. Imboden struck at the front of Sigel's force as it moved into Woodstock, and through the rest of Sigel's march, Imboden's troops continued the harassment of the larger federal force.

At Woodstock, Sigel got a break. He captured the Confederate telegraph station there and, with it, the news that Breckinridge was moving north to oppose him. His reaction to the news set a pattern that ultimately cost him the campaign. He sent out a heavy advance force, splitting the troops he had. The advance force would remain ahead of his main body throughout the campaign, and fresh Union troops would be marching from Mt. Jackson into New Market even as the battle on May 15 was drawing to a close.

On the 14th, as Breckinridge hoped to draw Sigel south beyond New Market, Sigel hoped Breckinridge would come further north and fight near Mt. Jackson.

The compromise was a bold one for the Confederate commander. All of the heavy fighting occurred north of New Market. Breckinridge threw nearly all of his available troops into what became a single front line as the afternoon wore on. After one uncoordinated attempt at assaulting Sigel's line and a Union counterattack that failed to break the Confederate line, a final, concerted Confederate attack cracked the Federal position in the late afternoon, and Sigel began a retreat that ended when he recrossed the Shenandoah River and destroyed the bridge behind him.

If it could have been fought as well elsewhere, the battle could also have been forgotten as easily as larger, more impressive battles have been.

Local people have remembered. It was their fight. Some of their ancestors took part in it, others watched. When it was over, they dealt with the wounded.

Of the town's residents, one contemporary newspaper account commented: "A better people . . . does not live. The ladies stood in the doors of their dwellings with refreshments for the wounded and hungry soldiers as they came from the battlefield, and some of them assisted in dressing and binding up the wounds of the poor fellows . . . Private

parlors were cheerfully given up to the wounded."

To honor those who fought for the Confederacy, New Market ladies in 1867 organized the "Women's Memorial Society of the Lost Cause." They chose the date of the battle as their Memorial Day.

WOODSON'S RALLY: IT MARKS THE SPOT WHERE HEROES FELL

NEW MARKET.—At a quick glance, the monument to "Woodson's Heroes" at the northeast corner of the Bushong House yard seems like little more than a boundary marker.

A small piece of granite atop a low cairn of cemented gray fieldstone, it manages in four lines of simple poetry to tell the story of the unit that probably had the highest percentage of casualties of any fought in the battle of New Market.

The inscription on the stone reads:

This rustic pile
The simple tale will tell:
It marks the spot
Where Woodson's Heroes fell.

The stone, placed on the battlefield in 1905 by two men who had been members of the company when the battle was fought, James H. Dwyer and W. R. Fallis, comes close to telling the historical truth.

"Six dead, 54 wounded, and five fit for duty," reported the company's acting adjutant on the morning after the battle. The small unit attached to the 62nd Virginia regiment during the battle had come a long way to fight an old enemy.

A number of the men in the unit had faced troops commanded by Franz Sigel, the Union commander at New Market, in battles fought earlier, in the west.

On May 15, 1864, after having been captured and then exchanged for captured Union troops, the Missourians again found themselves fighting Sigel and from one of the hottest parts of the Confederate front line.

If the company of Missourians stayed with the 62nd through the entire battle, they moved up in the first abortive attack on the Federal line early in the afternoon.

It was during that attack, according to George H. Smith, that the 62nd lost probably more than four-fifths of the 241 men killed and wounded during the day's fighting—nearly half the unit's strength when the battle began.

It was after the 62nd withdrew to reform and wait for other Confederate units to come up on its flanks that most of the Missouri unit's casualties were sustained, according to James H. Dwyer, in a letter published in a 1910 issue of the "Shenandoah Valley."

"The federals ran a four-gun battery forward and over, enfilading the 62," Dwyer noted, and Woodson's company moved forward to the point where the marker is located.

"From that point," his letter states, the Missourians "shot the gunners from their pieces so as to almost silence the battery. This was, however, at the loss of almost all of their men."

Dwyer, wounded in the battle, married Ada Sprinkle "who had cared for him when wounded," stated an article in the May 25, 1905 issue of the "Shenandoah Valley."

EFFORT TO ELIMINATE WATER, AIR, AND ODOR POLLUTION

HON. DON H. CLAUSEN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 14, 1970

Mr. DON H. CLAUSEN. Mr. Speaker, one of this Nation's foremost manufacturers of paper and paper products yesterday made an announcement that I feel should be brought to the attention of every Member of the Congress who is concerned with the quality of the environment.

President Edward B. Hinman of the International Paper Co., announced at the annual stockholders' meeting that his company will spend $101 million over the next 4 years in an effort to completely eliminate water, air, and odor pollution.

I would like to take this opportunity to congratulate Mr. Hinman and his company for their very graphic and positive demonstration of genuine concern for the environment.

I urge my colleagues to take the time to read of this tremendous effort by a segment of private enterprise to deal with one of the most pressing problems facing our Nation.

The announcement referred to follows:

INTERNATIONAL PAPER COMPANY ANNOUNCEMENT

(By Edward B. Hinman)

NEW YORK.—International Paper Company will spend $101 million over the next four years to complete its program to control air and water pollution at all of the company's U.S. mills and plants. Edward B. Hinman, President and Chief Executive Officer, announced today at the annual meeting of shareholders here.

The company-wide program will provide every operating mill with primary and secondary waste water treatment systems, utilize the latest technology to remove from the air over 99% of all particulate matter coming from its pulp and paper mills, and adapt new technical developments to control mill odors.

Mr. Hinman pointed out that in the last five years alone the company has spent more than $23 million at existing mills and plants on facilities designed solely to improve water and air conditions. Many other capital investments for projects other than those specifically for pollution control have had related beneficial impact on environmental conditions, he added.

One such program, for example, involves the construction of a $76 million pulp and paper mill in Ticonderoga, New York, to replace an old mill there.

The new Ticonderoga mill will include the most modern water and air treatment facilities ever installed in North America. Purified water from the treatment system will be diffused in Lake Champlain in such a way that the biological and esthetic values will not be altered. The mill is also expected to be virtually odor-free. The old Ticonderoga pulp mill will be shut down by the end of 1970 as the new mill starts up. Remaining operations at the old mill will be phased out late in 1971.

The company said that by 1974, highly efficient water treatment systems will be installed at all of the company's operating pulp and paper mills in the United States. These treatment systems will remove all settleable solids from waste water and enable the company to meet standards for biological oxygen demand. Water so treated does not adversely affect the complicated life chain in natural waters from bacteria to plankton to plants and fish life.

The company reported that projects totaling $33 million of the $101 million program have actually started. As a result of programs conducted in past years, I-P now has primary water treatment at 12 of its 18 mills and some form of secondary treatment at 6 mills. Projects now under way include secondary treatment systems to be installed at I-P mills in Georgetown, South Carolina; Panama City, Florida; Mobile, Alabama; Moss Point, Mississippi; Corinth, New York; and Jay, Maine. A secondary water treatment system has just been completed at the company's mill in Pine Bluff, Arkansas.

Programs related to air improvement to be started this year will involve mills at Natchez, Mississippi; Tonawanda, New York; Panama City, Mobile, Georgetown, and Jay.

Between 1971 and 1974 similar water and air treatment will be installed or modernized at the other operating mills of the company in the United States. Of the $101 million program announced today the company expects that a total of $45 million will have been invested in water treatment systems and that an additional $56 million will have been invested in applying the latest technological developments to the control of all emissions to the air, including the pungent odor characteristic of kraft paper mills.

Mr. Hinman told shareholders today, "All of these activities are part of your company's commitment to a cleaner, better America. Our program is not designed merely to meet the requirements of existing legislation—this is a program to do what is right as industrial citizens in our communities and our nation—in keeping with our stated policy. We believe that we can complete this program for a better environment without interrupting our planned growth or adversely affecting achievement of our profit objectives."

In discussing I-P's programs in support of the national search for a quality environment, Mr. Hinman also noted that the company was deeply involved in environment and ecology in its role as owner and manager of millions of acres of timberland.

He said that the company has a staff of professional foresters who are trained ecologists and conservationists.

"Good forest management, which is their job, is good environmental practice", Mr. Hinman said. "Well managed tree farms, in addition to producing the continuous crops of trees essential to our business, provide many environmental benefits as well. Under our programs of multiple use many of the benefits of the managed forest are available to be shared by the public."

Among these benefits he listed are: the role of the forest in preventing erosion, collecting rainfall for later release as pure water into streams and lakes; the food and shelter provided by young, growing forests for wildlife; the road systems built and maintained by the company, which provide forest access for recreationists as well as protection against forest fires; the natural beauty of the company's widespread forest areas, and the lesser known function of a forest in its normal growth process of absorbing carbon dioxide from the air and releasing oxygen.

CHICAGO'S NOISE ORDINANCE

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 14, 1970

Mr. PUCINSKI. Mr. Speaker, today, our modern environment is being drowned deaf in a sea of noise. The constant din of noise pollution that surrounds us is frazzling our nerves and endangering our health and the situation is getting worse.

My own city of Chicago has responded to the urgent need to control noise pollution, by enacting a noise and vibration control ordinance. Chicago is one of the leaders in applying modern scientific

technology to this problem as well as providing rigid enforcement procedures. I recently inserted in the CONGRESSIONAL RECORD remarks made by the distinguished participants at the Chicago Hearing Society's Symposium on Environmental Noise. I am including in the RECORD today, remarks delivered at the same conference by H. W. Poston, the Commissioner of Chicago's Department of Environmental Control:

CHICAGO'S NOISE ORDINANCE: THE ENVIRONMENTAL CONTROL DEPARTMENT'S RESPONSIBILITY

(By H. W. Poston)

There are 2.5 billion tons of raw materials used each year to produce the goods consumed by the people of this country. This amounts to 13 tons per capita per year. As these materials are put into use and enter a state of obsolescence, they in turn are disposed of either into the air, the land, or the water.

Also, in the cycling process, the transportation, manufacturing, use and disposal of these products create noise. And it is the problems of noise and waste disposal that concerns the Chicago Department of Environmental Control.

In this presentation, the Chicago Noise and Vibration Control Ordinance is examined and discussed as it applies to the abatement and control of noise pollution. Pointed up are some of the obstacles preventing rigid enforcement not only of the Chicago Noise Ordinance, but similar ordinances in other cities throughout the nation. Recommendations are made for studies needed in specific areas to determine the noise profile of Chicago. Such a study would be designed to be applicable to the noise problem in any similar metropolitan area.

This presentation will conclude with a summary of the activities comprising the noise abatement program of the Chicago Department of Environmental Control.

Historically, control of noise has been the direct province of the public nuisance statute or ordinance. Action was taken to restrain or seek damages from the offending source. There was zoning to restrict land by area to some form of residential, commercial or industrial use.

Chicago was one of the first cities to apply scientific advances in noise measurement to land use zoning ordinances. Maximum noise limits in decibels at each octave band have been established for residential and business districts that border each of the three types of manufacturing zones.

Chicago's Noise and Vibration Control Ordinance covers eight types of noise and defines their limitations by time and distance:

(1) Vocal and musical instruments, both private and commercial.

(2) Steam whistles.

(3) Factories using pneumatic hammers.

(4) Mechanical apparatus in building or construction operations.

(5) Boisterous behavior that disturbs the peace.

(6) Transportation and loading of metal.

(7) Motors on vehicles in excess of five tons.

(8) Vibration-producing equipment.

According to the ordinance, persons violating any of the provisions shall be fined not less than five dollars and not more than 200 dollars for each offense.

Chicago's Noise Ordinance, which is rather typical of the other large metropolitan ordinances, does not cover the following:

(1) Transportation sources such as aircraft, elevated and subway trains, trucks in non-residential areas, and private automobiles; (2) Stationary sources such as demolition and construction activities; garbage and refuse collection; home appliances and power tools; background noise in office, plant and recreational settings.

The phenomenal rise in the number of these sources, their extension in our daily lives, and the fact that most ordinances of large cities do not deal with these sources, account for much of the frustration that exists over the noise problem. In the past, Chicago noise complaints have been investigated by the Department of Buildings, and recorded by the Zoning Bureau along with other zoning violations. Surprisingly, the number of complaints over the past several years has been minimal—usually during the the summer months when doors and windows are open.

Nearly all have been from residential areas that border on industrial zones. The offenders have been cooperative in remedying the situations, and most of the problems were minimized by simple techniques, such as the use of shields, partitions, baffles, mufflers, or simple rearrangement of the sound source.

There is some indication that the rate of complaints is picking up. Since the first of the year, the Environmental Control Department has already received a dozen or more complaints. These were about exhaust fans, garbage and refuse collection, outdoor scrap metal loading, punch press operations, and the elevated trains. These complaints are currently under investigation and remedial action.

Obviously, these few complaints do not reflect the extent of the noise problem in Chicago. A Northeastern Illinois Planning Commission Study of aircraft noise showed that between 1963 and 1969 the Federal Aviation Administration Community Relations Division and O'Hare Control Tower received a total of 656 complaints from surrounding communities.

Within Chicago, I am sure that additional complaints are registered with other agencies, such as the Police Department. The Department of Environmental Control expect an increase in the number of complaints as word of its newly assumed responsibility reaches the public.

In planning a noise control and abatement program, we are faced with a number of problems. First of all, we lack recent information on the true nature of Chicago's noise, its characteristics, its sources, how it is perceived and what effects it may have—both physically and psychologically. Most of the information on noise effects is from industrial studies, and is inadequate for designing community noise abatement programs.

The noises in mechanized industries—as a group—have higher, more intense levels than those found in the residential community. Furthermore, these higher levels of industrial noise typically provide daily continuous or recurrent types of exposure which can last for a worker's lifetime on the job. In contrast, the more significant community and home noises are usually intermittent and infrequent in their occurrence. Nonetheless, noises found in the community and home can reach levels comparable in some instances to those found in industrial workplaces. Indeed, rock-n-roll music enthusiasts and residents living under the flight path of a nearby airport can experience the same sound levels as those noted for the noisiest pieces of industrial equipment.

The initial step in a comprehensive community noise control program is to determine the extent and nature of the problem. For immediate purposes, a more detailed study of noise must be done. Such a survey would include a description by zones, block areas, census tracts or other geographical boundaries, of the acoustical character of noise, namely, spectral distribution, duration, complexity of tones, onset duration, intensities, occurrence rates during day and night, and background levels. The contribution of all these factors, both singularly and in combinations, must be ascertained.

The last attempt to define Chicago's noise problem was a study made in 1947 by the Armour Research Foundation. This survey only covered three areas: *traffic noise, noise in the vicinity of industrial plants* and *residential area noise*. The results of this study were used to establish a basis for "tolerable levels" and for ordinances dealing with noise abatement. Since 1947, however, changes have occurred in the City of Chicago which have drastically changed noise exposures. Some of these changes include:

(1) The elimination of street cars and replacement with buses on city streets.

(2) The establishment of a subway system in the city.

(3) The building of expressways coupled with the handling of large numbers of vehicles on the city streets.

(4) The changeover from propeller driven to jet aircraft, a greatly increased number of flights and the establishment of O'Hare Airport.

(5) The increase in use of power tools and equipment by the "householder."

Because of these changes, a new survey is needed to determine the noise profile of Chicago. Hopefully, such a survey will measure the following:

(1) The noise exposure of passengers using all forms of mass transportation, including buses, "L", subway trains and railroads.

(2) The overall contribution of transportation system noise to surrounding residential, commercial and industrial properties.

(3) The contribution of noise from construction work.

(4) The noise contribution of industrial and commercial properties to surrounding residential areas.

(5) Noise levels in areas where people spend leisure time, including shopping centers, sporting events, entertainment, and recreational areas.

(6) Noise produced by citizens themselves; including various types of power equipment, such as mowers.

(7) Noise exposures resulting from appliances and other sources within the home.

Extensive data on the characteristics of noise, however, will not be sufficient to determine the acceptance or tolerance of these sounds. Psycho-social factors play just as important a role in the evaluation of a noise problem. The fact that a sound can, simultaneously be noisy yet acceptable tells us that at least two different dimensions must be used to analyze noise. Responses to noise may be governed by the following factors: (1) the average noise level, (2) the degree of fluctuation in sound level, (3) expectation or anticipation of the sound, (4) necessity of the source of sound, (5) the amount of pure tones present, (6) background levels, (7) randomness in time, impulsiveness and acceptance by peer groups, (8) the degree of speech interference, apprehension, and unpleasant associative imagery, such as visual cues or odors.

None of these factors, except the impulsive sounds and the pure tone, have been included in any of the ordinances governing community noise for there is no way as yet to account for them in quantitative terms. However, these factors are important in real-life community situations. And in many cases, they govern the acceptability of the noise source in the community.

The results of the Northeastern Illinois Planning Commission's analysis of the noise complaints around O'Hara airport and other studies conducted in 1968, give support to the idea that these non-quantifiable factors are important. The proximity of aircraft take-offs and landings causes large, noticeable changes in level, raises the speech interference level to unacceptable levels, introduces pure tones, is often random, is a single readily identifiable source, carries with it unpleasant associations, and often creates apprehension.

From these studies, however, there appear to be some guidelines for the community. In general, a new noise or an intermittent noise that is about twice as loud as the existing

background noise, will generate widespread complaints in most neighborhoods. When the intruding noise becomes three to four times as loud as the background noise, there is little doubt that threats of legal action or actual legal measures will follow. There can be exceptions. Where the new noise is similar to the existing community noise and creeps up slowly, the change will go unnoticed. How do we know? Well, this is just what happens between 2:00 a.m. and 9:00 a.m. There is usually a doubling of the continuous noise, and transient noises rise often to four to six times that of the early morning quiet.

This leads to the question of how much leadway we can give to community noise. If we prepare regulations for community noise and allow industry and air-conditioning noise to be about equal to the present neighborhood background, then the sum of all of the new noises will be three to five decibels greater than it was. As soon as we are all acclimated to this noise level, a new noise survey will show that we can increase the level a bit because no one will notice a small increase. This has been called the "creeping ambient." There is one immediate roadblock to an ever-increasing spiral. The community will react as soon as the continuous noise in the community begins to interfere with speech communications in the residential neighborhoods.

Another part of the overall noise control and abatement program for Chicago should be to revise and update the city noise ordinance in light of the knowledge gained from the studies on community noise profiles, effects and public response. Some types of noise not covered by the ordinance have already been discussed. Undoubtedly, these gaps will be filled.

Enforcement of the ordinances will be another problem. Sound cannot be separated from environment in that sound intensity is a function of distance, and a decibel is a limited standard measurement, that is, it measures the intensity but not acceptability of sound. A new system of complaint investigation and enforcement will have to be developed before adequate controls can be realized. Other cities which have tried to initiate noise control, based on traditional concepts of ordinances and measurements, have begun to realize that a new system is necessary.

For example, New York State in July, 1965, became the first in the United States to enact a highway anti-noise statute. The New York State law defines a measurable noise limit which can be enforced against motor vehicles creating excessive or unusual noise. On the books, this law looks fine. But field enforcement is difficult in noisy areas and the New York statute can be enforced only in areas near toll stations where traffic is moving slowly and trucks are at a proper distance from each other. During the first year, only about 15 truck drivers were arrested. Some reduction in extremely noisy trucks has been achieved, but the improvement is barely noticeable since the volume of traffic has increased.

Most states have motor vehicle statutes or codes requiring mufflers on automobiles and trucks to prevent excessive or unusual noise. These statutes, many times fail to spell out *quantitative measures in decibels* at which violations would occur. Thus, the statutes are for the most part extremely difficult to enforce and are, therefore, not rigidly carried out.

California recently adopted comprehensive highway anti-noise legislation that would prohibit noise levels in excess of 82 decibels for passenger cars and 92 decibels for trucks and buses. This state is taking somewhat of a different approach to enforcement. In Beverly Hills, for example, police base arrests on their own sense of hearing, but a test in an open field is available if questions are raised.

Another goal for the Department of Environmental Control, not only in terms of a noise program, but for all environmental problems, is the strengthening of communication and cooperation between other municipal agencies, as well as private and governmental agencies at the local, state and federal levels. Practically every City Department has some interest and responsibility in the control of noise. Indeed, the cooperation of all parties concerned is a necessary step in achieving control over a problem as diffuse in origin as noise.

To set an example for others to follow, the City of Chicago can do a great deal to alleviate noise generated by municipal operations. Uniform city codes should be enacted concerning the requirements, construction and maintenance of housing, and the problem of elimination of airborne construction noises.

Planning and new concepts in elimination of noise by design is another area where the Department of Environmental Control can become involved. We look forward to continuous cooperation with the Department of Urban Renewal, Model Cities, and the Northeastern Illinois Planning Commission in providing adequate noise control in areas designated for development and improvement.

We must not forget that we are treading on new ground as we develop noise control programs. There is a paucity of information about how to plan and about the effects of contemporary episodic and ambient noise levels on people. Essentially all of the current literature in the practice of urban planning is silent on the subject of noise. A few texts make polite passing reference to the growing presence of noise in cities, but fall back on citations of typical zoning and nuisance controls which have long since been outrun by the noise of newer technology. Accordingly, city planners and cities themselves have at best a limited perspective on the problem of environmental noise and means to respond to public pleas for greater peace and quiet.

Machinery now exists in many metropolitan areas for applying more enlightened planning. Pursuant to Section 204 of the Demonstration Cities and Metropolitan Development Act of 1966, all applications for Federal assistance for many projects of a metropolitan scale, including highways, airports, mass transportation facilities, open-space acquisition, and land conservation, must be submitted to a metropolitan or regional agency for review. Such agencies are now in existence in more than 200 metropolitan areas, and several are experienced in applying noise projection technology in the development or urban planning policy. We hope to learn a great deal from these agencies.

Federal law authorizes the Department of Housing and Urban Development to make grants "in order to assist State and local governments in solving planning problems resulting from the increasing concentration of population in metropolitan and other urban areas . . . ." Noise is one of the problems that would be covered under this law, and we shall try to take advantage of the grant program, while developing an effective noise control program.

Another area in which the Department of Environmental Control is concerned is research on the effects of noise. A number of research efforts are now underway in Chicago and we are presently trying to collect the information generated by these projects. Based on the data (or lack of data) provided by current research, the next step would be to develop additional projects in cooperation with other agencies, such as the Board of Health, and organizations, such as the Chicago Hearing Society.

And finally, a public education and information program must be devised to inform the community of the hazards of noise, and the ways of preventing, avoiding, controlling the source of the problem.

In summary, then, the seven following activities will comprise the Enivronmental Control Department's Noise Control and Abatement Program:

(1) Definition of the noise problem by survey of its sources and effects.

(2) Establishment of an efficient complaint and investigation system.

(3) Promotion of new legislation and revision of the noise ordinance.

(4) Development of new enforcement procedures.

(5) Cooperation and communication with all relevant governmental agencies and private organizations in planning a noise program.

(6) Design of research projects, and

(7) Implementation of a public education and information campaign.

In conclusion, I assure you that the members of the Department of Environmental Control are aware of the urgency to improve environmental conditions and will intensify their efforts to enforce and control pollution in the city for the welfare of four million Chicagoans. Your help is needed to accomplish this goal.

SONS OF NORWAY

HON. JOHN J. ROONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 14, 1970

Mr. ROONEY of New York. Mr. Speaker, upon reading the April 23, 1970, issue of the Nordisk Tidende, I was very much impressed with a front page story by Arnold Folkvard entitled "From a Humble Start Sons of Norway Became Nationwide."

Under the permission, heretofore granted me by unanimous consent, I am pleased to share this interesting article with my colleagues:

FROM A HUMBLE START SONS OF NORWAY BECAME NATIONWIDE

(By Arnold Folkvard)

"75 years ago on January 16, 1895, eighteen young Norwegians met in a vacant store on the North side of Minneapolis and organized Sons of Norway.

If these 18 men could but see what their organization has grown to become! I know they could be proud indeed but I am equally as certain that they would be full of disbelief that their small group could have grown to such proportions.

The original purpose of these 18 young men was basically simple—

To create and preserve interest in the Norwegian language and to labor for the development, enlightenment and progress that conduces to honest citizenship in order that the Norwegian people in this country may be properly recognized and respected, and since it was a time of depression, to render each other assistance when the need arose.

They had no intention of forming an international or even nationwide organization. Their aim was to fill an immediate want and to confine their activities to their own locality.

So thoroughly did the young society Sons of Norway do its job that it soon attracted attention among compatriots in other parts of Minneapolis and eventually the country.

After three years, in 1898, the second link was formed in the fraternal chain and then

a third link formed in 1900. That same year, delegates from the three lodges instituted a Supreme Lodge and Sons of Norway was truly underway.

By 1903 twenty lodges were established, all in Minnesota. This same year the Supreme convention decided to make the entire United States its field of operation, and permission was granted to sell insurance and organize lodges in North Dakota and Wisconsin.

At this time an organization with similar aims and purposes was formed on the West Coast and it was inevitable that consolidation would eventually take place. After years of correspondence and mutual visitations and consolidation of the Midwest and Pacific Coast orders was consummated in 1910.

In the meantime 1909 saw the first lodge organized in Chicago, followed closely by the first East Coast lodge, organized in Brooklyn on January 6, 1911. This was Faerder Lodge No. 109, still very active with its over 600 members.

In August 1912, District Lodge No. 3 came into being, and that same year women were admitted into Sons of Norway as social members, and a wise move it was for what would Sons of Norway be without the ladies?

The growth of Sons of Norway is a story in itself.

From a membership of 18 in 1895 we are now approximately 55,000 strong. The amazing part of the story is that while many organizations of similar nature have in the last 10 to 15 years diminished in strength or have completely collapsed, ours, the Sons of Norway is having its finest period of growth.

I normally avoid statistics for they can be most dull, but just to demonstrate the tremendous growth of our order, I cite the following comparisons:

In 1895 we had 18 members and I'm in doubt as to the amount of insurance in force but it must have been insignificant.

43 years later, in 1938, we had 22,000 members and 10½ million dollars insurance in force.

At year 1969 we have approximately 55,000 members and 75 millions insurance in force.

In 5 years time (1965 through 1969) an increase in membership of some 57% and an increase of insurance in force of over 100%. This is a tremendous achievement.

WHAT IS THE FUTURE OF SONS OF NORWAY?

This of course is an unknown, but we can only assume that the fantastic strides we have made over the past 5 or 10 years are only a beginning. We have, I am convinced, only scratched the surface. Certainly changes will have to be made, changes in organization, changes in thinking. . . .

Some we can foresee and I'm sure many that we are unable to visualize at this time.

With immigration at a virtual standstill, we must depend more and more upon 2d, 3d and even 4th generation Norwegians to help fill our ranks. We may be forced in the future to liberalize our requirements for membership by Non-Norwegians.

We must make a concerted effort to entice our children and indeed our grandchildren into the Sons of Norway. However, to do this and not change some of our thinking would be foolish, for their interest would soon be lost. Many of our lodges will have to streamline the business portion of our meetings so these will be enjoyable rather than tiring. I know that few, if any of today's youth will put up with business meetings of three hours duration, and this still occurs in all too many lodges.

We must adjust our social activities to be of interest to the younger members. I don't imply that we should cater to their every whim but, we must recognize that their tastes are not necessarily the same as ours and without the youth our future would not be too bright.

We must convince our members, particularly the younger ones, to take active part in our lodge activities, serving as officers, serving on the various committees.

We must develop programs of interest in our social activities and our cultural endeavors. We must encourage building programs for one of the best ways to create enthusiasm within a group is to give them something worthwhile to work for.

Let us promote charitable projects within our communities for this will benefit our image in the community at large and attract the attention of other Norwegians and bring them into our fold.

Let us support our Benevolent programs for regardless of the society in which we live with social security, hospitalization plans, medical and surgical insurance, Medicare, etc., we are a fraternal group and to a great degree, "our brothers keeper".

The future of Sons of Norway is bright indeed. With progressive thinking on the Supreme, District and Local lodge levels we are bound to progress. The future of Sons of Norway is up to US.

ANNUAL PROGRESS REPORT TO CONSTITUENTS

HON. DONALD W. RIEGLE, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 14, 1970

Mr. RIEGLE. Mr. Speaker, when I was first elected to the Congress, I pledged to my constituents in the Seventh District of Michigan that I would send back to them annual reports on the activities of the Congress. Such a report would give these citizens the opportunity to review the efforts of their Congressman over a 12-month period.

I have just completed the annual progress report, part I for 1969–70, and will soon be mailing it to every person in the Seventh District of Michigan. The text of this annual report follows:

YOUR ANNUAL PROGRESS REPORT FROM CONGRESSMAN DON RIEGLE, 1969–70—PART I

DEAR FRIEND: This last year—early 1969 through early 1970—has seen a new testing period for our country, our institutions, our political system, and ourselves. The old comfortable view that problems are separate from each other and belong to someone else—just doesn't work any longer. This old compartmentalized view has given way to a new sense that all problems and all people are interrelated and interdependent.

In the past, we looked at poverty, schools, jobs, pollution, transportation, crime, etc., as problems which just affected some of the people some of the time. Now we see and we feel issues that cut all across society—the war, the uncontrolled cost of living, our educational system in turmoil, public disorder, loss of confidence in our institutions, enlarging gaps between young and old, destruction of our environment, and so on. We now see that these are all connected and affect all the people all the time.

So I want to give you an in-depth summary of our work in Congress this past year—what we have done and what we're doing now. This report will cover many subjects and so will come in two separate newsletters—this one and a second one to follow in a few weeks. As always, this job in Congress belongs to all of us and I need your ideas and thoughts.

DON RIEGLE.

REFORMING CONGRESS—A PRIME TARGET FOR OVERHAUL

The problem.—The Congress today, for many reasons, is not up to the job required of it. It is out-dated, inefficient and not responsive to the urgent realities we face as a nation. Congress has moved too slowly, avoided many issues, rammed other measures through without study or meaningful debate, and continues to have ethics scandals. The great issues of our time go begging for attention while Congress often bogs down in nit-picking.

At the root of this crisis are outdated rules, procedures and organizational methods designed 200 years ago. Congress is badly handicapped by the seniority system which automatically makes the oldest surviving member of a committee the chairman. Thus, today in the House we have seven committee chairman in their seventies and two in their eighties. Some are unable to work a full day—and use work methods that are hopelessly inefficient and out of date. Common sense tells us that the best man on the committee should be the chairman—whether he's 75, or 55 or 35. If a man at age 52 is the best equipped to become the committee chairman he shouldn't have to wait 25 years until he's 77 and his older colleagues have died to become committee chairman.

Also, Congress—the people's branch of government—has surrendered too much power to the executive branch and the Supreme Court. Worst of all, Congress is continuing to lose the confidence of a concerned and well-informed public. Because of this more and more people—particularly the young—are looking "outside the system" for answers. Congress must overhaul itself and come into the 20th century.

Our action this year

Working in the forefront of the drive for Congressional Reform;

Testified before the House Rules Committee urging strong reform;

Continuous discussion to get grassroots citizens to join the fight;

Travel throughout the country to urge new people to run for public office—in both political parties; and

Speaking out strongly on the issues to reassert the independent voice of the Congress.

Part of the answer

Change the seniority system—while experience is important, so is leadership based on ability, energy, performance, determination to do the job. We should elect committee chairmen.

Open all hearings and congressional work to public review—*except* where national security and personal privacy must be maintained.

Establish an on-going mechanism for reform—a bipartisan committee that recommends new methods and improvements.

Provide more resources for Congress to do its job—staff, information, computer analysis, etc.

Reach new and better decisions on National priorities and goals.

You can help.—Congressional reform can move ahead but only if enough citizens want it and speak out. You can help—by writing a letter to Speaker John McCormack, Minority Leader Gerald Ford, or Chairman of the House Rules Committee, William Colmer—Capitol, Washington, D.C. These gentlemen are in the position to help change the rules and make Congress more effective.

TASK FORCE ON CAMPUS DISORDERS

Last year, Congressman Riegle and five others organized 22 House members to visit college campuses and investigate the problems and causes of campus disorder. They felt that unrest and violence were disrupting our educational system and that we did not

clearly enough understand the nature of this turmoil and alienation among young people.

Congressman Riegle headed one of six teams that visited colleges in California. Congressman Riegle was an eye-witness when bayonets and helicopters spraying tear gas were used against student demonstrators. The California team talked privately with students, faculty, administrators, and local public and law enforcement officials.

Major conclusions and recommendations included:

There are some campus revolutionaries that advocate and use violence. They must be apprehended and held accountable under the law. The greater problem however is the non-violent vast majority of students who are seriously concerned over the difference between the promise and the performance of today's American system—educational, business, political, etc. to reach these legitimate student concerns we must deal more directly with the war, equality of opportunity, and other issues which are hurting the country.

There is great need for real educational reform to make learning more relevant to the issues and needs of a rapidly changing world.

Violence and violation of rights of others cannot be a legitimate form of protest. At the same time, university officials and law enforcement officials must be far more sensitive to the conditions which breed lack of trust and, ultimately, violence. Ignoring explosive problems or repressive measures which treat innocent and guilty alike can force the majority of students into greater alienation.

The media and politicians have often made the campus unrest problem worse by distorting and polarizing public understanding of our universities and students.

Reform the draft (this has now begun)—in part due to the action of this Task Force.

Lower the voting age—we are now fighting for this and other methods of providing young people greater opportunities to work within the system.

We would be happy to mail you a copy of the full report if you write to our Flint or Washington office.

UPGRADING SOCIAL SECURITY

In recent months, I met with many hundreds of our senior citizens and received thousands of letters and calls from others. The message was loud and clear—our senior citizens just cannot live a secure, safe, and full life on the present social security payment—especially when the cost of living continues to eat up their limited income.

After much delay in Congress, I am pleased to report that we were able to fight for—and win a 15% across the board increase—effective January 1, 1970. But this is not enough, other changes are still needed. I will continue to fight for these changes and have introduced legislation which would:

Provide automatic future increases based on increases in the cost of living;

Increase the income limitation ceiling to $3,000;

Make the first $5,000 in income exempt from all Federal taxes;

Make eligible for Medicare those disabled senior citizens now receiving social security;

Increase benefits for widows and dependents; and

Protect VA pensions from social security increases.

NEW STUDENT INTERN PROGRAM

During the year over 40 college and high school students from Michigan and other parts of the country have worked on public projects and studies through our Washington and Flint offices—such things as:

Flint Model Cities Program and investigation of local urban renewal;

Problems facing senior citizens;

Drug abuse among young people;

Stopping the pollution of Lake Michigan and Potomac River; and

Cost of living in Michigan and auto industry employment

These students *work full time at their own expense* for three weeks to three months each.

"These young people make an excellent contribution to public problem solving and we will continue our intern program at full capacity this year. Most young people today are willing to work hard to try to improve things constructively by investing their own time and energy. Our Congressional office will continue to be open to any volunteer, of all ages."

SPECIAL CASE—A VETERANS HOSPITAL

At the request of members of the Buick UAW Local 599 last year, Congressman Riegle was asked to investigate alleged unsatisfactory conditions at the Ann Arbor Vets Hospital. Mr. Riegle's office made an unannounced tour which found many unsatisfactory conditions and determined that the situation at the hospital needed urgent attention and improvement. Congressman Riegle made a report to the Chief Medical Director of the Veterans' Administration in Washington requesting that an official inspection team be sent—unannounced—to evaluate the hospital and its services. As a result, the VA sent Congressman Riegle a list of significant changes and improvements which would be made. Because a group of local citizens cared enough to petition their Congressman, that hospital is now updating and improving its facilities. And of course we are continuing to watch the condition there—so the old problems don't return.

RIEGLE BILLS INTRODUCED

Tax reform and plugging tax loopholes.

Increasing social security benefits.

Resolution calling for humane treatment of U.S. prisoners of war.

Reform of the Congress.

Study of effects of TV violence on children.

Safeguards and restrictions against obscene mail.

Resolution supporting the President's Vietnamization program and U.S. troop withdrawal.

Termination of Gulf of Tonkin war-making authority as of December 1970.

Tax credits to train and employ the handicapped.

National emergency telephone number for citizens reporting crimes.

RIEGLE VOTES IN CONGRESS

Issue, Riegle vote, House vote

Full funding for water pollution control: Yes—Defeated.

President Nixon's draft reform bill: Yes—Passed.

Increased funding for education: Yes—Passed.

Reduce farm subsidies to max $20,000 per farmer: Yes—Defeated.

Tax reform: Yes—Passed.

Special education programs on drugs and drug abuse: Yes—Passed.

Extend the 10% income surtax: No—Passed.

Mine safety regulations: Yes—Passed.

Extra $1 billion for unbudgeted battleships: No—Passed.

$96 million for supersonic transport plane: No—Passed.

Direct election of the President: Yes—Passed.

Establish Council on the Environment: Yes—Passed.

Funds for ABM deployment: No—Passed.

Increase G.I. education and Vet benefits: Yes—Passed.

Reduce voting rights enforcement in South: No—Passed.

Increase social security benefits: Yes—Passed.

Sustain President's veto of the HEW bill: Yes—Passsed.

Commission on Population Growth Problems: Yes—Passed.

Provide authority for settling railroad strike: Yes—Passed.

VIETNAM WAR—ENDING U.S. INVOLVEMENT

The President has taken some encouraging steps to turn the war and the nation-building effort back to the Vietnamese where it belongs. But Congress—after 8 years—has still not faced up to *its* constitutional responsibility to decide when the U.S. should engage in war and what our national priorities should be.

The facts are:

1. The war goes on at the rate of nearly 100 American men killed per week, 5,000 deaths per year, 30,000 injuries, and some 23 billion ($460.00 for every American family of 4 in 1970).

2. It is not certain that the present South Vietnamese government can win the support of its people and build a nation with or without U.S. blood and money. This is one reason why I think the South Vietnamese must steadily assume all military responsibility, with all American combat and support troops removed.

3. The deep political, social, and economic roots of the conflict are spreading in Cambodia and Laos. Eventually, there will have to be a political solution to these problems by the Asians themselves. Our own national security involvement cannot be based on these unstable internal conditions in S.E. Asia. We must not get drawn into Laos or Cambodia.

4. The $23 billion cost of the Vietnam war is the number one factor blocking our ability to hold down the cost of living, attack crime, improve education, clean-up our environment, and deal squarely with the urgent problems that weaken our nation at home.

A recent witness before the Appropriations Committee said proudly "my wife is safer in Saigon than Washington, D.C." What a sad admission—more evidence that we better clear up our own back yard before we go 13,000 miles away to tell other people how to live.

In light of these facts, we are leading two Vietnam initiatives in Congress at this time.

One—Asking Congress to amend the Gulf of Tonkin Resolution of August 10, 1964 to terminate any implied war-making authority as of December 31, 1970. The Administration which originally opposed this idea has now declared itself neutral, properly leaving the matter for Congress and the people to decide.

Two—Asking Congress to accept its legal constitutional obligations by making a decision on how long the U.S. should continue to pour American blood and money into Vietnam. Our resolution would require Congress to fund U.S. Vietnam forces only at the level required to have all U.S. combat and support troops out by July 1, 1971. These steps are actually required if we are to follow the Constitution.

(a) U.S. Constitution: *Article I, Section 8.* Congress shall have power . . . to declare war . . . to provide for the common Defence and general Welfare . . . to raise and support Armies, but *no Appropriation of Money to that Use shall be for a longer Term than Two Years . . .*

(b) Alexander Hamilton, in the *Federalist Papers,* arguing for ratification of the Constitution: "The legislature . . . obliged to this provision, once *at least* in every two years, to deliberate upon the propriety of keeping a military force on foot; and to declare Their sense of the matter, by a formal vote in the face of their constituents. *They are not at liberty to vest in the Executive department permanent funds for the support of an army, if they were even incautious*

enough to be willing to repose in it so improper a confidence.

These actions are not intended as a challenge to the President; on the contrary, we believe they coincide with his expressed desire, and that of most Americans, to de-Americanize the Vietnam war within a reasonable period of time. Both McCloskey and Riegle supported President Nixon's resolution last fall which endorsed the Administration policy of orderly withdrawal and search for a just peace.

THE SEVENTH DISTRICT CONGRESSIONAL SEAT AND THE U.S. SENATE

Earlier this year there were many people around the state who expressed interest in—and speculated about—my running for the U.S. Senate this November. After deep and searching reflection, and with mixed feelings, I concluded that it was best that I not run for the Senate in 1970.

It is an honor to have been among those considered for the U.S. Senate. In this respect my intent was, and will remain, to work vigorously with all who wish to make our political system more effective. Citizen government is a tough and vital job which we all must carry on—and your part in it is just as important as mine or anyone else's. The issues, and needs of our country are larger than any individual's, so we've got to pitch in and work together to get the job done.

NEIGHBORHOOD MEETING

Especially in these times, it is important that every person have his or her own chance to speak out—or find out—about national issues or individual problems that relate to the government. He should be able to do this without having to use a middleman, or having to belong to a special interest group. Because it is not always convenient for people to come to the Congressional office, Congressman Don Riegle and his staff have established a new service of local area get-togethers with citizens that will systematically cover every neighborhood and community in our district. So far, the neighborhoods covered have been the City of Flint, and major parts of Burton, Mt. Morris, Genesee and Flint Townships—other areas will be covered soon.

The way it works is this: Congressman Riegle will send a postcard to your home saying when and where he will be in your area—and inviting you to get together—usually in the local area shopping center; although during the summer, we will again use the Congressional mobile office trailer.

Watch for the one in your area so that you can talk directly with Don Riegle about the things that matter most to you.

WORK IN GENESEE AND LAPEER

This year, being in close touch with our district meant coming home many times during the year, meeting with thousands of constituents and many groups, as well as maintaining a vigorous district office at 425 Detroit St. in Flint. Even with telephones, press and mail, there just is no substitute for getting with people personally and exchanging ideas and concerns about our community and country. Here are some of the Congressman's local meetings this last year.

UAW Chevrolet Local 659.
G.I. Wives Club of Flint.
Fisher I Plant.
Dedicated Davison City Hall.
Dedicated Fenton High School.
Genesee County Tax Reform Association.
Central Christian Church.
New citizens group.
Bendle High School, Lewis School.
Clio homecoming.
Lapeer Day.
Professional Engineer Association.

THIRD ANNUAL G.I. KIDS' CHRISTMAS PARTY

This was a heart-warming success for the kids and their families because so many people and local groups pitched in. Each family tape recorded a personal message to their dad or brother, which was then sent air mail in time for Christmas. Games, refreshments, and gifts were there for every child along with Santa Claus and Bozo the clown. Special thanks for help go to Mr. Thomas McCall, volunteer chairman, local UAW unions, VFW posts, radio and TV stations, etc.

This is only one of the many ways we can express our deep gratitude to those families and young men who serve our country—and are away at Christmas.

MODEL CITIES—A CHANCE FOR PROGRESS

Congressman Riegle, along with county and city officials, announced a HUD grant of $3,577,000.00 to Flint-Genesee Model Cities program. After a year of local planning, now follows the first year of action.

Performance, and the ability of diverse public and private groups to work together will determine the future of Model Cities. Unlike other government sponsored programs, which depend on Federal involvement, the success or failure of Model Cities will be entirely a product of local initiatives and a desire on the part of all groups to make the program work.

YOUR HOT-LINE TELEPHONE—USE IT IF YOU NEED TO

Remember, anytime you need to reach Congressman Riegle or his staff in Washington about an important government-related problem or issue—you can do so by telephone—at no charge to you by coming in to your District Congressional office and using the Hot-Line phone to Congressman Riegle's Washington office.

NOT PRINTED AT GOVERNMENT EXPENSE

These newsletters are not printed at government expense—any and all contributions will help greatly in continuing this newsletter service. If you wish to help, make check payable to "7th District Newsletter"—425 Detroit St., Flint, 48502—our thanks to those that have helped in the past.

WHEN TREASON PROSPERS—ENEMIES ARE UNKNOWN

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 14, 1970

Mr. RARICK. Mr. Speaker, military courtesy has assumed new dimensions. The Department of the Army now offers guided tours of U.S. military installations to military officers from Soviet and Communist bloc countries.

The 1970 foreign military attaché tour group included Russian Maj. Gen. Mikhail I. Stolnik and other officers from the Communist Warsaw Pact satellite countries.

The "friendship" tour, according to the official Army brochure published in conjunction with the tour, included a flight by Special Air Mission—SAM—C-135 aircraft from Andrews Air Base to Pope Air Base, N.C.

At Fort Bragg, the "guests" observed a dress rehearsal of Exercise Brass Strike.

At Fort Benning, Ga., an airborne/pathfinder demonstration, leadership reaction course, weapons firing, observed rangers in action, observed Highley village search, and ambush demonstration—a mock Vietnamese village search.

The guests departed Fort Benning en route to Fort Rucker, Ala., by U.S. Army helicopters. At Fort Rucker, they had a visit of maintenance training for an orientation and tour of training facilities. Also, static display and briefing on all rotary aircraft. Observed airmobile operation. Observed and inspected armed aircraft including the Mohawk and Bulldog.

The tour of U.S. training and defense installations proceeded:

To Cape Kennedy: A Kennedy Space Center briefing—tour of flight training building—tour of vehicle assembly building—and launch control center—tour of crawler transporter—tour of pad A launch site.

To Fort Bliss, Tex.: A briefing on U.S. Air Defense Center and Fort Bliss. Briefing on role and mission of U.S. Army Air Defense School. Briefing on 1st Advanced Individual Training—AT—Brigade activities, demonstration of forward area weapons, observed Chaparral/Vulcan training, automatic weapons training, Hawk missile briefing and demonstration, and briefing and firing of all air defense artillery forward area weapons.

To Fort Hood, Tex.: A briefing on Project Masster, display of major items of armor equipment, and observed accuracy firing demonstration.

To U.S. Military Academy at West Point: Tour of academy. Retreat parade.

One wonders what thoughts passed through the minds of our men who were ordered to demonstrate in front of military representatives of Communist nations, including Russia—whose cadre, arms, and equipment are being used to kill and maim their buddies in Vietnam—and perhaps in the future against them.

Morale must be at an all time high when U.S. taxpayers play host to the enemies' military representatives while over 40,000 of their sons are dead and a war is yet to be won.

What reciprocal benefits can our fighting men expect in return? Release of our POW's? Cessation of Russian supplied arms and equipment? A promise not to "bury us?"

One can but guess what the mothers, fathers, widows, sweethearts, and children of over 40,000 unsung heroes must feel at this infamous mockery of our people.

Mr. Speaker, I include several newsclippings and the official military tour program in the RECORD:

[From the Washington Post, Apr. 25, 1970]

SOVIET GENERAL, OTHERS TO TOUR FT. BENNING

FT. BENNING, GA.—A Soviet major general and officers from half a dozen Warsaw Pact countries will be among foreign military attaches who will tour the huge infantry training center here next week.

The attaches will spend three days at Ft. Benning and will be shown American infantry weapons and tactics, including a search of a simulated Vietnamese village, an Army information officer said.

He said the group of 49 Washington-based military attaches will arrive here Tuesday as part of a nationwide tour.

They will go later in the week to the Army aviation center at Ft. Rucker, Ala., for a look at Army helicopter training and tactics used in Vietnam.

Maj. Gen. Mikhail Ivanovich Stolnik will head the Soviet delegation, he said.

[From the Alexandria-Pineville (La.) Town Talk, Apr. 30, 1970]

RED GENERALS VISIT

Soviet Maj. Gen. Mikhail Stolnik is welcomed at Fort Benning, Ga., by Maj. Gen. Orwin Talbott, commanding general. Some 49 Washington-based officers, including six Warsaw Pact military attaches, arrived for a two-day tour of the U.S. infantry installation.

FOREIGN MILITARY ATTACHE TOUR 1970

DEPARTMENT OF THE ARMY,
Washington, D.C.

GREETINGS FROM THE ASSISTANT CHIEF OF STAFF FOR INTELLIGENCE, DEPARTMENT OF THE ARMY

On behalf of the United States Army, I take great pleasure in extending a most cordial welcome to those members of the Corps of Military Attaches participating in the 1970 Military Attache Tour. It is our hope that your visits to our military installations and civilian communities will be both enjoyable and of professional value.

I personally look forward to accompanying you during the first week of the tour. Major General Freund, my Deputy for Intelligence Support, will join the tour on 2 May and accompany you during the second week.

J. A. MCCHRISTIAN,
Major General, GS, ACofS for Intelligence.

ITINERARY—MILITARY ATTACHE TOUR, 1970

Sponsor: Department of the Army.

Visitors: Foreign Military Attaches Accredited to Department of the Army.

Escort officers: Major General J. A. McChristian, Assistant Chief of Staff for Intelligence (26 April–3 May 1970).

Major General J. F. Freund, Deputy for Intelligence Support Office of the Assistant Chief of Staff for Intelligence (2 May-8 May 1970).

Colonel H. B. Lane, Chief, Foreign Liaison Office.

Lieutenant Colonel D. E. Gaston, Foreign Liaison Office.

Lieutenant Colonel J. M. Hamilton, foreign liaison office.

Major Charles R. Ray, Foreign Liaison Office.

Major E. Sanchez, ACSI–I, OACSI, (Spanish Linguist).

Medical Officer: Captain Daniel Teres, Andrew Rader Army Clinic, Fort Myer, Virginia.

Washington, D.C., Contact Officer: Lieutenant Colonel Charles R. Rawlings; Foreign Liaison Office, OACSI.

NOTES

1. All attaches and escort officers are requested to wear name tags, provided by the Foreign Liaison Office, during all visits and official social functions.

2. If a foreign officer does not have the uniforms listed in the itinerary, he is requested to wear the equivalent uniform of his service.

3. All times listed in the itinerary are local.

4. Those attaches wishing to visit the United States of Mexico while in the El Paso area should have their passports available at that time.

DATE AND LOCAL TIME, ACTIVITY

Sunday, April 26

1400—Assemble in the Distinguished Visitors Lounge, Military Airlift Command (MAC) Terminal, Andrews Air Force Base. Dress: Duty Uniform (Army Green). A group photograph will be taken prior to departure.

1500—Depart Andrews Air Force Base via Special Air Mission (SAM) C–135 Aircraft for Pope Air Force Base, North Carolina. Flying Time: One hour.

1600—Arrive Pope Air Force Base. Met by a representative of Commanding General, XVIII Airborne Corps.

Quarters: Holiday Inn, Fayetteville, North Carolina 28301.

*—Enroute via bus to quarters.

1750—Assemble in motel lobby. Dress: Duty Uniform (Army Green).

1800—Enroute via bus to Officers' Open Mess, Fort Bragg, North Carolina.

1830—Official Reception/Buffet hosted by General John L. Throckmorton, Commander in Chief, United States Strike Command.

*—Enroute via bus to quarters.

*—Balance of evening at leisure.

Monday, April 27

*—Breakfast at leisure.

0820—Assemble in motel lobby. Dress: Duty Uniform (Short sleeve khaki shirt and trousers).

0830—Enroute via bus to Fort Bragg, North Carolina.

0900—Arrive York Theatre, Fort Bragg, North Carolina.

*—Observe Dress Rehearsal of Exercise "Brass Strike".

1230—Lunch at VIP Mess Tent, Drop Zone "Sicily".

1530—Enroute via bus to quarters.

1630—Leisure time.

1820—Assemble in motel lobby. Dress: Duty Uniform (Army Green).

1830—Enroute via bus to Fort Bragg Officers' Open Mess, Fort Bragg, North Carolina.

1900—Reception and Dinner hosted by Lieutenant General and Mrs. John J. Tolson, III, Commanding General, XVIII Airborne Corps.

*—Enroute via bus for quarters.

*—Leisure time. Request attaches pay motel bill prior to retiring.

Tuesday, April 28

*—Breakfast at leisure.

*—All baggage to be packed and placed on beds in motel room.

0920—Assemble in motel lobby. Dress: Duty Uniform. (Short sleeve khaki shirt and trousers).

0930—Enroute via bus to Pope Air Force Base, North Carolina.

1015—Depart Pope Air Force Base, North Carolina via SAM C–135 Aircraft for Lawson Army Airfield, Fort Benning, Georgia. Bade farewell by a representative of Commanding General, XVIII Airborne Corps. Flight time: One hour and fifteen minutes.

1130—Arrive Lawson Army Airfield. Met by Major General and Mrs. Orwin C. Talbott, Commanding General, United States Army Infantry Center.

1130—Quarters: Holiday Inn of Columbus—Airport, Columbus, Georgia 31904.

*—Enroute via bus for Fort Benning Officers' Open Mess.

1200—Official luncheon hosted by Major General Orwin C. Talbott.

1330—Enroute via bus to Infantry Hall.

1340—United States Army Infantry Center and United States Army School Activities Briefing.

1405—TV Briefing and Tour.

1425—Tour of the Infantry Hall.

1445—Enroute via bus to Eubanks Field.

1455—Airborne/Pathfinder Demonstration.

1600—Enroute via bus to quarters.

1620—Leisure time.

1830—Assemble in motel lobby. Dress: Uniform/Informal (Summer White).

1840—Enroute via bus to Supper Club, Officers' Open Mess, Fort Benning, Georgia.

1900—Official Reception and Dinner hosted by Major General and Mrs. Orwin C. Talbott.

*—Enroute via bus for quarters.

*—Balance of evening at leisure.

Wednesday, April 29

*—Breakfast at leisure.

0820—Assemble in motel lobby. Dress: Duty Uniform (short sleeve khaki shirt and trousers).

0830—Enroute via bus for Dixie Village.

0900—Observe the Leadership Reaction Course.

0955—Weapons Firing.

1130—Luncheon hosted by a designated representative of the Commanding General, United States Army Infantry Center, at the Supper Club, Officers' Open Mess.

1230—Enroute via bus for Ranger Training Area.

1300—Observe Rangers in Action.

1350—Enroute via bus for Higley Village.

1410—Observe Higley Village Search and Ambush Demonstration.

1520—Enroute via U.S. Army helicopters to quarters.

1550—Leisure time.

0750—Assemble in motel lobby. Dress: Civilian/Informal.

1930—Official Social Event hosted by the Chamber of Commerce, Columbus, Georgia. (Place and details to be announced).

*—Enroute via bus for quarters.

*—Leisure time. Request attaches pay motel bills prior to retiring.

Thursday, April 30

*—Breakfast at leisure.

*—All baggage to be packed and placed on beds in motel room.

0750—Assemble in motel lobby. Dress: Duty Uniform (Short sleeve khaki shirt and trousers).

0800—Enroute via bus to Lawson Army Airfield.

0845—Depart Lawson Army Airfield via United States Army helicopters for Cairns Army Airfield, Fort Rucker, Alabama. Bade farewell by Major General Orwin C. Talbott. Flight time: One hour and 15 minutes. Retard watches one hour.

0900—Arrive Center Parade Field, Fort Rucker, Alabama. Met by Major General Delk M. Oden, Commanding General, United States Army Aviation Center and Commandant, United States Army Aviation School.

Quarters: Holiday Inn, Dothan, Alabama 36302.

*—Enroute via bus to United States Army Aviation School.

*—Initial Orientation presented by Assistant Commandant, United States Army Aviation School.

1000—Visit Department of Maintenance Training for an orientation and tour of training facilities.

1130—Enroute via bus to the Officers' Open Mess.

*—Attaches from Australia, Ethiopia, Greece, Iran, Italy, Korea, and Norway meet with their student officers in the lounge of the Officers' Open Mess.

1145—Official luncheon hosted by Major General Delk M. Oden.

1300—Enroute to Hooper Range, United States Army Aviation Center.

1320—Static Display and briefing on all rotary aircraft.

1415—Enroute to Longstreet Range, United States Army Aviation Center.

1430—Observe airmobile operations.

1515—Observe and inspect armed aircraft including the Mohawk and Birddog.

1600—Enroute via United States Army helicopters to quarters.

1630—Leisure time.

1820—Assemble in motel lobby. Dress: Uniform/Informal (Summer White).

1830—Enroute via bus to Fort Rucker Officers' Open Mess, Fort Rucker, Alabama.

1900—Official Reception and Dinner hosted by Major General and Mrs. Delk M. Oden.

*—Enroute via bus to quarters.

*—Leisure time. Attaches are requested to pay motel bills prior to retiring.

Friday, May 1

*—Breakfast at leisure.

*—All bags are to be packed and brought to the motel lobby.

0630—Assemble in motel lobby. Dress:

Duty Uniform (Short sleeve khaki shirt and trousers).

0640—Enroute via bus for Old City Airport, Dothan, Alabama.

0645—Depart Dothan Old City Airport via United States Army helicopters for Eglin Air Force Base, Florida. Bade farewell by Mayor General Delk M. Oden. Flight time: 1 hour and 15 minutes.

0800—Arrive Eglin Air Force Base, Florida. Transfer to United States Air Force SAM C-135 Aircraft. Depart Eglin Air Force Base for Cape Kennedy Air Force Station, Florida. Flight time: 1 hour and 10 minutes. Advance watches one hour.

1030—Arrive Cape Kennedy Air Force Station Skid Strip, Kennedy Space Center, Florida. Met by a representative of the Director of Center Operations, Kennedy Space Center.

1045—Visit Cape Kennedy Air Force Station to include United States Air Force Museum, Astronaut Memorial and Titan III Missile.

1200—Official luncheon at Headquarters, National Aeronautics and Space Administration, Kennedy Space Center hosted by a representative of Center Operations.

1300—Kennedy Space Center Briefing.

1340—Tour of Flight Crew Training Building.

1410—Tour of the Vehicle Assembly Building and the Launch Control Center.

1500—Tour of the Crawler/Transporter.

1525—Tour of Pad A (Launch Site of Apollo XIII).

1545—Enroute to Cape Kennedy Air Station Skid Strip.

1605—Depart Cape Kennedy Air Station Skid Strip via United States Air Force SAM C-135 Flight for Miami International Airport, Miami, Florida. Bade farewell by a representative of Center Operations, Kennedy Space Center. Flight time: 45 minutes.

1650—Arrive Miami International Airport, Miami, Florida. Met by Colonel Roseman, Commanding Officer, 31st Artillery Brigade (Air Defense).

Quarters: The Carillon Hotel, Miami Beach, Florida.

*—Enroute via bus to quarters.

1930—Reception hosted by a Miami Beach Civic organization. Dress: Uniform/Informal (Summer White).

Saturday, May 2

*—At leisure in Miami Beach, Florida.

Sunday, May 3

*—Breakfast at leisure.

0950 (*)—Assemble in hotel lobby. Dress: Casual Civilian Clothes and Bathing Suit.

1000 (*)—Enroute via bus for Hobe Sound, Florida.

1200 (*)—Picnic and Swimming Party hosted by Major General and Mrs. Joseph A. McChristian, Assistant Chief of Staff for Intelligence. Dress: Casual Civilian Clothes and Bathing Suit for those desiring to swim.

1700 (*)—Enroute via bus to quarters.

1900—Leisure time in Miami Beach, Florida for the balance of evening.

*—Attaches are requested to pay hotel bills prior to retiring.

Monday, May 4

*—Breakfast at leisure.

*—All bags should be packed and placed on beds in hotel rooms.

0935—Assemble in hotel lobby. Dress: Duty Uniform (Short sleeve khaki shirt and trousers).

0945—Enroute via bus to Miami International Airport.

1045—Depart Miami International Airport via United States Air Force SAM C-135 Aircraft for El Paso International Airport, El Paso, Texas. Flight time: 3 hours and 40 minutes. Luncheon served enroute. Retard watches two hours.

(*) Optional for those attaches wishing to attend.

1230—Arrive El Paso International Airport, Transient Terminal, El Paso, Texas. Met by Major General Richard T. Cassidy, Commanding General, United States Army Air Defense Center and Fort Bliss.

Quarters: Holiday Inn, El Paso—Downtown, El Paso, Texas 79901.

*—Enroute via bus to Building No. 2, Fort Bliss.

1300—Welcome by Commanding General, United States Army Air Defense Center and Fort Bliss.

1305—Briefing on United States Air Defense Center and Fort Bliss.

1325—Briefing on the Role and Mission of the United States Army Air Defense School.

1340—Enroute via bus to Training Area No. 17.

1400—Briefing on the 1st Advanced Individual Training (AIT) Brigade Activities.

1410—Demonstration of Forward Area Weapons.

1430—Coffee Break and Visit of Static Display of Equipment.

1450—Enroute via bus to the Chaparral/Vulcan Park.

1455—Observe Chapparal/Vulcan Training.

1510—Enroute via bus to the Automatic Weapons Park.

1515—Observe Automatic Weapons Training.

1530—Enroute via bus to quarters.

1600—Leisure time.

1850—Assemble in motel lobby. Dress: Uniform/Informal (Summer White).

1900—Enroute via bus to the Officers' Open Mess, Fort Bliss, Texas.

1930—Official Reception and Dinner hosted by Major General and Mrs. Richard T. Cassidy.

*—Enroute via bus to quarters.

*—Leisure time.

Tuesday, May 5

*—Breakfast at leisure.

0750—Assemble in motel lobby. Dress: Duty Uniform (Short sleeve khaki shirt and trousers).

0800—Enroute via bus for Fort Bliss, Texas.

0830—Hawk Missile Briefing and Demonstration.

*—Hercules Missile Briefing and Demonstration.

1200—Official luncheon hosted by Major General Richard T. Cassidy.

1330—Enroute via bus to the McGregor Redeye Range, New Mexico.

1445—Briefing and Firing of all Air Defense Artillery Forward Area Weapons.

1545—Enroute via bus to quarters.

1700—Arrive quarters.

1820—Assemble in motel lobby. Dress: Civilian Casual Clothes and Bathing Suits.

1830—Enroute via bus to Officers' Open Mess.

1900—Informal Swimming Party and Buffet Dinner hosted by Major General Richard T. Cassidy.

*—Enroute via bus to quarters.

*—Leisure time. Attaches are requested to pay motel bills prior to retiring.

Wednesday, May 6

*—Breakfast at leisure.

*—All bags are to be packed and placed on beds in motel rooms.

0750—Assemble in motel lobby. Dress: Duty Uniform (Short sleeve khaki shirt and trousers).

0800—Enroute via bus to El Paso International Airport, El Paso, Texas.

0830—Depart El Paso International Airport Transient Terminal, via United States Air Force SAM C-135 Aircraft for Gray Army Airfield, Fort Hood, Texas. Bade farewell by Major General Richard T. Cassidy. Flight time: 1 hour and 25 minutes. Advance watches one hour.

1100—Arrive Gray Army Airfield. Met by a representative of Commanding General of III Corps and Fort Hood.

Quarters: Cowhouse Motor Hotel, Kileen, Texas.

*—Enroute via bus to Officers' Open Mess.

1200—Official luncheon hosted by Major General John Norton, Deputy Project Director, Project Masster.

1315—Enroute via bus to Building 38 North, Fort Bliss.

1345—III Corps Command Briefing.

1415—Briefing on Project Masster.

1445—Enroute via bus to 1st Armored Division Parade Ground.

1450—Display of major items of Armor Equipment.

1545—Observe Accuracy Firing Demonstration.

1615—Enroute via bus to quarters.

1630—Leisure time.

1820—Assemble in motel lobby. Dress: Civilian Informal.

1830—Enroute via bus for the Officers' Open Mess, Fort Hood, Texas.

1900—Official Reception and Barbecue hosted by Major General and Mrs. John Norton.

*—Enroute via bus for quarters.

*—Leisure time. Attaches are requested to pay their motel bills prior to retiring.

Thursday, May 7

*—Breakfast at leisure.

*—All bags should be packed and brought to motel lobby.

1005—Assemble in motel lobby. Dress: Duty Uniform (Army Green).

1015—Enroute via bus for Gray Army Airfield, Texas.

1045—Depart Gray Army Airfield via United States Air Force SAM C135 Aircraft. Bade farewell by a representative of Commanding General III Corps and Fort Hood. Luncheon served enroute. Flight time: 2 hours and 45 minutes. Advance watches one hour.

1430—Arrive Stewart Airport, Newburgh, N.Y. Met by a representative of Superintendent, United States Military Academy (USMA).

Quarters: Holiday Inn of Newburgh, Newburgh, New York.

*—Enroute via bus to United States Military Academy.

1500—Greeted by Major General William A. Knowlton, Superintendent, United States Military Academy.

1530—Visit the United States Military Academy.

1710—Retreat Parade.

*—Enroute via bus to quarters.

*—Arrive quarters and leisure time.

1920—Assemble in motel lobby. Dress: Uniform/Informal (Summer White).

1930—Enroute via bus to the West Point Army Mess, United States Military Academy.

2000—Official Reception and Dinner hosted by Major General and Mrs. William A. Knowlton, Superintendent, United States Military Academy.

*—Enroute via bus to quarters.

*—Leisure time. Attaches are requested to pay motel bills prior to retiring.

Friday, May 8

*—Breakfast at leisure.

*—All bags packed and placed on beds in motel rooms.

0820—Assemble in motel lobby. Dress: Duty Uniform (Army Green).

0830—Enroute via bus for the United States Military Academy.

0900—Continue visit of the United States Military Academy.

1200—Luncheon in Corps of Cadets Mess Hall.

*—Farewell by Superintendent, United States Military Academy.

1300—Enroute via bus for Stewart Airport, Newburgh, New York.

1345—Depart Stewart Air Force Base via United States Air Force SAM C-135 Aircraft for Andrews Air Force Base, Maryland. Bade farewell by a representative of the Superintendent, United States Military Academy. Flight time: 55 minutes.

1450—Arrive Andrews Air Force Base, Maryland.

JACK RICE OF CANTON, OHIO

HON. FRANK T. BOW

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 14, 1970

Mr. BOW. Mr. Speaker, Jack Rice of Canton, Ohio, is a businessman deeply concerned by the problems that face small business including inflation, the emphasis on consumer legislation, and the relationships between big and small business. Mr. Rice recently made the keynote address at the annual meeting of the National Appliance and Radio-TV Dealers Association of which he is the treasurer. His remarks afford insight into the attitudes and problems of American businessmen. I include the address as follows:

ADDRESS BY JACK RICE

In 1965 at the NARDA convention in Hollywood Beach, Florida probably the most exciting banquet speaker ever to address us held forth on the platform talking on the subject of the demise of the independent retailer. The speaker, Mr. E. B. Weiss, contended that we as independents were doomed because of the buying power, merchandising ability and in short just the financial resources of the big chains and mass merchandisers.

Now 1965 has come and gone, 1966, 1967, and 1968 have brought with it booming sales, primarily I feel as a result of inflation and a super psyic'd up economy, not from actual economic strength. We have all witnessed staggering leaps in our gross sales because of the customers demand for color television which merely substitutes $500-$600 dollar units for what we used to sell for $200-$250 dollars.

But now we have entered the 70's, the government and the economists have decided to cool off the economy, our suppliers by and large have caught up with their plant expansions and now can ship more goods than our customers will eagerly buy. Our employees have demanded and received more than just compensation for their increased cost of living. Our landlords, utilities and anyone else who sells us anything that we use in our business are catching up by higher prices with their need for more money to pay their bills too. Our suppliers are drastically cutting costs wherever possible even at the expense of cheaper product, less protective shipping cartons, fewer and fewer services to help us sell the product and while those manufacturers that for years we have known and loved and trusted, still stand behind us and the products they sell us, they seem to be standing further and further behind us and it's getting so that anymore when you need them you can't see them because they're so far behind. Dealers large and small are left to fight their own battles with freight companies for example, who have found the cheapest way to handle freight damage is to pay as few claims as possible.

Certainly not least important is the fact that today to borrow money to run our business we must pay from 33%-45% more to the bank or finance company. In short, ladies and gentlemen, at the beginning of the 70's we face the upward pressure on the cost of doing business and a strong downward pressure on our ability to increase the prices we charge. In short we face as never before the disappearance of a thing called gross margin which is just another way of saying what Mr. Weiss said, a disappearance of the independent retailer.

The appeal of a Jean Dixon or Edgar Casey is to be able to predict the future before anyone else can see it. I hesitate to give E. B. Weiss such clairvoyance but I'm afraid the above reasons are why his prediction has not come true sooner and that unless we remaining independent appliance dealers don't act dramatically and swiftly the early 1970's will mark the rapid decline of the independent appliance dealer.

Not to be a prophet of doom nor a purveyor of old cliches but at this point I must insert the old chestnut about the college professor who on the first day of class told each student to look at the man to his right and to his left because one of them would not be there by the time graduation rolled around. If we are to avert a further ⅓ to ½ decline in the number of independent appliance dealers we must begin now at this convention, today, to plan for the future so that we are not the one who disappears and does not graduate.

In any planning for the future, a prudent businessman must recognize there is no ironclad foolproof method. It doesn't matter whether you use a computer, slide rule or just an "educated seat of pants" method, it all depends on those overworked ingredients, judgment and common sense. These cannot be intelligently exercised without the facts before you—past and present. There is an old Mennonite or Amish saying that "we grow too soon old and too late smart." We know the future is inevitable. It will be an outgrowth of the present, which in turn developed out of the past. So what is happening in the appliance business? Many aggressive hard-working dealers have flunked out. Many more are on the ragged edge. Many of the remaining successful dealers are waiting, hoping for some big chain to take them out of the rat race and buy them out.

In the meantime, the debate goes on between the professors and the politicians as to whether we're in a "downturn" or a "recession." Some people are even beginning to whisper depression. And while we're waiting to see if Mr. Nixon's battle with inflation will be any more successful than the historic noble experiment of prohibition 50 years ago, the retailer is sinking. What the retailer wants to know is not what we're in but how long it will last.

The retailer is caught between the rising cost of doing business and the drop in sales. He isn't going to get any help from Washington, the manufacturer, the Federal Reserve, or the Federal Trade Commission.

Washington will compromise almost every wage demand resulting in another round of increases all around. The manufacturer in turn will raise prices in an attempt to cover rising costs. The Federal Reserve will tiptoe thru the tulips with the interest rate making everyone think a big cut is coming, but actually it will be just enough for you not to give up hope. The Federal Trade Commission will look the other way while the same old abuses continue.

When things get tough, everybody wants to pass a law. Well, let's just take a look at what this Congress has done for us so far this session:

Two year extension of the office of economic opportunity. (Now that ought to give you a few big ticket sales.)

Voted 1.86 billion in foreign aid. (If you had a store in Japan you might get some help.)

Passed a relief and reform tax act. (Very little reform and absolutely no relief.)

Upped social security benefits 25%. (Just hang on a few more years and you'll be OK.)

Passed a 4.8 billion dollar extension of major federal programs for public housing, urban renewal, etc.

A 610 Million Dollar appropriation for the food stamp program for fiscal 1970 was adopted.

Passed a bill limiting debt increase to 12 billion dollars.

There are many more good things congress is working on—and, oh yes, last but by no means least, congress doubled the President's salary, voted itself a 41% boost in salary with party leaders getting extra money hiked the pay of the Vice-President, House Speaker, Federal judges, cabinet members and others.

It is a little hard to see how inflation will be curbed with congress free-wheeling like it is. One thing it means higher taxes, which go right into everyone's cost of doing business.

Wages are going up industry by industry. This affects you not only in your own operation but hikes the cost of everything you buy.

Another matter of concern to every appliance dealer is the flood of imports. Should you fight them or join them? It's a cinch we can't ignore them. Some dealer in your town will handle them so your manufacturer has to put you in a competitive position.

Recently some radio reporters covering the Amalgamated Clothing Workers rally at Chicago to protest the flood of Japanese-made imports came up with red-faces. They were all using Sony tape recorders to report the event.

If I were to sum up our present situation, I would say:

Everything going up but profits. Profits are down.

Unemployment is going up.

Buying power is at a standstill.

Wages are going up.

Prices are going up.

Not a very bright picture for an appliance dealer to make a buck.

Competition and short profits will force you to cut costs—such as Labor, materials, advertising, you'll have to get value received for every cent you spend—you'll have to be selective about inventory—you've got to have something to sell—your manufacturer or distributor has got to come up with "deals."

Nader's Raiders and Mrs. Knauer are going to be much in the news fighting for the consumer. They may get the Federal Trade Commission off dead center, but don't wait for them.

We as individual independent appliance dealers, as the most powerful trade association in the United States and as just concerned citizens should turn the whole idea of consumer protection around. It is not a problem of consumer protection but a problem of consumer education. We are not telling the story often enough, loud enough or to the right people. For example do the retail sales people on your sales floor tell every customer how to use every product immediately after every sale. The most important benefit to any customer is ease of use and knowledge beforehand eliminates problems after the fact. The most expensive way to run a business is to be putting out fires all the time so the best way and maybe the only way to substantially cut the cost of doing business is to do these things better on the front end.

Don't be misled, consumerism is also the only important issue whether we condemn RCA for servicing non-RCA televisions. When RCA begins servicing non-RCA products in your market think twice before you condemn the whole thing as the end of the independent service department. If they can hire and train men, run trucks, inventory parts, keep records, et cetera, cheaper and more efficiently than we can, then we do not deserve to get the business. What are more likely the facts is they do all the things you and I do but charge more money for them. The threat to your or my service is the guy who doesn't know what his service is worth and there-

fore sells his soul for less than it is worth. RCA can actually provide an umbrella under which we can all get more for the service we know to be better, faster and more personalized than theirs.

What is important here is the interest of the customer and we must serve her needs the best way we know how but demand that we get paid every dime we are entitled to whether it is cash or warranty credit from the manufacturer.

In addition to consumer protection or consumer education if you will, there is also an up to now almost forgotten area of dealer protection and for that matter manufacturer protection. Here again it is more education rather than protection. I refer specifically to franchising or how shall a dealer or supplier be allowed to run his business and sell his products?

Consumerism and the franchise could be the two hottest corridor discussions of this convention. You know about them already and many of us have talked of little else since we arrived.

There are two extremely important comments I want to make about the franchise namely 1) what it is and 2) what it does or doesn't do. A franchise is only a plan, but a plan if it is used to its best potential is still quite something. A franchise is not a license to plot out an area of geography, sit down, and wait for the promised land. The coal miners and now the plumbers and electricians have used a form of labor franchise to so restrict the size of market and therefore drive up the cost of their services that today most coal is automated at the mine and we see modular construction and mobile home growing by leaps and bounds. You and I as intelligent independent appliance dealers should never be party to any franchise that does not realistically look at the market and set out clearly in writing what each party is to do and what standard of performance is expected from each and every party.

At this convention you have heard and will hear much discussion on the government attempt to change the way Magnavox does business. Now I fear that much more heat than light will be generated on this subject before an eventual compromise is worked out or before the federal chargers go galloping off to knock down some other straw windmill. Now I have never been a franchised Magnavox dealer and most likely never will be but I want to make this abundantly clear that if Magnavox loses this fight to sell their products in the planned orderly manner they choose every other manufacturer will also lose and every independent dealer will in the long run be the biggest loser of all because every brand name manufacturer follows at least some of the ideas and practices used by Magnavox.

There is nothing that has made me prouder of NARDA unless it be the strong stand taken against Sears than the very quick and very clear support your trade association made for one company against a great big government. Every independent appliance dealer is fortunate in having a strong trade association. The trade association is strong because it provides services to help its members succeed and survive.

But your NARDA membership is only as valuable as you make it. The cost of doing business survey, forms for which have just gone out to every member for 1969 is the only accurate composite guide or bench mark to judge the success or failure of our individual businesses. The more dealers who participate the more valuable the survey. NARDA is the only trade association that offers such a complete variety of computer programs covering all facets of our business. NARDA's activity in dealer education with the oldest most successful Institute of Management in Washington to the more numerous symposium programs offered in every part of the country to the enthusiastically received School of Service Management which I hasten to point out at this moment has had two back to back years of door busting attendance with every dealer who attended paying every dime of his own way without a handout, dole, or scholarship from any manufacturer. I could not begin to list all the activities that your trade association does for you but I would sum up by saying that whatever you ask NARDA to do for you NARDA has the means, the man-power and the methods to help you do it.

While our industry has a lot of headaches now and in the balance of the 70's we will survive if we are alert and diligent, work hard, think smart and use those two things I spoke of earlier, judgment and common sense.

So . . . as an industry and a nation we have a lot of work to do in the next decade, a lot of energy to expend. No one can say exactly how we shall go about solving all the problems lying ahead, but it's a safe bet that we WILL. We've always turned our difficulties into opportunities and advantages.

You often hear people fret about the future. They have doubts that the country will survive, they think we're going soft, weak-kneed. We Americans often under-estimate ourselves and our determination to take things that are wrong and put them right, no matter the cost. We are hypercritical. We gripe about each other, our system, our government, institutions we have built up. Yes, even about prosperity.

This isn't a weakness, it's a strength—this tendency we have to find faults in ourselves. It shows our aspirations . . . for perfection. By ticking off our faults, we draw attention to them and correct them.

Let's look at ourselves in perspective, tote up our strengths: Our wealth is the greatest in history, the envy of the world. We take it for granted. And individually, we try to increase it. Our productive capacity is enormous. It's based on ingenuity, the ability of free men to find better ways to produce and distribute. Our profit system is the incentive, the carrot, for improvement. Many scorn it, but soon discover that it works where other systems fail. We still have poverty, too much of it, but even our poorest are in better shape than the poor in most other nations of the world. And we're working at THIS . . . not out of shame but from a sense of fairness. Our people are compassionate, openhanded, willing to share . . . they beef about charities, but then they dig down and give generously.

Our school system, education, is worth special mention because it is perhaps our GREATEST asset, our best insurance for the future. Today nearly 60 million people are full-time students . . . about 30% of total population. Also over 40% of all college-age youngsters go on to college (20 years ago, one out of 14). This gives you the dimension of our educational set-up. The training of young minds makes education an ECONOMIC resource, ranking ahead of machines. That's a definite plus.

And add all the other assets. Your job, business. Your family. Your freedom to move about. Freedom to follow your interests anywhere. Freedom to speak your mind, vote, take a vacation, go to church, study. We have faults, too, plenty. You know them, everyone knows them. They are driven home to us every day, in the news and public discussions.

The tide of criticism by the young, the radicals, dissidents, as painful as it is will actually turn out to be a blessing in disguise. They are the first step toward finding new ways to solve the problems themselves. It's the mark of a free society, not shared by dictatorships, a sure sign that we don't consider the United States a finished society. Never will, in fact. And that's a good thing. It means we are willing to change, to grow, to work toward something better.

If you were there at that convention in 1965 you may remember that it was Mr. Weiss's contention that the independent would come back stronger than ever by banding together and even co-operating on such things as buying, advertising, and financial management. In short what he was saying 5 years ago was that in order to remain independent, every dealer in the room had to surrender some of his independence. I remember that convention in 1965 because I sat down the platform from Mr. Weiss. That was the first year I was elected to the board of NARDA. Since then I have been in contact with the best minds in our industry and because they have been willing to co-operate, share and especially surrender some of their knowledge and vast amounts of their time I have learned a little how to run a better business in Canton, Ohio.

You and I have the power to solve these problems, because the retailer controls the methods or manner of distribution of appliances, Televisions and Stereos.

Ladies and gentlemen you have the best minds in our industry together here in one room. If we use them we can solve our problems today and any and all of the even greater problems that will come tomorrow.

UNEASY PEACE UNDER PRINCE SIHANOUK HAS BEEN REPLACED BY WAR IN CAMBODIA

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 14, 1970

Mr. FRASER. Mr. Speaker, the people of the United States and of our Government lack knowledge and understanding about Cambodia. This has been an important factor leading to President Nixon's decision to invade Cambodia.

The complex forces within Cambodia kept in balance by the enormous popularity of Prince Sihanouk before his overthrow are well described in an article in the Eastern Economic Review for April 9, 1970. It is written by T. D. Allman and is entitled "When Khmers Kill Khmers."

WHEN KHMERS KILL KHMERS

(By T. D. Allman)

PHNOM PENH.—The euphoria of political victory among Cambodia's new leaders and their followers has given way to a degree of soberness which may or may not conceal genuine apprehension at the crises—domestic and international—the government reaped for itself by suddenly deposing the man who created Cambodia's unique national life style. Certainly apprehension and even more melancholy emotions recently have overtaken many foreign observers here and some Cambodians as well.

"We probably shall look back on these days as the opening phases of the Cambodian civil war," one diplomat here said gloomily, as he reviewed the course of the demonstrations. He may not have been exaggerating. Although reports last week of Vietcong columns advancing on Phnom Penh were false, for the first time since independence in 1953, Cambodians were killing Cambodians, travel through the countryside was restricted and sometimes dangerous, and the Phnom Penh government's hold on the rural population was in doubt.

The average Cambodian wants most of all to live in peace, but already he is being urged to choose sides. On the government side are the army, most of the business class, the aristocracy, the intellectuals and government functionaries. Ranged against the new gov-

ernment are some 40,000 Vietnamese troops—who so far have taken only a small role in the anti-government movement—the tiny Khmer Rouge guerrilla movement, and most importantly, a sizable but unknown proportion of Cambodia's six million peasants who still see Sihanouk as a god-king and the nation's only leader.

There is much speculation here that the series of pro-Sihanouk demonstrations last week, mostly in provinces near the Vietnamese border, may have been organised by the Vietnamese communists. Government soldiers shot and killed between 80 and 100 Cambodians, none of them carrying firearms. Significantly, no Vietnamese was killed. And observers here say that the government would face opposition in the provinces even if the communists stayed aloof.

One Cambodian official conceded: "It is still not considered an unpatriotic thing to demonstrate on behalf of Sihanouk. The people in the villages do not understand the mistakes he made. They are still blinded by him and susceptible to pleas to cause trouble."

The most serious threat yet to the new government's authority came last week in the province of Kampong Cham, a rubber-rich area northeast of Phnom Penh with a large indigenous Vietnamese population.

In three days of demonstrations, which finally ended in what amounted to a government massacre of perhaps 50 people, Cambodians for the first time turned on the new government and its officials. The trouble began on March 25 and 26 when Cambodians poured into the provincial capital—a French colonial style river town—carrying pro-Sihanouk banners and shouting anti-government slogans. Provincial authorities asked the army for 24 hours to put down the demonstrations peacefully.

Although authorities arrested hundreds, all except the small number of Vietnamese among them were released after a few hours detention and a strong lecture on the virtues of the new regime. The soft measures were designed to convert the demonstrators, and it was perhaps an indication of the new government's naivete that they failed.

On the night of March 26, more than a score of vehicles, mostly buses and lorries began moving on Phnom Penh by two different routes, carrying several thousand demonstrators bearing Sihanouk photographs and singing patriotic songs. They reached the two bridges leading over the Tonle Sap and Tonle Bassac into Phnom Penh before dawn, and camped for the night.

The next morning the new regime's hopes of peacefully consolidating its hold on the country turned to blood. Although many of the demonstrators dispersed peacefully, Cambodian soldiers opened fire at both bridges when some of the demonstrators tried to cross into the capital. The government later claimed only two were killed, but responsible estimates run as high as 20.

The worst violence occurred later the same day back in Kampong Cham where thousands of enraged Cambodians sacked the provincial headquarters and burned down the court house. A magistrate and two members of the national assembly were killed. By the time the army had restored order that evening, at least 30 Cambodians had been fatally wounded, with some estimates of the dead running much higher. There were also disturbances reported on the road between Phnom Penh and Kampong Cham, and French plantation managers began evacuating their families by air to Phnom Penh.

The next day the disturbances continued in the province of Takeo, south of Phnom Penh, where thousands of peasants lined the roads, waving knives and matchetes and stopping traffic. At least a dozen were killed by army gunfire in Takeo during the next 48 hours, and the full toll may never be known because many seriously wounded villagers were taken back to their homes, where they may have died. Sporadic demonstrations were also reported in the area around Kampong Speu, on the road to Sihanoukville.

In official accounts of the incidents, the government claimed that most demonstrators dispersed peacefully, and accused the Vietcong of inciting the people to violence. Most observers here agree communist agents, mostly Vietnamese working in rubber plantations near Kampong Cham, helped to organise the move on the capital. Communist agents reportedly played radio speeches of Prince Sihanouk on tape recorders urging the people to rise up against the government. The government claimed that the communists killed several lorry drivers when they refused to hand over their vehicles. Most of the demonstrators, by the time they reached Phnom Penh, seemed thoroughly confused. Some claimed that they had come to rescue Prince Sihanouk and Queen Kossomak, whom they had been told were being held captive in the Royal Palace. Others believed that Prince Sihanouk was waiting for them at Camchar Mon, his official residence, to give them guns to defend the country. A government report claimed that 85% of the demonstrators had been forced to come to Phnom Penh against their will, that 15% had been coming here on normal business and that only 5% were determined to cause trouble.

Observers here are less certain that the Vietnamese were involved in the demonstrations at Takeo. "The question of communist instigation," one diplomat said, "is basically irrelevant. You can assume that the Vietcong will do what they can to harass a hostile government. The point is that before they never had much opportunity to cause trouble because the country was united around Sihanouk. Now there are divisions to exploit."

If the degree of bloodshed was an indication of how deep the divisions here now run, then the country is indeed in for bad times. "The people hate the Vietnamese, but they love Prince Sihanouk," said another diplomat. "Now the government is calling Sihanouk a traitor, and Sihanouk himself is threatening to regain power with the help of the Vietnamese. There must be total disorientation in the villages. For decades, they were secure. Now they don't know which end is up."

While the government had its hands full putting down the pro-Sihanouk demonstrations, Vietnamese communist troops also put increasing military pressure on government troops near the border. According to government reports, they also infiltrated into positions that would permit them to cut several main road and river links between Phnom Penh and Sihanoukville and the Vietnamese frontier.

Communist troop movements and attacks do not yet constitute open war but observers, although they think the government has exaggerated the menace, find the increased communist attacks nearly as ominous as the demonstrations. The threat, they say, lies not so much in the possibility of direct communist attacks against Phnom Penh and the other main towns but in the fact that the entire military accommodation with the communists, which for years left Cambodia in peace, may be breaking down.

"If you had a map of Cambodia with red pins in it representing communist troops and their positions, nothing much would have changed since Sihanouk was ousted," said one military source. "Those troops have always been there. It is the attitude that has changed. Before, the Cambodians and the Vietnamese coexisted. When there was fighting it was usually because the Cambodians decided to make a show of force. The communists had orders to lie low. Now it is the communists who are making the show of force, and, of course, they are much stronger."

No one here is willing to say that after the demonstrations and the Vietnamese military attacks all hope is gone for negotiations between the new government and the Vietnamese. But most observers here say that with the North Vietnamese and the South Vietnam Provisional Revolutionary government embassies closed, the government trying to cut the rice trade with South Vietnam, and Sihanouk inciting the people to violence over Radio Peking, the accommodation Sihanouk and the communists worked out has been disrupted, probably irrevocably.

"I don't think we will see any big battles right now," said one longtime French resident of Phnom Penh. "But we will see fighting along the borders, we will see more demonstrations, we will have at the beginning a smallscale guerrilla war, and some of the major roads will be cut."

"In short," added another Western observer, "the truce has ended. We have gone from uneasy peace to partial war. This creates a great strain on the government, and on the people. The communists probably hope that this tension will permit Sihanouk to return to power. If he does not come back, they will be in the position of either negotiating or fighting—as they wish—with a weak government discredited by popular demonstration and unable to hold its own on the battlefield."

But if the new regime is aware of the implications of the mounting military and political problems it faces, it has not so far shown in the public composure of its chief officials. In public appearances and press interviews, Prime Minister Lon Nol and Deputy Prime Minister Prince Sisowath Sirik Matak have appeared calm, confident and unemotional.

Although invective against Prince Sihanouk has grown more strident, and appeals for the support of the people more frequent and flowery, most people here, including government officials, seem convinced things are going as well as can be expected.

Riding a wave of anti-Vietnamese nationalism, the government has passed a Riel 9,800 million budget, which includes increases for military expenditures. The government has continued its programme of economic liberalization by increasing bank interest rates and ending government monopolies in most manufacturing enterprises. Following a call for reservists and veterans to rejoin the army, small groups of young and middle-aged men have appeared for voluntary induction into the army. Although government buildings have been sandbagged, road blocks set up on the major highways, and more and more soldiers are seen in the streets, Phnom Penh and most of countryside remain calm. There have been no increases in prices, no hoarding, and the government claims, no flight of capital from the country.

Can the government hang on? Most observers here think so, though some of them fear at the price of a continually deteriorating situation.

"Every day that Sihanouk does not return," one Cambodian official argued, "he becomes more discredited. He has hurt himself by staying so long in Peking, and by throwing his lot in with the communists. We are going to have trouble now. But it is better to deal with these problems now than to have left things the way they were."

To have left things the way they were would have meant, in essence, to leave Prince Sihanouk in control. "This government has made a lot of mistakes," concluded another observer. "But it has made only one fundamental error—throwing out Sihanouk. The Cambodian people, politically, are among the least demonstrative in Asia, so despite the demonstrations, the killings and the bad military situation, everything seems more the same than changed. But this is not right. Cambodia in recent days has changed more than during the previous 10 years. And the change has not been for the better."

LEGISLATIVE REORGANIZATION ACT

HON. PHILIP E. RUPPE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 14, 1970

Mr. RUPPE. Mr. Speaker, I have just handed to the clerk a motion to discharge the Committee on Rules from further consideration of H.R. 11475, a bill to improve the operation of the legislative branch of the Federal Government, and for other purposes, which was referred to that committee on May 20, 1969.

I take this action in the face of reports that the Rules Committee has announced that it will schedule for action by the House its own version of the Legislative Reorganization Act of the 1960's. Indeed, I take my action because of the rumored imminence of the scheduling of a bill that in my view may be unacceptable, particularly at the present time when young people all across this troubled land are seriously questioning whether our democratic system can really be made to work. If the contents of the bill to be reported by the committee are similar to those of the print published by the committee last fall, I want to put myself on record as opposing that kind of so-called reform legislation as worse than no bill at all for raising false expectations that meaningful reform had occurred.

I am informed that a copy of the committee's version of the bill will be available next week. While this puts me in the position of attempting to criticize a piece of legislation I have not seen, it also puts me in the position of serving notice on the committee that any bill weaker than H.R. 11475 is unacceptable to this Member of Congress.

Mr. Speaker, I want to emphasize that the action I take today is individually motivated. Each Member of the House will have to consult his own conscience on the question of discharging the Committee on Rules from further consideration of this bill. I would like to underscore my own preference for regular order and normal procedure in ordinary times. My action stems from a recognition that these are not ordinary times. We certainly are not witnessing regular order on most college campuses, and it seems to me that normal procedure in the House of Representatives has brought very little fruition on the subject of congressional reform.

I direct the attention of my colleagues to the brief history of H.R. 11475. This bill is the result of a compromise between the bill introduced on February 5, 1969, by our former colleague Donald Rumsfeld, H.R. 6278, and cosponsored by 122 Republican members, and H.R. 10426, introduced by the Honorable THOMAS REES and cosponsored by more than threescore members of his party. All three of these bills are derived from the bill passed by the Senate carrying out recommendations of the Joint Committee on the Organization of the Congress in its final report dated July 1966.

Mr. Speaker, I am just fed up with procrastination on the question of taking some positive steps toward modernizing the legislative branch of the Federal Government. H.R. 11475 is not the ideal answer to our problems. I consider it the minimal reform package we can enact and say with a straight face that we have really done something constructive about congressional reform. But H.R. 11475 is a step forward, at least, and I am not sure that the package rumored to be forthcoming from the Rules Committee is genuine progress. Unless the bill reported by the Rules Committee is roughly equivalent in strength to the recommendations made by the joint committee 4 years ago and passed by the Senate on March 7, 1967, I think there is a real danger in adding to the present and growing discontent in America. I do not believe we can sell people on the idea that we have changed very much by enacting a few minor reforms.

Mr. Speaker, I know the young people of this country understand the necessity for congressional reform. It would be the cruelest hoax, at a critical moment in the Nation's history when its young citizens are trying so hard to believe in the viability of the democratic process, to pass a watered-down reorganization package. I understand that one committee version even fails to provide for a permanent Joint Committee on Congressional Operations which would have continuing responsibility for upgrading procedures for handling the Nation's business. It would be indefensible, it seems to me, to go to the public in a congressional election year claiming that we had really made a difference in the way Congress operates by enacting changes in procedure that are reform in rhetoric only. And it seems to me a dereliction of responsibility on our part as Members of Congress to continue to fail to act because we say that congressional reform has no constituency.

Mr. Speaker, I invite my colleagues to affix their signatures to my petition, but if no name appears on this motion but my own I will still feel that I have taken a forthright stand and presented tangible evidence of my own concern that we put before the House a really meaningful congressional reform bill.

I include the full text of H.R. 11475:

H.R. 11475

A bill to improve the operation of the legislative branch of the Federal Government, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act, divided into titles, parts, and sections according to the following table of contents, may be cited as the "Legislative Reorganization Act of 1969".

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TITLE I—THE COMMITTEE SYSTEM

RULEMAKING POWER OF SENATE AND HOUSE

SEC. 101. The following sections of this title are enacted by the Congress—

(1) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such they shall be considered as part of the rules of each House, respectively, or of that House to which they specifically apply; and such rules shall supersede other rules only to the extent that they are inconsistent therewith; and

(2) with full recognition of the constitutional right of either House to change such rules (so far as relating to the procedure in such House) at any time, in the same manner, and to the same extent as in the case of any other rule of such House.

PART 1—PROVISIONS APPLICABLE TO BOTH HOUSES

COMMITTEE PROCEDURE

SEC. 102. (a) Section 133(a) of the Legislative Reorganization Act of 1946 (2 U.S.C. 190a) is amended by adding at the end thereof the following new sentences: "If the chairman of any such committee, after the expiration of three days following his receipt of a written request of at least three members of the committee, refuses or fails to call a special meeting of the committee within seven calendar days from the date of said request, then upon the filing with the clerk of the committee of the written and signed request of a majority of the committee for a called special meeting of the committee, the committee shall meet on the day and hour specified in said written request. It shall be the duty of the clerk of the committee to notify all members of the committee in the usual way of such called special meeting. If the chairman of the committee is not present at any committee meeting, the senior member of the majority party who is present shall preside at that meeting.".

If the chairman of the committee is not present at any committee meeting, the senior member of the majority party who is present shall preside at that meeting.".

(b) Section 133(b) of that Act is amended to read as follows:

"(b) Meetings for the transaction of business of each such committee, other than the conduct of hearings, shall be open to the public except when the committee by a majority vote orders an executive session. Each such committee shall keep a complete record of all committee action. Such record shall include a record of the votes on any question on which a record vote is demanded. The results of rollcall votes taken in any meeting of any such committee upon any measure, or any amendment thereto, shall be announced publicly at the conclusion of that meeting, and such announcement shall include a tabulation of the votes cast in favor of and the votes cast in opposition to each such measure and amendment by each member of the committee who was present at that meeting or who voted by proxy.".

(c) Section 133(c) of that Act is amended by adding at the end thereof the following new sentences: "In any event, the report of any such committee upon a measure or matter which has been approved by the committee shall be filed within seven calendar days (exclusive of days on which the Senate or House of Representatives, as the case may be, is not in session) after the day on which there has been filed with the clerk of the committee a written and signed request of a majority of the committee for the reporting of that measure or matter. Upon the filing of any such request, the clerk of the committee shall transmit immediately to the chairman of the committee notice of the filing thereof.".

(d) Section 133(d) of that Act is amended by adding at the end thereof the following new sentences: "No vote shall be taken with respect to any measure, or any amendment thereto, by any such committee unless a majority of the members thereof are actually present. No vote of any member of any such committee with respect to any measure, or any amendment thereto, may be cast by proxy, unless such committee adopts a rule or rules permitting the casting of votes by proxy and unless such rule or rules require that proxies shall be in writing and be given only for a specified measure or measures, including any amendment or amendments thereto.".

(e) Section 133 of that Act is amended by striking out subsections (e) and (f), and inserting in lieu thereof the following:

"(e) If, at the time of approval of a measure or matter by any such committee, any member of the committee gives notice of intention to file supplemental or minority views—

"(1) upon completion of the preparation of a proposed report of such committee upon such measure or matter, a copy of such proposed report shall be transmitted promptly by the clerk of the committee to each member of the committee;

"(2) within two calendar days (excluding Saturdays, Sundays, and legal holidays) after receipt of such proposed report, each such member shall be entitled to file with the clerk of the committee in writing the supplemental or minority views of that member with respect to that measure or matter;

"(3) all such views so filed by one or more members of the committee shall be included within and shall be a part of the report filed by the committee with respect to that measure or matter; and

"(4) the report of such committee upon such measure shall be printed in a single volume which shall include all supplemental or minority views which have been submitted at the time of the filing of the committee report, and shall bear upon its cover a recital that supplemental or minority views are included as a part of the report.

Nothing contained in this subsection shall preclude—

"(A) the immediate filing and printing of a committee report unless a timely request for the opportunity to file supplemental or minority views has been made as provided by this subsection; or

"(B) the filing by any standing committee of any supplemental report upon any measure or matter which may be required for the correction of any technical error in a previous report made by such committee upon such measure or matter.

"(f) No measure or matter shall be considered in either House of the Congress unless a committee report thereon has been available to the Members of that House for at least three calendar days (exclusive of Saturdays, Sundays, and legal holidays) prior to the consideration of such measure or matter in that House. If there have been hearings held on any such measure or matter so reported in either House, the committee reporting such measure or matter shall make every reasonable effort to have such hearings printed and available for distribution to Members of that House prior to consideration of the measure or matter in that House. This subsection shall not apply to—

"(1) any measure for the declaration of war, or the declaration of a national emergency, by the Congress,

"(2) any executive decision, determination, or action which would become, or continue to be, effective unless disapproved by one or both Houses of Congress, and

"(3) any privileged report as described in clause 22 of rule XI of the Rules of the House of Representatives in the Ninety-first Congress.

"(g) Each such committee which, in any year beginning on or after January 1, 1970, requires authorization for the expenditure of funds in excess of the amount specified by section 134(a) of this Act shall offer one annual authorization resolution to procure such authorization. Each such annual authorization resolution shall include a specification of the amount of all such funds sought by such committee for expenditure by all subcommittees thereof during that year and the amount so sought for each such subcommittee. In order to make public full and complete information regarding the total annual authorized expenditures of committees, the report accompanying the annual authorization resolution shall include—

"(1) a specification of the amount or amounts of expenditures which the committee is authorized annually to make under permanent law other than the annual authorization resolution,

"(2) a statement disclosing the total of the annual amount or amounts so authorized under permanent law, and

"(3) the total amount of proposed expenditures for which authorization is sought under the provisions of the annual authorization resolution.

The annual authorization resolution of any such committee of either House of the Congress for each year beginning on or after January 1, 1970, shall be offered not later than February 15 of that year, except that, whenever the designation of members of standing committees of that House occurs during the first session of any Congress at a date later than February 15, such resolution may be offered by any standing committee of that House at any time within thirty days after the date on which a majority of the members of such committee have been designated during that session. After the date on which an annual authorization resolution has been offered by any such committee in any year, or the last date on which such committee pursuant to the preceding sentence may offer such a resolution, whichever date occurs earlier, such committee in any year may procure authorization for the expenditure of funds in excess of the amount specified by section 134(a) of this Act only by offering a supplemental authorization resolution. Each such supplemental authorization resolution shall specify with particularity the purpose for which such authorization is sought, and shall contain an explicit statement of the reason why authorization for the expenditures described therein could not have been sought at the time of, or within the period provided for, the submission by such committee of an annual authorization resolution for that year. The minority shall receive fair consideration in the appointment of staff personnel pursuant

to any such annual or supplemental resolution.

"(h) Each such committee shall cause to be printed annually the rules then in effect which govern the proceedings of that committee. Such rules shall be so printed by each such committee in each year not later than the last day on which such committee pursuant to subsection (g) may offer its annual authorization resolution for that year. When so printed, a copy of such rules shall be transmitted promptly to each member of the committee by the clerk of the committee, and such rules shall be available for public inspection in the office of the clerk. The proceedings of each subcommittee of any such committee shall be conducted in conformity with the rules governing proceedings of the full committee.

"(i) The foregoing provisions of this section do not apply to the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives.".

COMMITTEE HEARING PROCEDURE

SEC. 103. (a) Part 3 of title I of the Legislative Reorganization Act of 1946 is amended by inserting therein, immediately after section 133 thereof, the following new section:

"COMMITTEE HEARING PROCEDURE

"SEC. 133A. (a) Each standing, select, or special committee of the Senate and the House of Representatives, and each subcommittee thereof, shall make public announcement of the date, place, and subject matter of any hearing to be conducted by the committee or subcommittee upon any measure or matter at least one week before the commencement of that hearing unless the committee or subcommittee determines that there is good cause to begin such hearing at an earlier date.

"(b) Each hearing conducted by each such committee or subcommittee shall be open to the public except when the committee or subcommittee determines that the testimony to be taken at that hearing may relate to a matter of national security, may tend to reflect adversely on the character or reputation of the witness or any individual, or may divulge matters deemed confidential under other provisions of law or Government regulation. Whenever any such hearing is open to the public, the committee or subcommittee may permit, as a public service and solely under such rules as the full committee may adopt, the broadcasting, telecasting, and photographing by still and motion pictures of that hearing, or the recording and filming of that hearing for later broadcasting or telecasting, except that—

"(1) no witness may be required, against his will, to give evidence or testimony while the broadcasting or telecasting of that hearing is being conducted or while a recording or filming of that hearing is being made for later broadcasting or telecasting; and

"(2) no on-the-spot broadcasting or telecasting of that hearing may be conducted under commercial sponsorship, but this prohibition shall not be construed to prevent the broadcasting or telecasting of that hearing as a part of regularly scheduled news broadcasts or telecasts under commercial sponsorship.

"(c) Each such committee or subcommittee shall require, insofar as practicable, all witnesses appearing before it to file in advance written statements of their proposed testimony and to limit their oral presentations to brief summaries of their argument.

"(d) Whenever any hearing is conducted by any such committee or subcommittee upon any measure or matter, the minority of the committee shall be entitled, upon request by a majority of the minority members to the chairman before the completion of such hearing, to call witnesses selected by the minority to testify with respect to that measure or matter during at least one day of hearing thereon.

"(e) The foregoing provisions of this section do not apply to the Committee on Appropriations of the Senate and the Committee on Appropriations, the Committee on Rules, and the Committee on Standards of Official Conduct, of the House of Representatives.".

(b) Title I of the table of contents of the Legislative Reorganization Act of 1946 (60 Stat. 813) is amended by inserting—

"Sec. 133A. Committee hearing procedure."

immediately below—

"Sec. 133. Committee procedure.".

COMMITTEE POWERS

SEC. 104. Section 134(c) of the Legislative Reorganization Act of 1946 (2 U.S.C. 190b(b)) is amended to read as follows:

"(c) Except as hereinafter provided, no standing committee of the Senate or the House shall sit, without special leave, while the Senate or the House, as the case may be, is in session. The prohibition contained in the preceding sentence shall not apply to the Committee on Appropriations of the Senate or to the following committees of the House of Representatives: the Committee on Appropriations, the Committee on Government Operations, and the Committee on Rules. Any other standing committee of the Senate may sit for any purpose while the Senate is in session if consent therefor has been obtained from the majority leader and the minority leader of the Senate. Any other standing committee of the House of Representatives may conduct a hearing while the House is in general debate if consent therefor has been obtained from the Speaker and the minority leader of the House, but the authority contained in this sentence does not permit the conduct of any hearing by any such other standing committee during any period in which a measure is being read for amendment under the five-minute rule. In the event of the absence of any such officer or leader, the consent of such officer or leader may be given by a Member of that House of which such officer or leader is a Member designated by him for that purpose. Notwithstanding the provisions of this subsection, any standing committee of the Senate may sit without special leave for any purpose as authorized by paragraph 5 of rule XXV of the Standing Rules of the Senate.".

LEGISLATIVE REVIEW BY STANDING COMMITTEES

SEC. 105. (a) Section 136 of the Legislative Reorganization Act of 1946 (2 U.S.C. 190d) is amended to read as follows:

"LEGISLATIVE REVIEW BY STANDING COMMITTEES

"SEC. 136. (a) In order to assist the Congress in—

"(1) its analysis, appraisal, and evaluation of the application, operation, administration, and execution of the laws enacted by the Congress, and

"(2) its formulation, consideration, and enactment of such modifications of or changes in such laws, and of such additional legislation, as it deems necessary or appropriate,

each standing committee of the Senate and House of Representatives shall review and study, on a continuing basis, the application, operation, administration, and execution of those laws, or parts of laws, the subject matter of which is within the jurisdiction of such committee.

"(b) Each standing committee of the Senate and House of Representatives shall—

"(1) conduct the reviews and studies required generally by subsection (a) of this section;

"(2) analyze, appraise, and evaluate reports and other data of the Comptroller General of the United States, and of any other officer or agency of the Government, which are pertinent to reviews, studies, programs, projects, and other matters within the purview of this section and may request the Comptroller General to investigate any report on any matter relating to the receipt, disbursement, and application of public funds under such laws;

"(3) kept currently informed with respect to the regulations, procedures, practices, and policies of the Government pertaining to the application, operation, administration, and execution of the laws, and parts of laws, the subject matter of which is within the jurisdiction of the committee.

"(4) conduct such activities as are necessary and appropriate to carry out the general review and study policies of the committee under this section, including reviews of programs of grants-in-aid referred to in section 252(c) of the Legislative Reorganization Act of 1969; and

"(5) obtain current information regarding—

"(A) the progress, status, and results of reviews, studies, programs, and projects conducted under this section,

"(B) the regulations, procedures, practices, and policies of the Government referred to in subparagraph (3) of this subsection, and

"(C) all other matters within the purview of this subsection.

"(c) Each standing committee of the Senate and House of Representatives is entitled to employ a Review Specialist as a member of the professional staff of such committee in addition to the number of members of such professional staff to which such committee otherwise is entitled. Such Review Specialist shall be selected and appointed by the chairman of such committee, with the prior approval of the ranking minority member, on a permanent basis, without regard to political affiliation, and solely on the basis of fitness to perform the duties of the position. Such Review Specialist shall, under the joint direction and supervision of the chairman and the ranking minority member, assist the committee in the performance of its review functions under this section.

"(d) Each standing committee of the Senate and House of Representatives shall submit, not later than March 31 of each year beginning on or after January 1, 1970, to the Senate and House of Representatives, respectively, a report on its activities under this section during the immediately preceding calendar year. Such report shall include—

"(1) an analysis of the reviews, studies, programs, and projects of the committee under this section:

"(2) an appraisal and evaluation of the application, operation, administration, and execution of the laws, and parts of laws, the subject matter of which is within the jurisdiction of the committee; and

"(3) such other matters within the purview of this section as may be appropriate to carry out the purposes of this section.

Each such committee shall omit in such report all matters which, in the opinion of the committee, should not be made public in the interest of the national security.

"(e) Within ten days after the submission of all such reports to the Senate and House of Representatives, respectively, the President of the Senate, with respect to the reports submitted to the Senate, and the Speaker of the House of Representatives, with respect to the reports submitted to the House, shall transmit such reports to—

"(1) the President, with respect to matters concerning the executive branch;

"(2) the Director of the Administrative Office of the United States Courts, with respect to matters concerning the judicial branch;

"(3) the Commissioner of the District of Columbia, with respect to matters concerning the municipal government of the District of Columbia; and

"(4) the heads of other appropriate agen-

cies, corporations, and instrumentalities of the Government.

"(f) As used in this section, the term 'Government' includes the municipal government of the District of Columbia.

"(g) The foregoing provisions of this section do not apply to the Committee on Appropriations, and the Select Committee on Standards and Conduct, of the Senate and the Committee on Appropriations, the Committee on Rules, and the Committee on Standards of Official Conduct, of the House of Representatives.".

(b) Title I of the table of contents of the Legislative Reorganization Act of 1946 (60 Stat. 813) is amended by striking out—

"Sec. 136. Legislative oversight by standing committees."

and inserting in lieu thereof—

"Sec. 136. Legislative review by standing committees.".

CONFERENCE REPORTS

SEC. 106. (a) The section caption of section 135 of the Legislative Reorganization Act of 1946 (2 U.S.C. 190c) is amended to read as follows:

"CONFERENCE REPORTS"

((b) Section 135 of that Act is amended by adding at the end thereof the following new subsections:

"(c) Each report of a committee of conference shall be printed as a report of each House of the Congress. As printed in each House, each such report shall be accompanied by an explanatory statement prepared jointly by the conferees on the part of both Houses. Each such statement shall be sufficiently detailed and explicit to inform both Houses as to the effect which amendments or propositions contained in such report will have upon the measure to which it relates. If any conferee on the part of either House desires to submit to the House of which he is a Member an additional individual explanatory statement with respect to any such report to that House, such individual statement may be filed as an appendix to and may be printed together with, the explanatory statement of the committee of conference contained in the conference report to that House of which such conferee is a member, if such individual statement is available at the time of the filing of the report of the committee of conference to that House.

"(d) If time for debate in the consideration of any report of a committee of conference upon the floor of either House of Congress is limited, the time allotted for debate thereon in that House shall be equally divided between the political party having the greatest number of members, and the political party having the second greatest number of members, of the House.".

(c) The item relating to section 135 contained in the table of contents of that Act is amended to read:

TITLE II—FISCAL CONTROLS

RULEMAKING POWER OF SENATE AND HOUSE

SEC. 201. Part 3 and part 5 of this title are enacted by the Congress—

(1) as an exercise of the rulemaking power of the Senate and House of Representatives, respectively, and as such they shall be considered as part of the rules of each House, respectively, or of that House to which they specifically apply; and such rules shall supersede other rules only to the extent that they are inconsistent therewith; and

(2) With full recognition of the constitutional right of either House to change such rules (so far as relating to the procedure in such House) at any time, in the same manner, and to the same extent as in the case of any other rule of such House.

PART 1—BUDGETING AND FISCAL INFORMATION AND DATA

DATA PROCESSING SYSTEM

SEC. 202. The Secretary of the Treasury and the Director of the Bureau of the Budget, in cooperation with the Comptroller General of the United States, shall develop, establish, and maintain, insofar as practicable, for use by all Federal agencies, a standardized information and data processing system for budgetary and fiscal data.

STANDARD CLASSIFICATIONS

SEC. 203. (a) The Secretary of the Treasury and the Director of the Bureau of the Budget, in cooperation with the Comptroller General, shall develop, establish, and maintain standard classifications of programs, activities, receipts, and expenditures of Federal agencies in order—

(1) to meet the needs of the various branches of the Government; and

(2) to facilitate the development, establishment, and maintenance of the data processing system under section 202 through the utilization of modern automatic data processing techniques.

The initial classifications under this subsection shall be established on or before December 31, 1971.

(b) The Secretary of the Treasury and the Director of the Bureau of the Budget shall submit a report to the Senate and the House of Representatives on or before September 1 of each year, commencing with 1970, with respect to the performance during the preceding fiscal year of the functions and duties imposed on them by section 202 and subsection (a) of this section. The reports made under this subsection in 1970 and 1971 shall set forth the progress achieved in the development of classifications under subsection (a) of this section, and the reports made in years thereafter shall include information with respect to changes in, and additions to, classifications previously established. Each such report shall include such comments of the Comptroller General as he deems necessary or advisable.

AVAILABILITY OF DATA

SEC. 204. The Comptroller General shall provide information to the Congress, as provided in this section, on the location and nature of data available in the various Federal agncies with respect to programs, activities, receipts, and expenditures of such agencies. Upon request of any Member of the House or Senate, of any committee of either House, or of any joint committee of the two Houses, the Comptroller General shall—

(1) furnish to such Member, committee, or joint committee information as to the location and nature of such data, and

(2) to the extent feasible, prepare for such Member, committee, or joint committee summary tables of such data.

COST EFFECTIVENESS STUDIES

SEC. 205. The Comptroller General shall have available in the General Accounting Office employees who are expert in analyzing and conducting cost effectiveness studies of Government programs. Upon request of any committee of either House or of any joint committee of the two Houses, the Comptroller General shall assign, on a temporary basis, employees of the General Accounting Office to assist such committee or joint committee, or the staff of such committee or joint committee—

(1) in analyzing cost effectiveness studies furnished by any Federal agency to such committee or joint committee, or

(2) in conducting cost effectiveness studies of programs under the jurisdiction of such committee or joint committee.

CURRENT BUDGET INFORMATION

SEC. 206. (a) After the submission of the budget for any fiscal year by the President, the Comptroller General shall collect information and data available in the various Federal agencies with respect to changes in the figures shown in such budget as submitted, including changes caused by—

(1) new or supplemental requests for appropriations;

(2) the enactment of appropriation Acts, or the action of either the House or Senate on appropriation bills, or of the Committee on Appropriations, of the House or Senate on appropriation bills or requests for appropriations;

(3) increases or decreases in expenditures of prior appropriations;

(4) increases or decreases in revenue receipts or estimated revenue receipts; and

(5) increases or decreases in expenditures or estimated expenditures by reason of the enactment of laws (other than appropriation Acts).

(b) The Comptroller General shall, from time to time, furnish a report showing revised budget information and totals to reflect the information and data collected by him under subsection (a) to each Member of the House and Senate, each committee of the House and Senate, and each joint committee of the two Houses. All such reports shall identify, to the extent necessary, the sources of the information and data reflected in the revised budget information and totals.

(c) Upon request of any Member of the House or Senate, any committee of either House, or any joint committee of the two Houses, the Comptroller General shall, to the extent feasible, prepare and furnish to such Member, committee, or joint committee tabulations of such budget information and data as collected pursuant to this section.

POWERS AND DUTIES OF COMPTROLLER GENERAL

SEC. 207. (a) The Comptroller General shall establish within the General Accounting Office such office or division, or such offices or divisions, as he deems necessary to carry out the functions and duties imposed on him by the provisions of this part.

(b) The Comptroller General is authorized to obtain the services of individual experts and consultants in accordance with section 3109 of title 5, United States Code, but at rates not in excess of $200 per diem. Not more than fifteen such experts and consultants may be so employed at any one time and no expert or consultant may be so employed for more than one hundred and twenty days during any calendar year.

(c) The Comptroller General shall include in his annual report to the Congress information with respect to the performance of the functions and duties imposed on him by the provisions of this part.

CONSTRUCTION

SEC. 208. Nothing contained in this part shall be construed as impairing any authority or responsibility of the Secretary of the Treasury, the Director of the Bureau of the Budget, and the Comptroller General of the United States under the Budget and Accounting Act, 1921, as amended, and the Budget and Accounting Procedure Act of 1950, as amended, or any other Acts.

DEFINITION

SEC. 209. As used in this title, the term "Federal agency" means any department, agency, wholly owned Government corporation, establishment, or instrumentality of the Government of the United States or the government of the District of Columbia.

PART 2—THE BUDGET

SUPPLEMENTAL BUDGET INFORMATION

SEC. 221. (a) Section 201(a) of the Budget and Accounting Act, 1921, as amended (31 U.S.C. 11), is amended by adding a new subparagraph as follows:

"(12) as to each proposal for new legislation in the budget involving creation or ex-

pansion of any function, activity, or authority, and to be in addition to those functions, activities, and authorities then existing, a tabulation showing the amount proposed in the Budget for appropriation and for expenditure for the ensuing fiscal year and the estimated appropriation required on account of such proposal in each of the following four fiscal years during which such proposal is to be in effect."

(b) Section 201 of the Budget and Accounting Act, 1921 (31 U.S.C. 11) is amended by striking out subsections (b), (c), (d), (e), and (f), and inserting in lieu thereof the following:

"(b) Not later than June 1 of each year, beginning with 1970, the President shall transmit to the Congress a supplemental summary of the Budget transmitted in January of such year for the ensuing fiscal year with his recommendations. Such supplemental summary shall reflect all changes relating to that fiscal year which have occurred since the transmittal of the Budget, including changes caused by—

"(1) revisions in estimates of expenditures and receipts,

"(2) estimated expenditures and proposed appropriations which were not included in the Budget as transmitted,

"(3) appropriations enacted after transmittal of the Budget, and

"(4) the enactment of laws (other than appropriation Acts) after the transmittal of the Budget.

Such supplemental summary also shall contain current information with respect to items covered by paragraph (8) and clauses (2) and (3) of paragraph (9) of section 201 (a) of the Budget and Accounting Act, 1921.

"(c) On or before June 1 of each year, the President shall transmit to the Congress, in such form and detail as he may determine—

"(1) summaries of estimated expenditures, for the four fiscal years following the ensuing fiscal year for which the Budget was transmitted in January of such year, which will be required under continuing programs which have a legal commitment for future years or are considered mandatory under existing law, and

"(2) summaries of estimated expenditures in fiscal years following such ensuing fiscal year of balances carried over from such ensuing fiscal year.

"(d) The Budget shall include information showing the gross amount of expenditures and estimated expenditures of all programs of the Government.".

(b) Subsections (c) and (d) of section 201 of the Budget and Accounting Act, 1921 (as amended by subsection (a)) shall apply only with respect to the Budget transmitted to the Congress for the fiscal year ending June 30, 1970, and for succeeding fiscal years.

PART 3—THE APPROPRIATIONS PROCESS

COMMITTEE HEARINGS

SEC. 231. (a) Each hearing conducted by the Committee on Appropriations of the House of Representatives or the Senate, or any subcommittee of those committees, shall be open to the public except when the committee determines that the testimony to be taken at that hearing may relate to a matter of national security, may tend to reflect adversely on the character or reputation of the witness or any other individual, or may divulge matters deemed confidential under other provisions of law or Government regulation. Whenever any such hearing is open to the public, the committee or subcommittee may permit, as a public service and solely under such rules as the full committee may adopt, the broadcasting, telecasting, and photographing by still and motion pictures of that hearing, or the recording and filming of that hearing for later broadcasting or telecasting, except that—

"(1) no witness may be required, against his will, to give evidence or testimony while the broadcasting or telecasting of that hearing is being conducted or while a recording or filming of that hearing is being made for later broadcasting or telecasting; and

"(2) no on-the-spot broadcasting or telecasting of that hearing may be conducted under commercial sponsorship, but this prohibition shall not be construed to prevent the broadcasting or telecasting of that hearing as a part of regularly scheduled news broadcasts or telecasts under commercial sponsorship.

(b) The Committee on Appropriations of the House and the Committee on Appropriations of the Senate shall, within thirty days after the transmittal of the Budget to the Congress each year, hold hearings on the Budget as a whole with particular reference to—

(1) the basic recommendations and budgetary policies of the President in the presentation of the Budget, and

(2) the fiscal, financial, and economic assumptions used as bases in arriving at total estimated expenditures and receipts.

(c) In holding hearings pursuant to subsection (b), the committees shall receive testimony from the Secretary of the Treasury, the Director of the Bureau of the Budget, the Chairman of the Council of Economic Advisers, and such other persons as the committees may desire.

(d) Hearings pursuant to subsection (b) shall be held in open session. A transcript of all such hearings shall be printed and a copy thereof furnished to each Member of the House or Senate, as the case may be.

(e) Hearings pursuant to subsection (b), or any part thereof, may be held before joint meetings of the two committees.

(f)(1) Section 138 of the Legislative Reorganization Act of 1946 (2 U.S.C. 190e) is repealed.

(2) Title I of the table of contents of the Legislative Reorganization Act of 1946 (60 Stat. 813) is amended by striking out—
"Sec. 138. Legislative Budget.".

BUDGET REVIEW

SEC. 232. The Committee on Appropriations of the House, and the Committee on Appropriations of the Senate, shall review the Budget transmitted for each fiscal year for the specific purpose of examining and reviewing those programs for which estimated expenditures or proposed appropriations contained in the Budget would be made by, or be under the control of, two or more Federal agencies.

COMMITTEE ACTION

SEC. 233. (a) No vote shall be taken in the Committee on Appropriations of the House of Representatives or the Senate with respect to any measure, or any amendment thereto unless a majority of the members thereof are actually present. No vote of any member of any such committee with respect to any measure or any amendment thereto may be cast by proxy unless such committee adopts a rule or rules permitting the casting of votes by proxy and unless such rule or rules require that proxies shall be in writing and be given only for a specified measure or measures, including any amendment or amendments thereto.

(b) The report of the Committee on Appropriations of the House or the Senate as the case may be accompanying each appropriation bill shall include an analysis of the major factors taken into consideration by the committee in reporting the bill and recommending the appropriations contained therein. In any case in which any cost effectiveness analysis or study of any program for which funds are appropriated in the bill has been furnished by any Federal agency to any committee of the House or Senate or any joint committee of the two Houses, or has been made by any such committee or joint committee such report shall also state the consideration given by the Commitee on Appropriations to such analysis or study and shall inform the Members of the House or Senate, as the case may be, where they may obtain copies of such analysis or study.

(c) In the case of any bill reported by the Committee on Appropriations of the House or the Senate which makes supplemental or deficiency appropriations for any fiscal year, the report accompanying such bill shall include a complete explanation of the nature of the request for such appropriation and the reason such request was not made or could not have been made for inclusion in the regular appropriation bill for such fiscal year, or could not be withheld for inclusion in the regular appropriation bill for the following fiscal year.

PASSAGE OF BILLS

SEC. 234. The question of the final passage in both the House and the Senate of any general appropriation measure reported by the Committee on Appropriations of the House or Senate shall be decided by a yea-and-nay vote.

ROLLCALL VOTE REQUIRED ON MEASURES CHANGING COMPENSATION OF MEMBERS OF CONGRESS

SEC. 235. (a) No bill or joint resolution containing a provision increasing or decreasing the rate of compensation of Members of Congress shall be passed by the Senate or House of Representatives unless (1) such increase or decrease in compensation is set forth as a separate proposition from any other provision in the bill or joint resolution, and (2) such proposition shall have been approved by the Senate or House of Representatives, as the case may be, by a yea-and-nay vote.

(b) As used in this section, "Member of Congress" means a Senator, Representative in Congress, and the Resident Commissioner from Puerto Rico.

PART 4—UTILIZATION OF REPORTS OF GENERAL ACCOUNTING OFFICE

ASSISTANCE TO COMMITTEES

SEC. 241. At the request of any committee of the House or Senate, or of any joint committee of the two Houses, the Comptroller General shall explain to, and discuss with, the committee or joint committee making the request, or the staff of such committee or joint committee, any report made by the General Accounting Office which would assist such committee in connection with—

(1) its consideration of proposed legislation, including requests for appropriations, or

(2) its review of any program, or of any activities of any Federal agency, which is within the jurisdiction of such committee or joint committee.

REPORTS TO COMMITTEES

SEC. 242. (a) Whenever the General Accounting Office submits any report to the Congress, the Comptroller General shall deliver copies of such report to—

(1) the Committees on Appropriations of the House and Senate,

(2) the Committees on Government Operations of the House and Senate, and

(3) any other committee of the House or Senate, or any joint committee of the two Houses, which has requested information on any program or part thereof, or any Federal agency, which is the subject of such report.

(b) At the request of any committee of the House or Senate, or of any joint committee of the two Houses, the Comptroller General shall make available to such committee or joint committee a copy of any report made by the General Accounting Office which was not delivered to such committee or joint committee pursuant to subsection (a).

AGENCY REPORTS

SEC. 243. Whenever the General Accounting Office has made a report which contains

recommendations to the head of any Federal agency, such agency shall, in connection with the first request for appropriations for that agency submitted to the Congress more than sixty days after the date of such report, submit a written statement to the Committees on Appropriations of the House and Senate of the action taken by such agency with respect to such recommendations.

PART 5—LEGISLATIVE COMMITTEES

COST ESTIMATES

SEC. 251. (a) The report accompanying each bill or joint resolution reported by any committee of the House or Senate shall contain—

(1) an estimate, made by such committee, of the costs which would be incurred in carrying out such bill or joint resolution in the fiscal year in which it is reported and in each of the five fiscal years following such fiscal year (or for the authorized duration of any program authorized by such bill or joint resolution, if less than five years), except that in the case of measures affecting the revenues, such reports shall require only an estimate of the gain or loss in revenues for a one-year period, and

(2) a comparison of the estimate of costs described in paragraph (1) made by such committee with any estimate of costs made by any Federal agency in the executive branch of the Government, or

(3) a statement of the reasons why compliance by the committee with the requirements of paragraphs (1) and (2) is impracticable.

(b) It shall not be in order in either House to consider a bill or joint resolution if such bill or joint resolution was reported in that House after the effective date of this section and the report of the committee of that House does not comply with the provisions of subsection (a).

APPROPRIATIONS ON ANNUAL BASIS

SEC. 252. (a) Each committee of the House and Senate, and each joint committee of the two Houses, which has legislative jurisdiction shall, in recommending the enactment of legislation, endeavor to insure that all continuing programs of the Government are designed, and all continuing activities of Federal agencies are carried on, so that appropriations therefor will be made annually.

(b) Each committee of the House and Senate, and each joint committee of the two Houses, which has legislative jurisdiction over any continuing program for which appropriations are not made annually shall, from time to time, review such program to ascertain whether such program could be modified so that appropriations therefor would be made annually.

(c) Each committee of the House and Senate, and each joint committee of the two Houses, which has legislative jurisdiction over any program under which grants-in-aid are made, shall periodically make a complete review of such program.

COMMITTEE JURISDICTION

SEC. 253. (a) For purposes of the provisions of this Part, a committee of either House, or a joint committee of the two Houses, shall be considered to have legislative jurisdiction over any matter only if, under the rules of the respective Houses, legislation relating to such matter is referred to such committee and such committee is authorized to report and recommend the enactment of such legislation, except that the Committees on Appropriations of the two Houses shall not be considered to be legislative committees.

(b) For purposes of the provisions of section 251 of this Part, the members of the Joint Committee on Atomic Energy who are Members of the House shall be treated as a committee of the House, and the members of the Joint Committee who are Members of the Senate shall be treated as a committee of the Senate.

TITLE III—SOURCES OF INFORMATION

PART 1—STAFFS OF SENATE AND HOUSE STANDING COMMITTEES

COMMITTEE STAFFING AND RELATED PROVISIONS

SEC. 301. (a) Subsection (a) of section 202 of the Legislative Reorganization Act of 1946, as amended (2 U.S.C. 72a(a)), is amended to read as follows:

"(a) Each standing committee of the Senate and House of Representatives (other than the Committee on Appropriations of each House) is authorized to appoint by majority vote of the committee not more than six professional staff members in addition to the clerical staffs. Such professional staff members shall be assigned to the chairman and the ranking minority member of such committee as the committee may deem advisable, except that whenever a majority of the minority members of such committee (other than the Committee on Standards and Conduct of the House of Representatives) so request, two of such professional staff members may be selected for appointment by majority vote of the minority members and the committee shall appoint any staff members so selected. A staff member or members appointed pursuant to a request by the minority members of the committee shall be assigned to such committee business as such minority members deem advisable. Services of professional staff members appointed by majority vote of the committee may be terminated by majority vote of the committee and services of professional staff members appointed pursuant to a request by the minority members of the committee shall be terminated by the committee when a majority of such minority members so request. Professional staff members authorized by this subsection shall be appointed on a permanent basis without regard to political affiliations and solely on the basis without regard to political affiliations and solely on the basis of fitness to perform the duties of the office. Such professional staff members shall not engage in any work other than committee business and no other duties may be assigned to them.".

(d) Subsection (c) of such section 202 (2 U.S.C. 72a(c)) is amended to read as follows:

"(c) The clerical staff of each standing committee of the Senate and the House of Representatives (other than the Committee on Appropriations of each House), which shall be appointed by a majority vote of the committee, shall consist of not more than six clerks to be attached to the office of the chairman, to the ranking minority member, and to the professional staff, as the committee may deem advisable, except that whenever a majority of the minority members of such committee (other than the Committee on Standards and Conduct of the House of Representatives) so requests, one of the members of the clerical staff may be selected for appointment by a majority vote of such minority members and the committee shall appoint any staff member so selected. The clerical staff shall handle committee correspondence and stenographic work, both for the committee staff and for the chairman and ranking minority member on matters related to committee work, except that if a member of the clerical staff is appointed pursuant to a request by the minority members of the committee, such clerical staff member shall handle committee correspondence and stenographic work for the minority members of the committee and for any members of the committee staff appointed under subsection (a) pursuant to request by such minority members, on matters related to committee work. Services of clerical staff members appointed by majority vote of the committee may be terminated by majority vote of the committee and services of clerical staff members appointed pursuant to a request by the minority members of the committee shall be terminated by the committee when a majority of such minority members so request.".

(c) Such section 202 is amended by striking out subsection (h), and by adding after subsection (f) the following new subsections:

"(g) In any case in which a request for the appointment of a minority staff member under subsection (a) or subsection (c) is made at any time when no vacancy exists to which the appointment requested may be made, the person appointed pursuant to such request may serve in addition to any other staff members authorized by such subsections and may be paid from the contingent fund of the Senate or House of Representatives, as the case may be, until such time as such a vacancy occurs, at which time such person shall be considered to have been appointed to such vacancy.

"(h) Staff members appointed pursuant to a request by minority members of a committee under subsection (a) or subsection (c), and staff members appointed to assist minority members of subcommittees pursuant to authority of Senate or House resolution, shall be accorded equitable treatment with respect to the fixing of salary rates, the assignment of facilities, and the accessibility of committee records.

"(i)(1) Each standing committee of the Senate or House of Representatives is authorized, with the approval of the Committee on Rules and Administration in the case of standing committees of the Senate, or the Committee on House Administration in the case of standing committees of the House of Representatives, within the limits of funds made available from the contingent funds of the respective Houses pursuant to resolutions, which shall specify the maximum amounts which may be used for such purpose, approved by such respective Houses, to procure the temporary services (not in excess of one year) or intermittent services of individual consultants, or organizations thereof, to make studies or advise the committee with respect to any matter within its jurisdiction.

"(2) Such services in the case of individuals or organizations may be procured by contract as independent contractors, or in the case of individuals by employment at daily rates of compensation not in excess of the per diem equivalent of the highest gross rate of compensation which may be paid to a regular employee of the committee, including payment of such rates for necessary travel time. Such contracts shall not be subject to the provisions of section 3709 of the Revised Statutes (41 U.S.C. 5) or any other provision of law requiring advertising.

"(3) Any such consultant or organization shall be selected by the chairman, after consultation with the ranking minority member of the committee. The committee shall submit to the Committee on Rules and Administration in the case of standing committees of the Senate, and the Committee on House Administration in the case of standing committees of the House of Representatives, information bearing on the qualifications of each consultant whose services are procured pursuant to this subsection, including organizations, and such information shall be retained by that committee and shall be made available for public inspection upon request.

"(j)(1) Each standing committee of the Senate or House of Representatives is authorized, with the approval of the Committee on Rules and Administration in the case of standing committees of the Senate, and the Committee on House Administration in the case of standing committees of the House of Representatives, and within the limits of funds made available from the contingent funds of the respective Houses pursuant to resolutions, which shall specify the maximum amounts which may be used for such purpose, approved by such re-

spective Houses, to provide assistance for members of its professional staff in obtaining specialized training, whenever it determines that such training will aid it in the discharge of its responsibilities.

"(2) Such assistance may be in the form of continuance of pay during periods of training or grants of funds to pay tuition, fees, or such other expenses of training, or both, as may be approved by the Committee on Rules and Administration or the Committee on House Administration, as the case may be.

"(3) A committee providing assistance under this subsection shall obtain from any employee receiving such assistance such agreement with respect to continued employment as it may deem necessary to assure that it will receive the benefits of such employee's services upon completion of his training.

"(4) During any period for which an employee is separated from employment with a committee for the purpose of undergoing training under this subsection, such employee shall be considered to have performed service as an employee of the committee at the rate of compensation received immediately prior to commencing such training (including any increases in compensation provided by law during the period of training) for the purposes of—

"(A) subchapter III (relating to civil service retirement) of chapter 83 of title 5, United States Code,

"(B) chapter 87 (relating to Federal employees group life insurance) of title 5, United States Code, and

"(C) chapter 89 (relating to Federal employees group health insurance) of title 5, United States Code.".

(d)(1) Subsections (e) and (f) of section 105 of the Legislative Branch Appropriation Act, 1968, are amended to read as follows:

"(e)(1) Subject to the provisions of paragraph (3), the professional staff members of standing committees of the Senate shall receive gross annual compensation to be fixed by the chairman ranging from $15,721 to $25,671.

"(2) The rates of gross compensation of the clerical staff of each standing committee of the Senate shall be fixed by the chairman as follows:

"(A) for each committee (other than the Committee on Appropriations), one chief clerk and one assistant chief clerk at $6,766 to $25,671, and not to exceed four other clerical assistants at $6,766 to $11,741; and

"(B) for the Committee on Appropriations, one chief clerk and one assistant chief clerk and two assistant clerks at $17,512 to $26,671; such assistant clerks as may be necessary at $11,940 to $17,313; and such other clerical assistants as may be necessary at $6,766 to $11,741.

"(3) No employee of any standing or select committee of the Senate (including the majority and minority policy committees and the conference majority and conference minority of the Senate), or of any joint committee the expenses of which are paid from the contingent fund of the Senate, shall be paid at a gross rate in excess of $25,671 per annum, except that—

"(A) four employees of any such committee (other than the Committee on Appropriations), who are otherwise authorized to be paid at such rate, may be paid at gross rates not in excess of $26,865 per annum, and two such employees may be paid at gross rates not in excess of $28,000 per annum; and

"(B) sixteen employees of the Committee on Appropriations who are otherwise authorized to be paid at such rate, may be paid at gross rates not in excess of $26,865 per annum, and two such employees may be paid at gross rates not in excess of $28,000 per annum.

For the purpose of this paragraph, an employee of a subcommittee shall be considered to be an employee of the full committee.

"(f) No officer or employee whose compensation is disbursed by the Secretary of the Senate shall be paid gross compensation at a rate less than $1,194 or in excess of $28,000, unless expressly authorized by law."

(2) If the annual rate of basic pay for positions in level V of the Executive Schedule under section 5316 of title 5, United States Code, is increased effective on or before May 31, 1969, to $30,000 or more, subsections (e) and (f) of section 105 of the Legislative Branch Appropriation Act, 1968, as amended by paragraph (1) of this subsection are further amended, effective on the first day of the month following the effective date of such increase in the rate for positions in level V, by striking out "$25,671", "$26,865", and "$28,000" wherever they appear and inserting in lieu thereof "$28,860", "$29,054", and "$30,248", respectively.

(e) The additional professional staff members authorized to be employed by a committee by the amendment made by subsection (a) of this section shall be in addition to any other additional staff members authorized, prior to January 1, 1970, to be employed by any such committee.

(f) This section shall not be construed to prevent the appointment of additional professional or clerical staff members, as the case may be, pursuant to the request of the majority of the minority members of any committee of the Senate or House of Representatives in any case in which the total number of professional or clerical staff members, as the case may be, is in excess of the total number of professional or staff members authorized by section 202 of the Legislative Reorganization Act of 1946.

PART 2—LEGISLATIVE RESEARCH SERVICE

IMPROVEMENT OF LEGISLATIVE RESEARCH FACILITIES OF CONGRESS

SEC. 321. (a) Section 203 of the Legislative Reorganization Act of 1946, as amended (2 U.S.C. 166), is amended to read as follows:

"LEGISLATIVE RESEARCH SERVICE

"SEC. 203. (a) The Legislative Reference Service in the Library of Congress is hereby continued as a separate department in the Library of Congress and is redesignated the 'Legislative Research Service'.

"(b) It is the policy of Congress that—

"(1) the Librarian of Congress shall, in every possible way, encourage, assist, and promote the Legislative Research Service in—

"(A) rendering to Congress the most effective and efficient service,

"(B) responding most expeditiously, effectively, and efficiently to the special needs of Congress, and

"(C) discharging its responsibilities to Congress;

and

"(2) the Librarian of Congress shall grant and accord to the Legislative Research Service complete research independence and the maximum practicable administrative independence consistent with these objectives.

"(c)(1) After consultation with the Joint Committee on the Library, the Librarian of Congress shall appoint the Director of the Legislative Research Service. The basic pay of the Director shall be at a per annum rate equal to the rate of basic pay provided for level V of the Executive Schedule contained in section 5316 of title 5, United States Code.

"(2) The Librarian of Congress, upon the recommendation of the Director, shall appoint a Deputy Director of the Legislative Research Service and all other necessary personnel thereof. The basic pay of the Deputy Director shall be fixed in accordance with chapter 51 (relating to classification) and subchapter III (relating to General Schedule pay rates) of chapter 53 of title 5, United States Code, but without regard to section 5108(a) of such title. The basic pay of all other necessary personnel of the Legislative Research Service shall be fixed in accordance with chapter 51 (relating to classification) and subchapter III (relating to General Schedule pay rates) of chapter 53 of title 5, United States Code, except that—

"(A) the grade of Senior Specialist in each field within the purview of subsection (e) of this section shall not be less than the highest grade in the executive branch of the Government to which research analysts and consultants with out supervisory responsibility are currently assigned; and

"(B) the positions of Specialist and Senior Specialist in the Legislative Research Service may be placed in GS-16, 17, and 18 of the General Schedule of section 5332 of title 5, United States Code, without regard to section 5108(a) of such title, subject to the prior approval of the Joint Committee of Congress on the Library, by record vote of a majority of the members of the Joint Committee, of the placement of each such position in any of such grades.

"(3) Each appointment made under paragraphs (1) and (2) of this subsection and subsections (e) and (i) of this section shall be without regard to the civil service laws, without regard to political affiliation, and solely on the basis of fitness to perform the duties of the position.

"(d) It shall be the duty of the Legislative Research Service, without partisan bias—

"(1) upon request, to advise and assist any committee or Member of the Senate or House of Representatives and any joint committee of Congress in the analysis, appraisal, and evaluation of legislative proposals, or of recommendations submitted to Congress by the President or any executive agency, and otherwise to assist in providing a basis for the proper evaluation and determination of legislative proposals and recommendations generally;

"(2) upon request, or upon its own initiative in anticipation of requests, to collect, classify, and analyze in the form of studies, reports, compilations, digests, bulletins, indexes, translations, and otherwise, data having a bearing on legislation, and to make such data available and serviceable to committees and Members of the Senate and House of Representatives and joint committees of Congress;

"(3) upon request, or upon its own initiative in anticipation of requests, to prepare and provide information, research, and reference materials and services to committees and Members of the Senate and House of Representatives and joint committees of Congress to assist them in their legislative and representative functions;

"(4) to prepare summaries and digests of bills and resolution of a public general nature introduced in the Senate or House of Representatives; and

"(5) upon request made by any committee or Member of the Congress, to prepare and transmit to such committee or Member a concise memorandum with respect to one or more legislative measures upon which hearings by any committee of the Congress have been announced, which memorandum shall contain a statement of the purpose and effect of each such measure, a description of other relevant measures of similar purpose or effect previously introduced in the Congress, and a recitation of all action taken theretofore by or within the Congress with respect to each other measure.

"(e) The Librarian of Congress is authorized to appoint in the Legislative Research Service, upon the recommendation of the Director, Specialists and Senior Specialists in the following broad fields:

"(1) agriculture;

"(2) American government and public administration;

"(3) American public law;

"(4) conservation;

"(5) education;

"(6) engineering and public works;

"(7) housing;

"(8) industrial organization and corporation finance;

"(9) international affairs;

"(10) international trade and economic geography;

"(11) labor and employment;

"(12) mineral economics;

"(13) money and banking;

"(14) national defense;

"(15) price economics;

"(16) science;

"(17) social welfare;

"(18) taxation and fiscal policy;

"(19) technology;

"(20) transportation and communications;

"(21) urban affairs;

"(22) veterans' affairs; and

"(23) such other broad fields as the Director may deem appropriate.

Such Specialists and Senior Specialists, together with such other employees of the Legislative Research Service as may be necessary, shall be available for special work with the committees and Members of the Senate and House of Representatives and the joint committees of Congress for any of the purposes of subsection (d) of this section.

"(f) The Director is authorized—

"(1) to classify, organize, arrange, group, and divide, from time to time, as he deems advisable, the requests for advice, assistance, and other services submitted to the Legislative Research by committees and Members of the Senate and House of Representatives and joint committees of Congress, into such classes and categories as he deems necessary to—

"(A) expedite and facilitate the handling of the individual requests submitted by Members of the Senate and House of Representatives,

"(B) promote efficiency in the performance of services for committees of the Senate and House of Representatives and joint committees of Congress, and

"(C) provide a basis for the efficient performance by the Legislative Research Service of its legislative research and related functions generally;

and

"(2) to establish and change, from time to time, as he deems advisable, within the Legislative Research Service, such research and reference divisions or other organizational units, or both, as he deems necessary to accomplish the purposes of this section.

"(g) In order to facilitate the study, consideration, evaluation, and determination by the Congress of the budget requirements of the Legislative Research Service for each fiscal year, the Librarian of Congress shall receive from the Director and submit, for inclusion in the Budget of the United States Government, the budget estimates of the Legislative Research Service prepared separately by the Director in detail for each fiscal year, as a separate item of the budget estimates of the Library of Congress for such fiscal year.

"(h)(1) The Director of the Legislative Research Service is authorized to procure the temporary services (not in excess of one year) or intermittent services of individual experts or consultants (including stenographic reporters) and persons learned in particular field of knowledge—

"(A) by contract as independent contractors without regard to section 3709 of the Revised Statutes (41 U.S.C. 5) or any other law requiring advertising, or

"(B) by employment in the Legislative Research Service without regard to the civil service and position classification laws, at rates of pay not in excess of the per diem equivalent of the highest rate of basic pay set forth in the General Schedule of section 5332 of title 5, United States Code, including payment of such rates for necessary traveltime.

"(2) The Director of the Legislative Research Service is authorized to procure by contract, without regard to section 3709 of the Revised Statutes (41 U.S.C. 5) or any other law requiring advertising, the temporary services (not in excess of one year) or intermittent services of educational, research, or other organizations of experts and consultants (including stenographic reporters) and persons learned in particular fields of knowledge.

"(i) In order to facilitate its performance of any function specified in this section, the Legislative Research Service may—

"(1) prepare information for machine processing;

"(2) process information by machine by performing mathematical or logical operations thereon, selective retrieval, integration, or other machine operations; and

"(3) prepare for presentation or other use information processed by machine.

The Service may acquire automatic data processing equipment and employ personnel needed for any activity authorized by this subsection.

"(j) The Director of the Legislative Research Service shall file with the Joint Committee of Congress on the Library at the beginning of each regular session of Congress a separate and special report covering, in summary and in detail, all phases of activity of the Legislative Research Service for the immediately preceding fiscal year.

"(k) There are hereby authorized to be appropriated to the Legislative Research Service each fiscal year such sums as may be necessary to carry on the work of the Service.".

(b) Title II of the table of contents of the Legislative Reorganization Act of 1946 (60 Stat. 813) is amended by striking out—

"Sec. 203. Legislative Reference Service."

and inserting in lieu thereof—

"Sec. 203. Legislative Research Service.".

JOINT COMMITTEE ON THE LIBRARY

SEC. 322. Section 223 of the Legislative Reorganization Act of 1946 (2 U.S.C. 132b) is amended to read as follows:

"JOINT COMMITTEE ON THE LIBRARY

"SEC. 223. (a) The Joint Committee of Congress on the Library shall consist of the chairman and four members of the Committee on Rules and Administration of the Senate and the chairman and four members of the Committee on House Administration of the House of Representatives.

"(b) In order to provide for the expeditious and efficient consideration of matters within the jurisdiction of the Joint Committee, including review of the operations of the Legislative Research Service, the Joint Committee is authorized to employ one professional staff member and not to exceed two employees as members of the clerical staff of the Committee. Such professional and clerical staff members shall be appointed by majority vote of the Committee, on a permanent basis, without regard to political affiliation, and solely on the basis of fitness to perform the duties of their positions. The staff, under the joint direction and supervision of the chairman and the vice chairman, shall assist the Committee in the performance of its review functions with respect to matters within the general jurisdiction of the Committee and shall perform such other duties as may be prescribed by the Committee. The chairman and vice chairman shall fix their compensation at rates authorized by section 202(e) of this Act. The Committee may terminate the employment of the members of the professional and clerical staff as it may deem appropriate.

"(c) The expenses of the Joint Committee shall be paid out of the contingent fund of the House of Representatives, from funds appropriated for the Joint Committee, upon vouchers signed by the chairman of the Joint Committee.

"(d) In order to provide the Congress with current information regarding the operation of the Legislative Research Service and regarding other matters within the general jurisdiction of the Joint Committee, the Joint Committee shall submit to the Senate and House of Representatives an annual report with respect to—

"(1) the activities of the Legislative Research Service, and

"(2) such other matters within its jurisdiction as it deems appropriate.".

REPEAL OF OBSOLETE LAW RELATING TO THE ABOLISHED OFFICE OF COORDINATOR OF INFORMATION

SEC. 323. House Resolution 183, Eightieth Congress, relating to the Office of the Coordinator of Information of the House of Representatives, as enacted into permanent law by section 105 of the Legislative Branch Appropriation Act, 1948 (61 Stat. 377; Public Law 197, Eightieth Congress), is repealed.

PART 3—ADDITIONAL PROVISIONS PROVIDING INFORMATION FOR THE HOUSE OF REPRESENTATIVES

RULEMAKING POWER OF HOUSE OF REPRESENTATIVES

SEC. 331. Section 332 of this part is enacted as an exercise of the rulemaking power of the House of Representatives with full recognition of the constitutional right of the House of Representatives to change those provisions of the Rules of the House of Representatives enacted by such section at any time, in the same manner, and to the same extent as in the case of any other rule of the House of Representatives.

CHANGES IN EXISTING LAW TO BE SHOWN IN INTRODUCED HOUSE BILLS AND JOINT RESOLUTIONS; DIGESTS OF INTRODUCED HOUSE BILLS AND JOINT RESOLUTIONS; AVAILABILITY OF AMENDMENTS OF TWENTY-FIVE OR MORE WORDS

SEC. 332. Rule XXI of the Rules of the House of Representatives is amended by adding at the end thereof the following new clauses:

"7. In each public bill or joint resolution presented for introduction in the House, which amends or repeals a provision of the United States Code or District of Columbia Code codified as positive law or which amends or repeals any other provision of a public law, all proposed new matter shall be underlined and, when printed, shall be in italic type and all matter proposed to be omitted shall bear a horizontal line through the center and, when printed, shall be in linetype. In each amendment to a bill or joint resolution which sets out for the first time a section being amended or repealed, any new matter to be added and any matter to be omitted shal' be indicated by the author of the amendment and shall be printed in the same manner as though the section as amended or repealed were a part of the original bill or joint resolution and being printed for the first time. When an entire title of a code or a public law is repealed as part of a codification or recodification or when an entire title, part, chapter, or other division of a title of a code or other general law is repealed, the sections comprising such title, part, chapter, or other division shall not be set forth in the bill or joint resolution or amendment in linetype, when printed. The provisions of this clause also apply with respect to a bill or joint resolution as reported by a committee. This clause does not apply to—

"(A) any measure for the declaration of war, or the declaration of a national emergency, by the Congress, and

"(B) any executive decision, determina-

tion, or action which would become, or continue to be, effective unless disapproved by one or both Houses of Congress.

"(8) No public bill or joint resolution shall be introduced unless it is contained in a cover attached by the Legislative Counsel of the House and is accompanied by a digest, prepared and attached to the bill or joint resolution by the Legislative Counsel, showing the changes in law proposed by the bill or joint resolution and containing a summary of its contents. If any public bill or joint resolution is present for introduction which does not comply with this clause, the bill or joint resolution shall be returned to the Member or Resident Commissioner who presented it. The digest shall be printed in the bill or joint resolution, as introduced, beginning on the first page thereof.

"(9) Whenever a public bill or joint resolution is amended in the House, the Clerk shall request the Legislative Counsel to prepare an amended digest and cause it to be printed on the first page of the bill or joint resolution as amended. The digest shall be amended to show changes in the existing law which are proposed by the bill or joint resolution as amended with any material changes in the digest indicated by the use of appropriate type.

"(10) If a material error in a printed digest is brought to the attention of the Legislative Counsel, he shall prepare a corrected digest which shall show the changes made in the digest as provided for amendments to bills or joint resolutions. He shall deliver the corrected digest to the Clerk. If the correction warrants it in the opinion of the Speaker of the House, a corrected print of the bill or joint resolution as introduced shall be ordered with the corrected digest printed thereon.

"(11) No amendment to a public bill or joint resolution proposing to add twenty-five words or more to the bill or joint resolution shall be in order unless and until a copy of the proposed amendment has been made freely available for distribution to the Members. The amendment shall be read in its entirety by the Clerk prior to action thereon.".

QUARTERLY REPORTS OF SALARIES PAID FROM CLERK HIRE ALLOWANCES OF MEMBERS

SEC. 333. In addition to any other reports required by law, the Clerk of the House of Representatives shall transmit to the Committee on House Administration, at the close of each quarter of each calendar year, beginning with 1970, a report of the name, the nature of the services performed, the time employed, the position title, the total amount of salary in each quarter, and the per annum aggregate pay rate, of each employee paid from the clerk hire allowances of Members of the House of Representatives and the Resident Commissioner from Puerto Rico. Such report shall be printed as a House document and such document shall be made available under regulations prescribed by the committee.

PERIODIC PREPARATION BY HOUSE PARLIAMENTARIAN OF SIMPLIFIED VERSIONS OF HOUSE PRECEDENTS

SEC. 334. The Parliamentarian of the House of Representatives shall prepare, compile, and maintain on a current basis and in cumulative form, at the beginning of each Congress commencing with the Ninety-second Congress, a condensed and up-to-date version of all of the parliamentary precedents of the House of Representatives which have current use and application in the House, together with informative text prepared by the Parliamentarian and other useful related material in summary form. The Parliamentarian shall have such matter printed for each Congress on pages of such size and in such type and format as he deems advisable to promote the usefulness of such matter to the Members of the House and shall distribute one printed copy thereof to each Member and make such other distribution of such printed copies as he deems advisable. In carrying out this section, the Parliamentarian may appoint and fix the pay of personnel and utilize the services of personnel of the Library of Congress and the Government Printing Office.

TITLE IV—CONGRESS AS AN INSTITUTION

PART 1—JOINT COMMITTEE ON CONGRESSIONAL OPERATIONS

ESTABLISHMENT OF JOINT COMMITTEE ON CONGRESSIONAL OPERATIONS

SEC. 401. (a) There is hereby created a Joint Committee on Congressional Operations (hereafter in this part referred to as the "Joint Committee").

(b) The Joint Committee shall be composed of twelve members as follows:

(1) six Members of the Senate, appointed by the President pro tempore of the Senate; two from the Committee on Government Operations of the Senate, two from the Committee on Rules and Administration of the Senate, and two from among the remaining Members of the Senate (including but not limited to members of the committees referred to in this paragraph); and

(2) six Members of the House of Representatives, appointed by the Speaker of the House of Representatives; two from the Committee on Government Operations of the House of Representatives, two from the Committee on House Administration of the House of Representatives, and two from among the remaining Members of the House of Representatives (including but not limited to members of the committee referred to in this paragraph).

(c) Of each class of two members referred to in subsection (b), one shall be from the political party having the greatest number, and one shall be from the political party having the second greatest number, of Members of the Senate, or of the House of Representatives, as the case may be.

(d) Vacancies in the membership of the Joint Committee shall not affect the power of the remaining members to execute the functions of the Joint Committee and shall be filled in the same manner as in the case of the original appointment.

(e) The Joint Committee shall select a chairman and a vice chairman from among its members at the beginning of each Congress. The vice chairman shall act in the place and stead of the chairman in the absence of the chairman. The chairmanship and the vice chairmanship shall alternate between the Senate and the House of Representatives with each Congress. The Chairman during each even-numbered Congress shall be selected by the Members of the House of Representatives on the Joint Committee from among their number and the chairman during each odd-numbered Congress shall be selected by the Members of the Senate on the Joint Committee from among their number. The vice chairman during each Congress shall be chosen in the same manner from that House of Congress other than the House of Congress of which the chairman is a Member. The vice chairman shall not be of the same political party as the chairman.

DUTIES OF JOINT COMMITTEE

SEC. 402. (a) The Joint Committee shall—

(1) make a continuing study of the organization and operation of the Congress of the United States and shall recommend improvements in such organization and operation with a view toward strengthening Congress, simplifying its operations, improving its relationships with other branches of the United States Government, and enabling it better to meet its responsibilities under the Constitution of the United States;

(2) make a continuing study of automatic data processing and information retrieval systems with a view to determining the feasibility of the use of such systems in the operations of the Senate or the House of Representatives, or both, and make such recommendations with respect to the use of such systems as the Joint Committee may deem appropriate; and

(b) The Joint Committee shall exercise all functions vested in it by sections 406 and 407 of this part.

(c) Except as provided in subsection (d) of this section, the Joint Committee shall report, from time to time to the Senate and the House of Representatives its recommendations with respect to matters within the jurisdiction of the Joint Committee.

(d) In addition to the studies and activities of the Joint Committee under subsection (a) of this section, the Joint Committee shall—

(1) conduct a study of each of the matters described in subparagraphs (A) to (H), inclusive, of this subsection; and

(2) submit to the Senate and House of Representatives, within the time limit specified with respect to that study, a report of the results of that study, together with the recommendations of the Joint Committee, as follows:

(A) a study of the procedures of both Houses in connection with citations for contempt of Congress;

(B) a study of the facilities, including gallery facilities, available to the public in its visits to the United States Capitol and the means of improving such facilities in order to present to the public an informative view of the Congress;

(C) a study of the role of the Congress, and the exercise, application, and effect of its authority, with respect to the engagement of the Armed Forces of the United States in armed conflict in overseas areas without a formal declaration of war by the Congress;

(D) a study of the problems relating to the application, operation, and enforcement of the provisions of section 1913 of title 18, United States Code, relating to lobbying with appropriated funds;

(E) a study of the procedures of the Senate and the House of Representatives in connection with contested elections in their respective Houses.

The report and recommendations of the Joint Committee with respect to each of the studies described in subparagraphs (A) to (H), inclusive, of this subsection shall be submitted to the Senate and House of Representatives within the time limit specified with respect to that subparagraph of this subsection in which that study is described, as follows:

(i) subparagraphs (A) and (B)—not later than one year after the effective date of this section;

(ii) subparagraphs (C), (D), and (E)—not later than two years after such effective date;

POWERS OF JOINT COMMITTEE

SEC. 403. The Joint Committee, or any duly authorized subcommittee thereof, is authorized to sit and act at such places and times during the sessions, recesses, and adjourned periods of Congress, to require by subpena or otherwise the attendance of such witnesses and the production of such books, papers, and documents, to administer such oaths and affirmations, to take such testimony, to procure such printing and binding, and to make such expenditures, as it deems advisable. The Joint Committee may make such rules respecting its organization and procedures as it deems necessary, except that no recommendation shall be reported from the Joint Committee unless a majority of the Joint Committee assent. Subpenas may be issued over the signature of the chairman of the Joint Committee or of any member designated by him or by the Joint Committee, and may be served by such person or persons as may be designated by such chair-

man or member. The chairman of the Joint Committee or any member thereof may administer oaths or affirmations to witnesses.

STAFF OF JOINT COMMITTEE

SEC. 404. (a) In carrying out its functions under subsections (a) and (c) of section 402 of this Part, the Joint Committee is authorized, by record vote of a majority of the members of the Joint Committee—

(1) to appoint, on a permanent basis, without regard to political affiliation and solely on the basis of fitness to perform their duties, not more than six professional staff members and not more than six clerical staff members;

(2) to prescribe their duties and responsibilities;

(3) to fix their compensation at rates authorized by section 202(e) of the Legislative Reorganization Act of 1946; and

(4) to terminate their employment as the Joint Committee may deem appropriate.

(b) In carrying out its functions under section 406 of this Part, the Joint Committee is authorized, by record vote of a majority of the members of the Joint Committee—

(1) to appoint, on a permanent basis, without regard to political affiliation, and solely on the basis of fitness to perform the duties concerned, such additional personnel as the Joint Committee deems necessary;

(2) to prescribe their duties and responsibilities;

(3) to fix their compensation at rates authorized by section 202(e) of the Legislative Reorganization Act of 1946; and

(4) to terminate their employment, as the Joint Committee may deem appropriate.

(c) In carrying out any of its functions under this Part, the Joint Committee is authorized to utilize the services, information, facilities, and personnel of the departments and establishments of the Government, and to procure the temporary (not to exceed one year) or intermittent services of experts or consultants or organizations thereof by contract at rates of pay not in excess of the per diem equivalent of the highest rate of basic pay of the General Schedule of section 5332 of title 5, United States Code, including payment of such rates for necessary traveltime.

RECORDS OF JOINT COMMITTEE

SEC. 405. The Joint Committee shall keep a complete record of all Joint Committee actions, including a record of the votes on any question on which a record vote is demanded. All records, data, charts, and files of the Joint Committee shall be the property of the Joint Committee and shall be kept in the offices of the Joint Committee or such other places as the Joint Committee may direct.

TRANSFER OF FUNCTIONS

SEC. 406. There are transferred to the Joint Committee all of the functions, records, and property of the Joint Committee on Disposition of Executive Papers, created by the Act approved July 7, 1943 (57 Stat. 380), and such joint committee is hereby abolished.

OFFICE OF PLACEMENT AND OFFICE MANAGEMENT

SEC. 407. (a) There is hereby established for the Congress an Office of Placement and Office Management which shall be subject to the supervision and control of the Joint Committee. The Joint Committee is authorized, by record vote of a majority of the members of the Joint Committee—

(1) to appoint, on a permanent basis, without regard to political affiliation, and solely on the basis of fitness to perform his duties, a Director of the Office of Placement and Office Management to serve as the head of the staff of the Office;

(2) to prescribe his duties and responsibilities;

(3) to fix his compensation at a rate authorized by section 202(e) of the Legislative Reorganization Act of 1946; and

(4) to terminate his employment, as the Joint Committee may deem appropriate.

Subject to the prior approval of the Joint Committee, the Director shall appoint and fix the compensation of such personnel as may be necessary to carry out the duties of the Office under this section.

(b) It shall be the duty of the Office, upon request, to assist Members, committees, and officers of the Senate and House of Representatives seeking competent personnel with specified qualifications and to furnish advice and information with respect to office management procedures. In carrying out the provisions of this sectioon, the Office shall—

(1) operate as a central clearinghouse for applications for employment with the Congress;

(2) test the qualifications of individuals submitting such applications for employment;

(3) furnish advice and information to Members, committees, and officers of the Senate and House of Representatives, on request, with respect to better office management practices and efficient utilization of office equipment; and

(4) maintain, for the benefit of such Members, committees, and officers desiring detailed office studies to improve the efficiency of their operations, a list of private management concerns capable of rendering such service on request.

(c) Nothing in this section shall be held or considered to require the use of the facilities of the Office by any Member, committee, or officer of the Senate or House of Representatives, if, in the opinion of such Member, committee, or officer, the use of such facilities is inappropriate.

EXPENSES

SEC. 408. The expenses of the Joint Committee shall be paid from the contingent fund of the House of Representatives, from funds appropriated for the Joint Committee, upon vouchers approved by the chairman.

PART 2—AUTHORITY OF OFFICERS OF THE CONGRESS

AUTHORITY

SEC. 421. (a) Any officer of the Congress having responsibility for the supervision of employees, including employees appointed upon recommendation of Members of Congress, shall have authority—

(1) to prescribe a period of training to be completed by any such employee prior to or upon his assignment to duties;

(2) to promulgate rules and regulations governing the performance by any such employee of his assigned duties;

(3) to remove or otherwise discipline any such employee (A) who fails or refuses to complete satisfactorily the period of training referred to in paragraph (1), or (B) who fails or refuses to abide by rules or regulations referred to in paragraph (2) or otherwise fails to perform his assigned duties in a satisfactory manner.

(b) As used in this section, the term "officer of the Congress" means an elected officer of the Senate or the House of Representatives who is not a Member of the Senate or House, the Architect of the Capitol, and the Postmaster of the Senate.

CAPITOL POLICE

SEC. 422. (a) The Capitol Police Board is authorized and directed to formulate a plan for converting the Capitol Police force to a professional force which shall operate under rules and regulations promulgated by the Capitol Police Board. In the formulation of such plan, consideration shall be given to the feasibility of providing for the operation of such force on the basis of standards for personnel which are the same as the standards for personnel of the Metropolitan Police force of the District of Columbia. Such plan shall include provisions for giving members of the existing Capitol Police force such additional instruction and training as the Capitol Police Board shall deem necessary to improve the quality of their performance, and for replacing such members with persons recruited solely on the basis of their fitness to perform police duties.

(b) The Chief of Police of the Metropolitan Police force of the District of Columbia shall provide the Capitol Police Board with such information and assistance as it may require in carrying out its duties and responsibilities under this section.

(c) The Capitol Police Board shall make a report to the Senate and House of Representatives at the earliest practicable date setting forth the plan formulated pursuant to this section, together with its recommendations for any legislation necessary to effectuate such plan.

SENATE AND HOUSE PAGES

SEC. 423. (a) A person shall not be appointed as a page of the Senate or House of Representatives—

(1) unless he agrees that, in the absence of unforeseen circumstances preventing his service as a page after his appointment, he will continue to serve as a page for a period of not less than three months; and

(2) until complete information in writing is transmitted to his parent or parents, or to his legal guardian, with respect to the nature of the work of pages, their salaries, their working conditions (including hours and scheduling of work), and the housing accommodations available to pages.

(b) A person shall not serve as a page of the Senate or House of Representatives—

(1) before he has completed the twelfth grade of his secondary school education; or

(2) except in the case of a chief page, telephone page, or riding page, during any session of the Congress which begins after he has attained the age of twenty-two years.

(c) The pay of pages of the Senate shall begin not more than five days before the convening of a session of the Congress or of the Senate and shall continue until the end of the month during which the Congress or the Senate adjourns or recesses, or until the fourteenth day after such adjournment or recess, whichever is the later date, except that, in any case in which the Congress or the Senate adjourns or recesses on or before the last day of July for a period of at least thirty days but not more than forty-five days, such pay shall continue until the end of such period of adjournment or recess.

(d) The pay of pages of the House of Representatives shall begin not more than five days before the convening of a session of the Congress and shall continue until the end of the month during which the Congress adjourns sine die or recesses, or until the fourteenth day after such adjournment or recess, whichever is the later date, except that, in any case in which the House adjourns or recesses on or before the last day of July in any year for a period of at least thirty days but not more than forty-five days, such pay shall continue until the end of such period of adjournment or recess.

(e) (1) There are hereby repealed—

(A) section 243 of the Legislative Reorganization Act of 1946 (2 U.S.C. 88a);

(B) the proviso in the paragraph under the heading "Education of Senate and House Pages" in title I of the Urgent Deficiency Appropriation Act, 1947 (2 U.S.C. 88b);

(C) the proviso under the heading "Senate" and under the caption "Office of Sergeant at Arms and Doorkeeper", which relates to the pay of pages of the Senate, in the Legislative Branch Appropriation Act, 1952 (65 Stat. 390; Public Law 168, Eighty-Second Congress; 2 U.S.C. 88c); and

(D) the proviso under the heading "House of Representatives" and under the caption "Office of the Doorkeeper", which relates to the pay of pages of the House of Representatives, in the Legislative Branch Appropriation Act, 1949, as amended (62 Stat. 426, 78 Stat. 1084; Public Law 641, Eightieth Congress, Public Law 88-652; 2 U.S.C. 88c).

(2) Title II of the table of contents of the Legislative Reorganization Act of 1946 (60 Stat. 813) is amended by striking out—"Sec. 243. Senate and House pages.".

(f)(1) Subsection (b) of this section shall become effective on January 3, 1970, but the provisions of such subsection limiting service as a page to persons who have completed the twelfth grade of secondary school education shall not be construed to prohibit the continued service of any page appointed prior to the date of enactment of this Act.

(2) The repeal of existing law by subsection (e)(1)(A) and (B), and the amendment made by subsection (e)(2), of this section shall become effective at the end of the 1969–1970 school year.

CAPITOL GUIDE SERVICE

SEC. 424. (a) There is hereby established an organization under the Congress of the United States to be known as the Capitol Guide Service which shall be subject to the direction, supervision, and control of a Capitol Guide Board consisting of the Architect of the Capitol, the Sergeant at Arms of the Senate, and the Sergeant at Arms of the House of Representatives.

(b) The Capitol Guide Service is authorized and directed to provide guided tours of the interior of the United States Capitol Building for the education and enlightenment of the general public, without charge for such tours.

(c) The Capitol Guide Board is authorized—

(1) with the prior approval of the Joint Committee on Congressional Operations, to appoint, on a permanent basis, without regard to political affiliation, and solely on the basis of fitness to perform their duties, a Chief Guide, an Assistant Chief Guide, and such number of guides as may be necessary to carry out effectively and efficiently the activities of the Capitol Guide Service;

(2) to prescribe their duties and responsibilities;

(3) to fix and adjust, from time to time, their respective rates of pay at single per annum (gross) rates, with the prior approval of the Joint Committee on Congressional Operations; and

(4) to terminate their employment as the Board deems appropriate.

(d) The Capitol Guide Board shall—

(1) prescribe a uniform dress, including appropriate insignia, which shall be worn by personnel of the Capitol Guide Service when on duty; and

(2) from time to time as may be necessary, procure and furnish such uniforms to such personnel without charge to such personnel.

(e) The Capitol Guide Board shall establish and maintain and, from time to time, may revise, a system of annual and sick leave for employees of the Capitol Guide Service.

(f) An employee of the Capitol Guide Service shall not charge or accept any fee, or accept any gratuity, for or on account of his official services.

(g) The Capitol Guide Board may detail personnel of the Capitol Guide Service to assist the United States Capitol Police by providing ushering and informational services, and other services not directly involving law enforcement, in connection with the inauguration of the President and Vice President of the United States, the official reception of representatives of foreign nations and other persons by the Senate or House of Representatives, and other special or ceremonial occasions in the United States Capitol Building or on the United States Capitol Grounds which require the presence of additional Government personnel and which cause the temporary suspension of the performance of the regular duties of the Capitol Guide Service.

(h) With the prior approval of the Joint Committee on Congressional Operations, the Capitol Guide Board shall prescribe such regulations as the Board deems necessary and appropriate for the operation of the Capitol Guide Service.

(i) The Capitol Guide Board may take appropriate disciplinary action, including, when circumstances warrant, suspension from duty without pay, reduction in pay, demotion, or removal from employment with the Capitol Guide Service, against any employee who violates any provision of this section or any regulation prescribed by the Board pursuant to this section.

(j) The expenses of the Capitol Guide Service shall be paid from the contingent fund of the House of Representatives, from funds appropriated for the Service, upon vouchers approved by the Capitol Guide Board.

(k) Section 2107 of title 5, United States Code, relating to the definition of "congressional employee", is amended—

(1) by striking out the word "and" at the end of paragraph (7);

(2) by striking out the period at the end of paragraph (8) and inserting in lieu thereof a semicolon and the word "and"; and

(3) by adding at the end thereof the following paragraph:

"(9) an employee of the Capitol Guide Service.".

(l) Section 8332(b) of title 5, United States Code, relating to creditable service for retirement purposes, is amended—

(1) by striking out the word "and" at the end of paragraph (5);

(2) by striking out the period at the end of paragraph (6) and inserting in lieu thereof a semicolon and the word "and";

(3) by adding immediately below paragraph (6) the following paragraph:

"(7) subject to sections 8334(c) and 8339 (h) of this title, service performed on and after February 19, 1929, and prior to the effective date of section 424 of the Legislative Reorganization Act of 1969, as a United States Capitol Guide."; and

(4) by inserting at the end thereof the following sentence: "The Civil Service Commission shall accept the certification of the Capitol Guide Board concerning service for the purpose of this subchapter of the type described in paragraph (7) of this subsection and performed by an employee.".

(m) Section 8348(g) of title 5, United States Code, does not apply with respect to annuity benefits resulting from the enactment of this section.

(n) The initial appointments, under authority of this section, of personnel of the Capitol Guide Service shall be effective on the effective date of this section. The Capitol Guide Board shall afford, to each person who is a member of the United States Capitol Guides immediately prior to such effective date, the opportunity to be appointed, at a per annum (gross) rate of pay determined by the Board, with the approval of the Joint Committee on Congressional Operations, to be fair and equitable under the existing circumstances, to a comparable position in the Capitol Guide Service without reduction in level of rank and seniority. For the purposes of the initial appointments of such persons, the appointments and number of such persons shall be considered to have been authorized and approved for the Capitol Guide Service under subparagraph (1) of subsection (c) of this section.

(o) The United States Capitol Police Board shall transfer, on the effective date of this section, to the Capitol Guide Board, all personnel records, financial records, assets, and other property of the United States Capitol Guides, which exist immediately prior to such effective date.

(p) As soon as practicable after the effective date of this section but not later than the close of the sixtieth day after such effective date, the Capitol Guide Board shall, out of the assets and property transferred under subsection (o) of this section, on the basis of a special audit which shall be conducted by the General Accounting Office—

(1) settle and pay any outstanding accounts payable of the United States Capitol Guides.

(2) discharge the financial and other obligations of the United States Capitol Guides (including reimbursement to purchasers of tickets for guided tours which are purchased and paid for in advance of intended use and are unused), and

(3) otherwise wind up the affairs of the United States Capitol Guides,

which exist immediately prior to such effective date. The Capitol Guide Board shall dispose of any net monetary amounts remaining after the winding up of the affairs of the United States Capitol Guides, in accordance with the practices and procedures of the United States Capitol Guides, existing immediately prior to the effective date of this section, with respect to disposal of monetary surpluses.

PART 3—CONGRESSIONAL ADJOURNMENT

CONGRESSIONAL ADJOURNMENT

SEC. 433. (a) This section is enacted by the Congress—

(1) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such it shall be considered as part of the rules of each House, respectively; and such rule shall supersede other rules only to the extent inconsistent therewith; and

(2) with full recognition of the constitutional right of either House to change such rules (so far as relating to the procedure in such House) at any time, in the same manner, and to the same extent as in the case of any other rule of such House.

(b) Section 132 of the Legislative Reorganization Act of 1946 (2 U.S.C. 198) is amended to read as follows:

"CONGRESSIONAL ADJOURNMENT

"SEC. 132. (a) Not later than the last day in the month of July in each year, the two Houses shall adjourn—

"(1) sine die, or

"(2) to a day certain subsequent to August 31 of such year, which shall be fixed by concurrent resolution adopted in each House by rollcall vote.

"(b) This section shall not be applicable in any year if on the last day of July of such year a state of war exists pursuant to a declaration of war by the Congress.".

PART 4—APPOINTMENT OF POSTMASTERS

APPOINTMENT OF POSTMASTERS BY POSTMASTER GENERAL

SEC. 441. Section 3311 (relating to method of appointment of postmasters) of title 39, United States Code, is amended to read as follows:

"§ 3311. Method of appointment

"(a) The Postmaster General shall appoint postmasters at post offices of the first, second, and third classes in the competitive civil service without term. He shall make the appointments in accordance with the civil service laws and rules by—

"(1) competitive examinations; and

"(2) promotions from within the postal service.

"(b) The Postmaster General shall appoint postmasters at post offices of the fourth class without term.

"(c) Notwithstanding any other provision of law but subject to subsection (g) of this section, the Postmaster General shall make each appointment to a position of postmaster at a post office of any class without regard to any recommendation or statement, oral or written, with respect to any person who requests, or is under consideration for, appointment to a position of postmaster of any class, made by—

"(1) any Member of the Senate or House

of Representatives (including the Resident Commissioner from Puerto Rico);

"(2) any elected official of the government of any State (including the Commonwealth of Puerto Rico) or of any county, city, or other political subdivision of such State or Commonwealth;

"(3) any official of a National, State, county, or municipal, or other local political party; or

"(4) any other individual or organization.

"(d) Notwithstanding any other provision of law but subject to subsection (g) of this section, a person or organization referred to in subparagraph (1), (2), (3), or (4) of subsection (c) of this section is hereby prohibited from making or transmitting to the Postmaster General, or to any other officer or employee of the Federal Government, any recommendation or statement, oral or written, with respect to any person who requests, or is under consideration for, appointment to a position of postmaster at a post office of any class. The Postmaster General and any other officer or employee of the Federal Government, subject to subsection (g) of this section—

"(1) shall not solicit, request, consider, or accept any such recommendation or statement; and

"(2) shall return any such recommendation or statement, if written, received by him, appropriately marked as in violation of his section, to the person or organization making or transmitting the same.

"(e) A person who requests, or is under consideration for, appointment to a position of postmaster at a post office of any class is hereby prohibited from requesting or soliciting any such recommendation or statement from any person or organization within the purview of subparagraph (1), (2), (3), or (4) of subsection (c) of this section. Any person making such solicitation or request, knowing the same to be in violation of this subsection, is disqualified for appointment to the position of postmaster concerned.

"(f) Each application, information, or other form of the Federal Government used in connection with an appointment to a position of postmaster at a post office of any class shall contain appropriate language, in conspicuous and legible type in contrast by typography, layout, or color with other printing in the form, informing the applicant, or person under consideration, for such appointment, of the provisions of this section.

"(g) This section shall not be held or considered to prohibit—

"(1) the solicitation, acceptance, and consideration by the Postmaster General or other authorized officer or employee of the Federal Government, or

"(2) the furnishing and transmission to the Postmaster General or such authorized officer or employee by any other individual or organization.

of any statement with respect to a person who requests, or is under consideration for, appointment to a position of postmaster, if—

"(A) the statement is furnished pursuant to a request or requirement of the Postmaster General and consists solely of an evaluation of the work performance, ability, aptitude, and general qualifications of an employee in the postal service who is under consideration for promotion to a position of postmaster in accordance with subparagraph (2) of subsection (a) of this section;

"(B) the statement is furnished by an individual or organization referred to in subparagraph (4) of subsection (c) of this section pursuant to a request made by an authorized representative of the Federal Government solely in order to determine whether the person who requests, or is under consideration for, appointment to a position of postmaster meets—

"(i) the loyalty, suitability, and character requirements for employment with the Federal Government;

"(ii) the residence requirements for postmasters imposed by section 3312 of this title; or

"(iii) both; or

"(C) the statement is furnished by a former employer of the person who requests, or is under consideration for, appointment to a position of postmaster, pursuant to a request of the Postmaster General, and consists solely of an evaluation of the work performance, ability, aptitude, and general qualifications of such person during his employment with such former employer.".

VACANCIES IN POSITIONS OF POSTMASTER

SEC. 442. Section 3315 (relating to the filling of vacancies in positions of postmaster) of title 39, United States Code, is amended by adding at the end thereof the following new subsection:

"(d) The prohibitions, restrictions, and related provisions of section 3311 of this title governing the appointment of postmasters also shall apply with respect to the interim appointment, assignment, or designation of any person in accordance with subparagraphs (1) to (4), inclusive, of subsection (a) of this section.".

VACANCIES ON RURAL ROUTES

SEC. 443. Section 3338 (relating to the filling of vacancies on rural routes) of title 39, United States Code, is amended by adding at the end thereof the following new subsection:

"(g) The prohibitions, restrictions, and related provisions of section 3311 of this title governing the appointment of postmasters also shall apply with respect to the appointment of any person to a position of rural carrier and the application and assignment of any rural carrier with respect to any rural route.".

SAVING PROVISION

SEC. 444. The amendments made by this Part shall not affect the status or tenure, on the effective date of this Part, of—

(1) postmasters in office;

(2) persons appointed, assigned, or designated in accordance with subparagraphs (1) to (4), inclusive, of section 3315(a) of title 39, United States Code; and

(3) persons holding positions of rural carrier.

PART 5—PAYROLL ADMINISTRATION IN THE HOUSE OF REPRESENTATIVES

CONVERSION OF PAY TO AGGREGATE RATE BASIS IN HOUSE OF REPRESENTATIVES

SEC. 471. (a) Whenever the rate of compensation of an employee, except an employee subject to the House Employees Position Classification Act (2 U.S.C. 291 and following), whose compensation is disbursed by the Clerk of the House of Representatives is fixed or adjusted on or after the effective date of this section, such rate as so fixed or adjusted shall be a single per annum gross rate which is a multiple of $199.

(b) (1) The Clerk of the House of Representatives shall convert, as of the effective date of this section, the rate of compensation of each employee whose compensation is disbursed by the Clerk and, immediately prior to such date, was fixed at a basic rate with respect to which additional compensation was payable by law, to the lowest per annum gross rate which is a multiple of $199 and which is not less than the aggregate rate of compensation (basic compensation plus additional compensation provided by law) which such employee was receiving immediately prior to such date.

(2) The Clerk of the House of Representatives shall adjust, as of the effective date of this section, the rate of compensation of each employee, except an employee subject to the House Employees Position Classification Act (2 U.S.C. 291 and following), whose compensation is disbursed by the Clerk and, immediately prior to such date, was fixed at a single per annum gross rate which is not a multiple of $199, to the lowest per annum gross rate which is a multiple of $199 and which is not less than the per annum gross rate of such employee immediately prior to such adjustment.

(c) The Clerk of the House of Representatives shall prepare, establish, and maintain a compensation schedule of single per annum gross rates for all employees whose compensation is disbursed by the Clerk, except employees subject to the House Employees Position Classification Act (2 U.S.C. 291 and following). Such compensation schedule shall be designated the "House General Schedules" and have the symbol "HGS".

(d) The clerk hire allowance of each Member of the House of Representatives and the Resident Commissioner from Puerto Rico shall be at a single per annum gross rate—

(1) which is a multiple of $199;

(2) from which the aggregate of the payments to employees of single per annum gross rates of compensation at any one time shall not be at a rate in excess of such single per annum gross rate of clerk hire allowance; and

(3) which shall be determined on the basis of the population, as currently estimated by the Bureau of the Census, of the constituency of such Member or Resident Commissioner within one of the following categories, as applicable—

(A) a population of less than 500,000, or

(B) a population of 500,000 or more.

An employee shall not be paid compensation from such clerk hire allowance at a single per annum gross rate in excess of $23,482.

(e) The Clerk of the House of Representatives initially shall convert, as of the effective date of this section, to two single per annum gross rates, the two per annum basic rates of clerk hire allowance of the Members of the House of Representatives and the Resident Commissioner from Puerto Rico provided pursuant to section 11(a) of the Legislative Appropriation Act, 1956 (2 U.S.C. 60g-1), and any other provision of law supplementary thereto, as in effect immediately prior to the effective date of this section, in a manner, as determined by the Clerk, as follows:

(1) with respect to constituencies the population of which is less than 500,000, in a manner which constitutes the most favorable single projection, of the per annum basic clerk hire allowance rate applicable to those constituencies to a per annum gross clerk hire allowance rate, which may be attained by any Member or the Resident Commissioner, if his constituency is within such population category, and

(2) with respect to constituencies the population of which is 500,000 or more, in a manner which constitutes the most favorable single projection, of the per annum basic clerk hire allowance rate applicable to those constituencies to a per annum gross clerk hire allowance rate, which may be attained by any Member or the Resident Commissioner, if his constituency is within such population category.

A per annum gross clerk hire allowance rate determined under subparagraph (1) or subparagraph (2) of this subsection shall be adjusted, if not a multiple of $199, to a per annum gross rate which is a multiple of $199 and which is not less than the rate determined under such subparagraph. A per annum gross clerk hire allowance rate as finally determined (or adjusted if necessary) under this subsection shall be the initial per annum gross clerk hire allowance rate of each Member and the Resident Commissioner representing the constituency to which such rate is applicable.

(f) Each allowance for personal services of employes from which payments of compensation are disbursed by the Clerk of the House of Representatives, other than a clerk

hire allowance under subsection (d) of this section, shall be at a single per annum gross rate—

(1) which is a multiple of $199; and

(2) from which the aggregate of the payments to employees of single per annum gross rates of compensation at any one time shall not be at a rate in excess of such single per annum gross rate of such allowance for personal services of employees.

(g) The Clerk of the House of Representatives initially shall convert, as of the effective date of this section, to a single per annum gross rate, each per annum basic rate allowance for personal services of employees from which payments of compensation are disbursed by the Clerk, as in effect immediately prior to the effective date of this section, other than a basic rate clerk hire allowance referred to in subsection (e) of this section, in a manner, as determined by the Clerk, which constitutes the most favorable single projection of such per annum basic rate allowance for personal services of employees to a per annum gross rate allowance which may be attained by the authority having jurisdiction over such basic rate allowance for personal services. A per annum gross rate allowance for personal services determined under this subsection shall be adjusted, it not a multiple of $199, to a per annum gross rate which is a multiple $199 and which is not less than the rate determined under this subsection prior to such adjustment. A per annum gross rate allowance for personal services as finally determined (or adjusted if necessary) under this subsection shall be the initial per annum gross rate allowance for personal services of the authority concerned.

(h) Section 202(e) of the Legislative Reorganization Act of 1946, as amended (2 U.S.C. 72a(e)), is amended to read as follows:

"(e) Each employee on the professional staff, and each employee on the clerical staff, of each standing committee of the House of Representatives shall be paid compensation at a single per annum gross rate, to be fixed by the chairman, which does not exceed the highest rate of basic pay, then currently in effect, of the General Schedule of section 5332(a) of title 5, United States Code, adjusted, if such highest rate of basic pay of the General Schedule of such section of title 5 is not a multiple of the multiple dollar figure then currently in effect with respect to the House General Schedule of single per annum gross rates of compensation disbursed by the Clerk of the House, to the lowest single per annum gross rate of compensation which is a multiple of such then currently effective multiple dollar figure and which is not less than such highest rate of basic pay of the General Schedule of such section of title 5.".

(i)(1) This subsection is enacted as an exercise of the rulemaking power of the House of Representatives with full recognition of the constitutional right of the House of Representatives to change the rule amended by this subsection at any time, in the same manner, and to the same extent as in the case of any other rule of the House of Representatives.

(2) Clause 29(c) of rule XI of the Rules of the House of Representatives is amended to read as follows:

"(c) Each employee on the professional staff, and each employee on the clerical staff, of each standing committee of the House shall be paid compensation at a single per annum gross rate, to be fixed by the Chairman, which does not exceed the highest rate of basic pay, then currently in effect, of the General Schedule of section 5332(a) of title 5, United States Code, adjusted, if such highest rate of basic pay of the General Schedule of such section of title 5 is not a multiple of the multiple dollar figure then currently in effect with respect to the House General Schedule of single per annum gross rates of compensation disbursed by the Clerk of the House, to the lowest single per annum gross rate of compensation which is a multiple of such then currently effective multiple dollar figure and which is not less than such highest rate of basic pay of the General Schedule of such section of title 5.".

(j) In any case in which the rate of compensation of any employee or position, or class of employees or positions, the compensation for which is disbursed by the Clerk of the House of Representatives, or any maximum or minimum rate with respect to any such employee, position, or class, is referred to in or provided by statute or House resolution, and the rate so referred to or provided is a basic rate with respect to which additional compensation is provided by law, such statutory provision or resolution shall be deemed to refer, in lieu of such basic rates, to the per annum gross rate which an employee receiving such basic rate immediately prior to the effective date of this section would receive (without regard to such statutory provision or resolution) under subsection (b)(1) of this section on and after such date.

(k) Each Member of the House of Representatives and the Resident Commissioner from Puerto Rico shall certify any rearrangements or changes of salary schedules of employees in his office, in writing to the Clerk of the House, on or before the tenth day of any month in which such arrangements or changes of salary schedules are to become effective. The Clerk of the House shall disburse the compensation of such employees in accordance with such rearrangements or changes of salary schedules.

(l) No employee whose compensation is disbursed by the Clerk of the House of Representatives shall be paid compensation at a single per annum gross rate which is less than $1,194, unless expressly authorized by law.

(m) Except as otherwise provided in this section, the foregoing subsections of this section shall not be construed to—

(1) limit or otherwise affect any authority for the making of any appointment to, or for fixing or adjusting the compensation for, any position for which the compensation is disbursed by the Clerk of the House of Representatives; or

(2) affect the continuity of employment of, or reduce the compensation of, any employee whose compensation is disbursed by the Clerk of the House.

(n) There are hereby repealed—

(1) the first section of the Act entitled "An Act to increase clerk hire, and for other purposes", approved December 20, 1944 (58 Stat. 831; Public Law 512, Seventy-eighth Congress; 2 U.S.C. 60g); and

(2) section 11(a) of the Legislative Branch Appropriation Act, 1956 (2 U.S.C. 60g-1).

(o) All provisions of law inconsistent with this section are hereby superseded to the extent of such inconsistency.

PART 6—MISCELLANEOUS

USE OF HOUSE CONTINGENT FUND TO PAY SALARIES OF EMPLOYEES PAID FROM CLERK HIRE ALLOWANCES OF MEMBERS AND ABSENT FROM DUTY BECAUSE OF ILLNESS, INJURY, OR DISABILITY

SEC. 481. (a) The contingent fund of the House of Representatives is made available to pay, in lieu of payment from the applicable clerk hire allowance, the salary of each employee—

(1) whose salary is disbursed from the clerk hire allowance of a Member of the House of Representatives or the Resident Commissioner from Puerto Rico;

(2) with respect to whom a written statement is submitted to the Clerk of the House by such Member or Resident Commissioner to the effect that such employee is currently absent from duty, and has been absent from duty for a continuous period of at least thirty days, because of his illness, injury, or disability, accompanied by a verification by a qualified physician of such illness, injury, or disability; and

(3) whose salary has been disbursed from the clerk hire allowance of such Member or Resident Commissioner for a period of at least one year, without break in service, immediately prior to such absence.

(b) Payments of salary to an employee from the contingent fund of the House, in lieu of payment from the applicable clerk hire allowance, under this section shall be made only for a period beginning on the first day of the first month following the submission to the Clerk of the House, by the Member or Resident Commissioner concerned, of the written statement described in subsection (a)(2) of this section and ending at the close of—

(1) the day on which the Clerk receives written notice from such Member or Resident Commissioner that the employee has returned to duty, that the injury, illness, or disability of the employee no longer exists, or that the degree of such illness, injury, or disability no longer warrants payments of salary to such employee from the contingent fund of the House, or

(2) the sixth month following the commencement of such payments,

whichever first occurs.

(c) Payments of salary to an employee from the contingent fund of the House under this section shall be made—

(1) without reduction in or charge to the clerk hire allowance of the Member of Resident Commissioner concerned who has submitted the written statement described in subsection (a)(2) of this section, and

(2) at a rate not more than the rate which the employee was receiving from such clerk hire allowance immediately prior to the beginning of the period for which payments of salary are made to such employee from the contingent fund of the House under this section.

(d) An employee is not entitled to receive payment of salary under this section and compensation for illness, injury, or disability under any other provision of Federal law covering the same period of time; but this provision does not bar the right of such employee to the greater benefit conferred by this section or other provision of Federal law for any part of the same period of time.

(e) The Committee on House Administration shall prescribe such regulations as may be necessary to govern the operation and administration of this section.

STATIONERY ALLOWANCES OF REPRESENTATIVES

SEC. 482. The stationery allowance, as authorized by law, for each Member of the House of Representatives and each Resident Commissioner shall hereafter be available only for (1) purchases made through the House stationery room of stationery and other office supplies for use for official business, and (2) reimbursement upon presentation, within thirty days after the close of the session for which the allowance is provided, of receipted invoices for purchases elsewhere of stationery and other office supplies (excluding items not ordinarily available in the House stationery room) for use for official business in an office maintained by a Member in his home State. Any part of the stationery allowance which remains unobligated at the end of the session for which it is available shall be withdrawan from the revolving fund established by the Legislative Branch Appropriation Act, 1948 (61 Stat. 366; 2 U.S.C. 46b-1), and covered into the general fund of the Treasury.

TITLE V—REGULATION OF LOBBYING

DEFINITION OF COMPTROLLER GENERAL

SEC. 501. Section 302(d) of the Federal Regulation of Lobbying Act (2 U.S.C. 261(d)) is amended to read:

"(d) The term 'Comptroller General' means the Comptroller General of the United States."

MULTIPURPOSE CONTRIBUTIONS AND EXPENDITURES

SEC. 502. (a) The caption of section 305 of the Federal Regulation of Lobbying Act (2 U.S.C. 264) is amended by changing "CLERK OF HOUSE" TO READ "COMPTROLLER GENERAL".

(b) Subsection (a) of such section is amended—

(1) by changing "Clerk" to read "Comptroller General"; and

(2) by adding at the end thereof the following new sentence:

"Where contributions are received or expenditures made in part for the purposes described in subparagraphs (a) and (b) of section 307 of this title and in part for any other purpose, the statements required to be filed by this subsection shall include only that part of the amount of any such contribution or expenditure which was for the purposes described in such subparagraphs, except that if the relative proportions cannot be ascertained with reasonable certainty, such statements shall show total receipts and expenditures together with an estimate by the registrant of the part thereof which was for the purposes described in such subparagraphs, and an estimate of the part thereof which was for other purposes.".

(c) Title III of the table of contents of the Legislative Reorganization Act of 1946 (60 Stat. 813) is amended by striking out—

"Sec. 305. Statements to be filed with Clerk of House."

and inserting in lieu thereof—

"Sec. 305. Statements to be filed with Comptroller General.".

FIVE-YEAR PRESERVATION OF RECORDS

SEC. 503. Section 306 of the Federal Regulation of Lobbying Act (2 U.S.C. 265) is amended—

(1) by changing "Clerk" to read "Comptroller General" all four times it appears therein;

(2) by striking out "of the House of Representatives"; and

(3) by changing "two" to read "five".

SUBSTANTIAL PURPOSE CONTROLLING

SEC. 504. Section 307 of the Federal Regulation of Lobbying Act (2 U.S.C. 266) is amended—

(1) by changing "to be used principally" to read "a substantial part of which is to be used"; and

(2) by changing "the principal" to read "a substantial".

CONTINGENT FEES; BROADCASTING

SEC. 505. (a) The caption of section 308 of the Federal Regulation of Lobbying Act (2 U.S.C. 267) is amended by changing "SECRETARY OF THE SENATE AND CLERK OF THE HOUSE" to read "COMPTROLLER GENERAL".

(b) Subsection (a) of section 308 of the Federal Regulation of Lobbying Act (2 U.S.C. 267(a)) is amended—

(1) by changing "Clerk of the House of Representatives and the Secretary of the Senate and shall give to those officers" to read "Comptroller General and shall give to that officer"; and

(2) by changing "Clerk and Secretary" to read "Comptroller General".

(c) Such subsection is further amended by inserting immediately after the first sentence thereof: "Any person required to register pursuant to this subsection in connection with any activities for which he is to receive a contingent fee shall, before doing anything for which such fee is to be paid, file with the Comptroller General, in such detail as he may require, a description of the event upon the occurrance of which the fee is contingent, and, depending on the arrangement, a statement of the amount of the fee either in terms of a dollar amount or in terms of percentage of recovery. A copy of any such contingent fee contract may be filed with the Comptroller General by any registrant, and shall be so filed at the request of the Comptroller General.".

(d) The next-to-last sentence of such subsection is amended by changing "publications in which he has caused to be published" to read "publications, or any broadcasting stations, in or from which he has caused to be published or broadcast".

(e) Such subsection is further amended—

(1) by inserting "any licensed radio or television broadcasting station or" before "any newspaper or other";

(2) by changing "newspaper or periodical" to read "broadcasting station, newspaper, or periodical";

(3) by inserting "or broadcasts" before "news items, editorials,"; and

(4) by inserting "broadcasting station," before "newspaper, periodical, or individual,".

(f) Subsection (b) of such section (2 U.S.C. 267(b)) is amended by changing "Clerk of the House of Representative and the Secretary of the Senate shall be compiled by said Clerk and Secretary, acting jointly," to read "Comptroller General of the United States shall be compiled by him and transmitted to the Speaker of the House of Representatives and the President of the Senate".

(g) Title III of the table of contents of the Legislative Reorganization Act of 1946 (60 Stat. 813) is amended by striking out—

"Sec. 308. Registration with Secretary of the Senate and Clerk of the House."

and inserting in lieu thereof—

"Sec. 308. Registration with Comptroller General.".

ADMINISTRATION BY COMPTROLLER GENERAL

SEC. 506. (a) Sections 310 and 311 of the Federal Regulation of Lobbying Act are respectively redesignated as sections 311 and 312.

(b) That Act is amended by inserting therein, immediately after section 309 thereof, the following new section:

"POWERS AND DUTIES OF THE COMPTROLLER GENERAL

"SEC. 310. The Comptroller General as the agent of the Congress shall—

"(1) develop and prescribe methods and forms for the filing of reports and statements required by this title, and promulgate regulations for the administration of this title;

"(2) make available for public inspection all reports and statements filed pursuant to this title;

"(3) ascertain whether any persons have failed to file reports or statements as required by this title, or have filed incomplete or inaccurate reports or statements under this title, and notify such persons that they are obligated to file such reports or statements in compliance with the requirements of this title;

"(4) refer to the Department of Justice for appropriate action any information coming to his attention, through complaints or otherwise, of any failure to register, or the filing of any false, improper, or incomplete registration or information under this title;

"(5) make such studies and transmit to the Congress such recommendations as the Comptroller General may deem to be necessary or appropriate to further the objectives of this title;

"(6) retain for a period of not less than five years each report and statement filed under this title, and during such period, make such reports and statements, or true and correct copies thereof, available as public records open to public inspection; and

"(7) transmit to the Congress annually a full and complete report on the administration of this title.".

(c) Title III of the table of contents of the Legislative Reorganization Act of 1946 (60 Stat. 813) is amended by striking out—

"Sec. 310. Penalties.

"Sec. 311. Exemptions."

and inserting in lieu thereof—

"Sec. 310. Powers and duties of the Comptroller General.

"Sec. 311. Penalties.

"Sec. 312. Exemptions.".

VIOLATION OF REGULATIONS

SEC. 507. Section 311 of such Act (that is, the section which, prior to the redesignations made by section 506 of this Act, was section 310 of the Federal Regulation of Lobbying Act, 2 U.S.C. 269) is amended—

(1) by striking out "(a)" in subsection (a) thereof;

(2) by inserting "or any regulation of the Comptroller General issued pursuant to this title," immediately before "shall, upon conviction," in the first sentence thereof; and

(3) by striking out subsection (b) thereof.

TITLE VI—EFFECTIVE DATES

EFFECTIVE DATES

SEC. 601. This Act shall take effect as follows:

(1) Section 201 of title II, Parts 1, 4, and 5 of title II, Part 2 of title III, Parts 1 and 2 of title IV, and section 301(d) of Part 1 of title III shall take effect on the thirtieth day after the date of enactment of this Act.

(2) Title I, Part 2 and 3 of title II, title III (except section 301(d) thereof), Parts 3, 4, and 5 of title IV, and title V shall take effect on January 1, 1970.

(3) Part 5, and section 481 of Part 6, of title IV shall take effect on the first day of the third month which begins after the date of enactment of this Act.

(4) Section 482 of Part 6 of title IV shall take effect with respect to the stationery allowance for the first session of Congress beginning after the date of enactment of this Act.

UNIVERSITY OF UTAH STUDENTS SUPPORT THE ESTABLISHMENT

HON. LAURENCE J. BURTON

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 14, 1970

Mr. BURTON of Utah. Mr. Speaker, the May 10 issue of the Salt Lake Tribune contained a full-page paid political advertisement entitled: This ad serves notice to all that the silent majority has had enough. The ad contains the names of several hundred University of Utah students and it reads as follows:

As students of the University of Utah in Salt Lake City, we wish to make it absolutely clear that we do not support—in fact we resolutely oppose—the loud and disruptive activities of those self-styled "patriots of the New Left" who think that the calling of a general strike or the take-over of a University are the only ways in which change can be wrought in America today.

We believe in America, and we believe in the democratic processes and the institutions of government established among us.

We recognize that no society is without its problems, but we do not believe that our government and our society are inherently unresponsive to the problems that exist among us. We believe, rather, that the lines of communication can and must be maintained between young and old, rich and poor, black and white, and between the governors and the governed, and that through rational discussion and legitimate methods, order can be preserved and grievances remedied. To these ends we remain firmly and irrevocably committed.

ANTHONY HARRIGAN PROVIDES SOUND ADVICE

HON. ALBERT W. WATSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 14, 1970

Mr. WATSON. Mr. Speaker, during the past few months there has been an intensification of the various arguments used for strategic arms limitations and other manifestations of dismantling the Nation's defensive preparedness. Unfortunately, there always seems to be a certain naivete which permeates this type of discussion, and while I certainly would not impugn the motives of any person sincerely interested in world peace, as indeed every sensible citizen is, we must remember that our adversaries have rarely, if ever, negotiated in good faith. Therefore, it is reassuring to have the good advice of experts like Mr. Anthony Harrigan, who have achieved great scholarship in both foreign policy and military preparedness.

Mr. Harrigan is known and respected by a number of our colleagues. We should all sit up and take notice of his wise counsel, especially during the critical days that lie ahead on the arms discussions. Thus, I want to call to the attention of the Congress and the Nation a very perceptive and thought-provoking article that Mr. Harrigan has prepared for the American Security Council on current attempts to weaken our military posture. It is as follows:

A PROFILE OF DEFEATISM: DISMANTLING THE NATION'S DEFENSES

(By Anthony Harrigan)

History shows that soft thinking and faint-hearted leadership form a path to national destruction. Students of the Roman civilization point to the Roman Senate's loss of the will to win as a major cause of the downfall of the empire. At the last, the Senate seemed to serve the barbarian aggressors rather than the national interest of Rome.

A generation ago, the representatives of the French people took refuge in a Maginot Line mentality, saying that the shift in the strategic balance to Nazi Germany would not endanger France. They rejected appeals for stronger defenses, arguing that new cycles of weapons took money needed for social purposes and insisting that there was no absolute security in more weapons. They sought peace through negotiation and favored concessions such as were made at Munich.

ANTI-PREPAREDNESS SENTIMENT

Today, many thoughtful Americans are deeply concerned that a similar mood is settling over the United States. They are alarmed at the growth of the anti-preparedness sentiment in the U.S. Senate and the impact of this sentiment upon sections of public opinion. They fear a rapid decomposition of American morale as a result of defeatism among men in high places—defeatism masked as a "struggle for peace."

For many months, senator after senator has chipped away at various features of the nation's defenses—at aircraft carriers, the C-5A transport, the Army's new battle tank, military aid to allies, anti-ballistic missiles, selective service, ROTC, fighter-bombers, and numerous other weapons and programs basic to the security of this nation. Companies which produce weaponry needed for national safety have been libeled as merchants of death. American soldiers in the field, fighting an utterly unprincipled enemy that resorts to trickery and terrorism, have been criticized for making the tough battlefield decisions that combat troops must make if they hope to stay alive.

This harassment of the nation's defense forces apparently is only the beginning. Some people, it seems, won't be satisfied until the American defense establishment is dismantled. In this connection, it is instructive to review the massive opposition to the ABM (anti-ballistic missiles) and MIRV (multiple warhead missiles).

PRESSURE TO CUT DEFENSES

Pressure for a slowdown in America's defense effort is intense and comes from many sources. For example, a group of Americans met at Arden House, Harriman, N.Y., March 31-April 2 under the auspices of the American Assembly of Columbia University to consider arms limitation. At the conclusion of their meeting they issued a statement, saying: "We ask the President to defer for six months the impending deployment of multiple independently targetable re-entry vehicles (MIRV.)"

The MIRV missiles constitute one of the few areas in which the United States is ahead of the Soviet Union. A U.S. halt at this time might probably give the Soviets a chance to catch up with the United States. Thus a halt could well be a military technological disaster for the United States.

The American Assembly describes itself as a "non-partisan education institution." But consider the signers of the anti-MIRV statement. One of them was Adam Yarmolinsky, former assistant to Secretary of Defense Robert S. McNamara. Mr. Yarmolinsky was a guiding spirit behind the campaign to muzzle the military in the early 1960's. Another signer was Dr. George W. Rathjens of the Massachusetts Institute of Technology, a leading contributor to Sen. Edward Kennedy's anti-ABM book published in 1969. Two other contributors to the Kennedy volume also signed the American Assembly report. A close reading of the entire list of signers shows that it was a "stacked deck" and blatantly partisan.

BUNDY'S VIEWS

Arguments against a strong stand on national defense find innumerable outlets. McGeorge Bundy, former adviser in the Kennedy and Johnson administrations and now president of the Ford Foundation, testified in Washington on the "arms race." Predictably, he urged suspension of deployment of offensive and defensive strategic weapons. He was quick to recommend American concessions, saying for instance, that "if we are to get any early limit on SS-9 (Russian missile) deployment, we ourselves must put MIRV on the bargaining table." Mr. Bundy's most curious statement, however, was his comment that "there are times and topics for toughness with Moscow, but the Strategic Arms Limitation talks in April is not one of them." That will strike many citizens as strange advice. Mr. Bundy recommends that the U.S. not be tough in talks that affect the security—the lives—of the American people. Does he imagine that the Soviets will cease to be tough in their demands?

An air of unrealism permeates the statements of anti-preparedness elements in the country. Congressman William S. Moorhead of Pennsylvania said in April that he saw no need for the U.S. to maintain 15 aircraft carriers "since none of the communist nations have any attack carriers." One wonders whether Rep. Moorhead meant what he said. Does he believe the U.S. should scrap the weapons system in which it has a clear lead over the Soviet Union? The interior logic of his statement is that the U.S. shouldn't maintain carriers because it has an advantage over the Soviets in carrier deployment. That's a sure prescription for second class status in the world, if not outright defeat by the USSR.

NAIVETÉ IN THE SENATE

For naiveté, Americans have only to read the comments of Sen. Edward W. Brooke (R-Mass.). In a recent Senate debate on the ABM and MIRV, Sen. Brooke remarked: "I believe that the Soviet people certainly cannot want to continue the spending of billions of dollars on nuclear weapons when they could best put that money to better use."

Since when have the wishes of "the Soviet people" ever mattered for anything in the shaping of Soviet policy or programs.

Certainly, Sen. Brooke must be aware that there is no representative government—no voice of the people—in the Soviet Union and that the party, military and organizational hierarchs make all the decisions, irrespective of what the people want. Indeed, there is no free press and no freedom of petition, so the real desires of the Soviet peoples cannot even be articulated or find expression at the national level. Thus Sen. Brooke's question can be seen as an extraordinary piece of irrelevance, which is damaging because it obscures the nature of the threat facing the United States.

The thought process of the members of the anti-preparedness bloc understandably strike realistic citizens as strange indeed. Take, for example, the statement of Sen. Edmund S. Muskie (D-Maine) that "more nuclear weapons do not buy more security." Statements to this effect have been issued by many of the opponents of new defensive systems. What does Sen. Muskie mean? Is the statement logical? Suppose a senator were to say "more hospitals don't buy better medical care." Would anyone believe him? Logically, nuclear weapons are as to national security as hospitals are to medical care. In the case of weaponry, there is an additional element, namely that the adversaries of the United States—the enemies of American freedom—are increasing their stock of nuclear weapons. Relatively, therefore, the U.S. has a smaller stockpile of nuclear weapons. The logical conclusion to be drawn from this situation is that America's security is diminishing. Hence the need for the ABM, MIRV and other offensive and defensive systems.

THE BREZHNEV VIEW

The intense antagonism to strengthened American defenses has even reached the point where the editors of *The New York Times* assert (as they did in reference to the opening of the SALT talks April 16) that "hopes for halting the nuclear missile race ride for the moment with the Soviet delegation." *The Times* followed this up with Leonid Brezhnev's statement that prospects for the SALT talks would be favorable "if American opinion succeeds in overcoming resistance by the arms manufacturers and the military." It is interesting to wonder what might have been the U.S. public reaction in 1941 if a leading American newspaper had indicated the U.S. was doing nothing to halt an arms race and quoted the Imperial Japanese government as saying that peace prospects would be good if American shipbuilders and the military could be overcome.

It is unfortunate that the editor of *The Times* don't share the realistic views of C. L. Sulzberger, *The Times'* chief correspondent. In a dispatch from Belgium this spring, Mr. Sulzberger declared: "The menace against America is being heightened while Moscow seeks to continue the impression that it sticks to the Khrushchev era strategy. . . . More and more ICBMs are aimed at the United States which is increasingly in the front line."

Such is the situation the United States faces in the world today. The American people live in a global environment of increasing danger from the nuclear-armed Soviet Union.

The facts of the changing strategic balance have been spelled out to the President, the Secretary of Defense, the House Armed Services Committee and authoritative strategic studies groups in the U.S. and Western Eu-

rope. Nevertheless, the anti-preparedness claimants choose to ignore the accumulation of facts concerning the nuclear and missile threats. Perhaps the most extraordinary aspect of the entire anti-preparedness drive is the extent to which the disarmers are willing for the country to go. The battle against the ABM and MIRV—and the campaigns against conventional weapons such as aircraft carriers, transport planes and heavy tanks—is but a prelude to the central assault on America's basic deterrent power against communist aggression.

THE M'GOVERN VIEW

Sen. George McGovern (D-S.D.) revealed the full scope of the disarmers hopes and plans April 9 in debate in the Senate on an anti-MIRV resolution. For the first time, a member of the Senate anti-preparedness bloc called for dismantling of a key portion of the nation's defenses against Soviet aggression.

"I think we are forced to consider this year," said Sen. McGovern, "whether it would not be wise to allow the phasing out of the entire fixed site ICBMs. At the very least we should forego expenditures on futile improvements in the Minuteman force pending an investigation of whether land-based missiles can be a viable component of our retaliatory forces in the future." He called for a flat prohibition on funds for the Minuteman procurement program.

There's no mistaking Sen. McGovern's intent, for he emphasized that he favors "phasing out" the Minuteman. Hopefully, the meaning of this statement will not be lost on the American public. The Minuteman missiles are an absolutely indispensable element in the nation's defense against surprise Soviet nuclear attack on the United States. If the Minuteman force were eliminated, the American people would be naked to direct and disastrous destruction at the hands of the men in the Kremlin.

That a member of the U.S. Senate would make such an appalling proposal is a frightening revelation of the lengths to which the anti-preparedness bloc is prepared to go. It would almost seem that some members of this bloc have concluded that the struggle against the Soviet empire is hopeless and, secretly, are prepared to make the American people adjust and accommodate themselves to Soviet domination.

The McGovern statement plainly indicates that the pressure is on for unilateral disarmament by the United States—a one-sided abandonment of nuclear defenses which would leave the United States weak and ultimately helpless. It is hard to believe that the American people approve of unilateral disarmament or accept the idea of a Soviet victory in the cold war. Yet that is the direction in which Sen. McGovern and other disarmers and defeatists are pushing the United States. The American people must make their voices heard. They must support national defense programs if the Munich men of our time are not to triumph.

AUGUSTA: LIVE AMMUNITION

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 14, 1970

Mr. CLAY. Mr. Speaker, the Kerner Commission told the Nation that violence in the urban areas comes about from the elements of poverty, hunger, and unemployment which lay bare and exposed to combustion in a racist society. Monday, May 11, we witnessed such an explosion in Augusta, Ga. When it was over, six black citizens were dead.

Tuesday, May 12, I wired the Attorney General of the United States requesting that the FBI be sent into Augusta to determine whether Federal law specifically, the Civil Rights Act of 1964, were violated by the Augusta, Ga., police force during and/or prior to the outbreak of violence which resulted in the deaths of six black citizens. I asked that Federal authorities determine who was responsible for the death of the black prisoner which gave impetus to the ensuing violence.

I am appalled by the Augusta incident and I am deeply distressed that the National Guard, under the command of Gov. Lester Maddox, was sent into the area with live ammunition with no clear-cut instructions upon its use. And I am fearful that the black population of the State of Georgia will suffer further oppression at the hand of its admittedly racist Governor.

I applaud the Washington Post for contributing some timely perspective and concern for the violence and death which rocked the southern city of Augusta, Ga. I commend to the attention of my colleagues the following editorial carried in the Washington Post, May 14, 1970:

AUGUSTA: LIVE AMMUNITION

Suddenly an officer leveled his revolver and fired a single shot into the store. At the back, the remaining looter crashed to the floor, a bullet in his head. An enormous jar of candy topped and fell, showering him with red, white and blue gum balls.

"God damn you honkies you killed one of my brothers," cried the man in custody.

"Shut your Goddamned mouth," snapped a patrolman, "I'd like to see you try and run."

"It looked like he went for a gun," said the patrolman who shot the man. . . . Other patrol cars pulled up.

"Who got him?" asked the newcomer. The man in the first car looked away. None spoke.

"It's a senseless waste of life," said patrolman C. C. Simmons, one of the original officers on the scene. "It's a damn shame. But what could we do?" (UPI report from Augusta in Wednesday's Washington Post.)

In Augusta, Ga., a quiet Southern city noted largely for its golf course, racial violence in the past day or two has so far left several human beings shot to death and dozens more injured. We say "so far" because—despite an edgy calm—Georgia's amiable governor, Lester Maddox, the man who was catapulted from nonentity to the governorship by brandishing an ax-handle at Negroes who sought to patronize his restaurant, seems to have little aversion to enlarging the toll. He sent the National Guard to restore order in Augusta, saying as though it were engaged in some sort of turkey shoot, "They're going in with live ammunition. We're not going to tolerate anarchy in this state."

Well, of course, no governor can tolerate anarchy, since the preservation of public order is the first imperative of any government. But neither should he foment it, and public order, history has made plain, depends upon a general sense that the laws are equitable and are being equitably enforced. When any segment of a population has reason to know that it is the victim of across-the-board injustice and oppression, it is likely—especially in a land where freedom is openly extolled—to rebel and to resort to violence.

Governor Maddox and his Guardsmen may have been strong-stomached enough to bring the violence under control in Augusta. But they have, at best, applied a bandaid to an abscess. The infection is still there. And the governor apparently has no understanding of its causation. The killing of a 15-year-old black boy, allegedly by cellmates in an Augusta jail, seemed to have touched off the riot, was not actually its cause, according to Mr. Maddox. He has a simpler, traditional, all-purpose explanation. It was a "planned thing," he says, "a Communist conspiracy."

The governor, who does not seem to be a particular imaginative man, has never stopped to consider, we suppose, what it must mean to black people in Georgia to see the stars and bars of the Confederacy flying over the statehouse as part of the state flag. He has never troubled to reflect much, we surmise, as to what it means to black people to see inequality in social life, in economic opportunity, in schooling and even in law enforcement, practiced, condoned and supported by the highest authority in the state. He has never asked himself evidently, what it would be like, if one were a black man, to see a white, avowedly racist governor in the governor's mansion.

There is the live ammunition, Governor. Rancor, frustration, an awareness of injustice are far more menacing to law and order than a trumped up "Communist conspiracy." There is too much live ammunition in Augusta, and it spells death. The problem in Augusta is to live—and let live.

MORE ON CANADA

HON. EDWARD I. KOCH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 14, 1970

Mr. KOCH. Mr. Speaker, the estrangement existing between the youth of our country and its elders over the war in Vietnam continues. Draft resistance is on the increase. Emigration of our draft-eligible youth to Canada is unabated. Ultimately, we will have to deal with this painful problem and consider what options should be made available to these young people.

I have heretofore placed in the RECORD the statements of church and synagogue leaders. Today, I would like to add the comment of a prince of the church, Richard Cardinal Cushing, as well as a report of a young American now exiled in Canada at this point.

FROM THE EASTER SERMON OF HIS EMINENCE, RICHARD CARDINAL CUSHING

Would it be too much to suggest this Easter that we empty out our jails of all the protesters—the guilty and the innocent—without judging them; call back from over the border and around the world the young men who are called "deserters," drop the cases that are still awaiting judgment on our college youth? Could we not do all of this in the name of life, and with life hope, both of which we celebrate at Easter? Wherever our young people, even for reasons we do not know, stand in need of mercy let us reach out to them. The fruit of Easter is reconciliation and so much of our world remains unreconciled; the hope of Easter is our salvation and so many are waiting to be saved.

I call upon all those who hear these words to seek and find new life for their weary souls, and to offer new life to others in the spirit of this great feast.

[From the New Republic, May 16, 1970]

GO NORTH, YOUNG MAN—THE NEW EXODUS

(By Roger Williams)

(NOTE.—Roger Williams, 27 years old and married, has lived in Canada the past year. He is author of a forthcoming book, The Reflections of an American Exile.)

MONTREAL, CANADA.—Meeting recently with a delegation of Canadian Mennonites, Pierre Elliott Trudeau was urged not to close Canada's borders to military deserters from

draft. Despite the pejorative label the de- "other countries." (Can one imagine Nixon meeting with Mennonite pacifists?) The prime minister replied that the government had no such intention: "I, too, hope Canada will become a refuge from militarism." As the northward exodus continues, that is what Canada is becoming. The exact number of deserters and draft resisters residing in Canada is unknown, though the figure 60,000 has become "enshrined," as one conservative MP put it, and has been carried south by the N.Y. *Times* and by Rep. Edward Koch (D, N.Y.). The conservative figure is "at least 30,000." Qualified observers in Canada's three largest cities insist there are many more than that.

Vance Gardner, director of the Montreal Council to Aid War Resisters, bases his extrapolation on immigration department tables which show approximately 14,000 male, draft-age *landed immigrants* from the U.S. here now. He concludes, along with Jim Wilcox of the Ottawa anti-draft group, Bill Hertzog of the American Deserters Committee in Montreal and Bill Spira of the Toronto Anti-Draft Programme that the national figure is three or four times that, since a great many young men *don't* become landed immigrants. They move through the underground, work illegally, live off money they've brought with them or have sent, generally hang around and don't bother to apply for official immigrant status. The largest agglomeration of draft resisters and deserters is to be found in the cities. Mr. Gardner also points out that there are many thousands of young American males studying at Canadian universities, perhaps ten thousand across Canada; most are eligible for the draft. Few plan to return to the U.S. if and when they are called.

The Toronto Anti-Draft Programme has counseled some ten to twelve thousand young men during its three and a half years. Groups in Vancouver, Montreal and Ottawa—there are two active counseling and assistance groups in each city—together have seen at least 20,000 young Americans in the past four years. These figures do not take into account the many who don't need assistance and stay clear of these groups.

The sharp increase during the past year in the number of "political refugees," as they are coming to be called, is attributable to a change in policy on the deserter question. (Not only have more deserters-resisters been coming here, but general American immigration to Canada is rising. This last year there was a 14 percent increase over 1968 in the number of Americans of all ages and sexes who have immigrated to Canada; for the second year in a row, the northward flow is larger than the number of Canadians moving south. America has gone from first place to second, ranking behind Great Britain, in the list of nations that provide immigrants to Canada.) In the past 12 months beginning May 22, 1969, when Canada decided to accept U.S. military deserters as landed immigrants, all the counseling groups report handling at least twice as many men as before. The number of draft resisters remains constant and deserters now make up one-half to two-thirds of all the men these organizations see. Contrary to the Pentagon's announcement (Dec. 31, 1969) that there are 576 deserters in Canada, the American Deserters' Committee in Montreal has counseled 700 in the past nine months. Three times as many go to Toronto and twice as many to Vancouver. A reasonable estimate of the number of American deserters in Canada would be five to eight thousand.

Although many deserters are not qualified for white collar jobs, and thus threaten blue-collar Canadians in a country already beset with unemployment, Canadian support seems as strong as it was when the nation was only confronted with draft-dodgers, a harmless appellation, in a country with no serters are stuck with and highly publicized cases of criminal acts—assault, armed robbery—the deserters have found nearly as much public sympathy as they have in Sweden. (Perhaps more. The Swedes recently asked a Canadian NATO delegation: "How do you get away with allowing American deserters into Canada? You wouldn't believe the amount of pressure put on us by the U.S. when we admitted deserters—the pressure from the Americans that we *still suffer*.") The Canadian government first clarified its policy on desertion several months after a delegation of anti-draft leaders, churchmen, National Democratic Party MPs, civil servants and lawyers presented their petition and brief to Allen MacEachen, Minister of Immigration. A young Liberal MP from Montreal, Marcel Prudhomme, brought together parliamentary support for a study session caucus, and ultimately word went out that deserters were not to be turned back at the border as visitors and were to be treated the same as other applicants when applying for immigration.

The draft dodger question and now the deserter issue seem to be ready-made pegs on which Canadians can hang their anti-Americanism. Despite pressure overt or covert, to return all these young men like a good friendly neighbor, Canada hasn't done so.

Conservatives and liberals use the deserter-resister issue to assert Canadian independence. They smile and point out that nothing in Canadian law prevents their nation from accepting servicemen still in the active service of their respective countries. They remind outsiders that America accepted Canadian deserters as immigrants before World War II. Canada hostile to the U.S.? Never! The government is simply enforcing its laws and making sure its policies are implemented impartially.

An indication of public attitudes toward deserters is the recent outcry over the handling of three American deserters by the Royal Canadian Mounted Police in British Columbia. The deserters were taken to the border and turned over to U.S. authorities. One of the young men escaped and returned to Canada where he told his story to the press. Members of parliament and several Canadian dailies pressed for an investigation. A federal inquiry in April accused the RCMP and local immigration officers of illegal action. While the government fretted over RCMP interference with "the letter of immigration law," the Montreal *Star* editorialized on the "spirit of its enforcement." "Canada's liberal policy towards United States military deserters is apparently being undermined by the zealousness of law enforcement officers in this country . . . the deserters' welcome has become tarnished." The *Star's Weekend*, a Sunday supplement included in 39 Canadian papers, recently featured a very sympathetic cover article on the American deserters, focusing on the ADC in Montreal, and ran an editorial in defense of that article and in response to a number of critical letters denouncing "the creeps," "cowards" and so on. Frank Lewis, the editor, drew a parallel between the deserters and the United Empire Loyalists who settled Ontario during the American Revolution. He asked rhetorically how these Canadians would have regarded their own forebears and then he asked Canadians to recall "one of the most memorable quotes of the decade: 'I had to obey the rules of war and my flag. I am ready.' Those were the last words of Adolph Eichmann."

As the position of the American emigrés, especially the deserters, becomes more secure and the counseling and aid groups are more and more able to count on many liberal MP's, several Conservatives, the New Democratic Party, the media and the gracious acceptance by the Canadian people, young men denounced by the Vice President of the United States as common criminals are turning to political activism. There is now less and less hesitancy to use the word exile and to call oneself that, though there is a commensurate sensitivity to Canada's official attitude, which is to encourage immigration for the betterment of Canada. Forming exile communities is not the best way to become integrated into Canadian life. This exile-immigrant contradiction will not be soon resolved. Toronto's newly-formed "Red White & Black," growing out of the Union of American Exiles, now defunct, encompasses the contradictions in an attempt to "bridge the gaps—cultural, social, economic, organizational, educational, political—between the expatriate and the exile, the idea and the act, the old involvements with the crisis in the U.S. and the new involvements with Canadian life." This ambivalence, stemming from the resister-deserter having been an organizer, a radical, in the U.S. out of love of country, and now having to become a good Canadian concerned with Canada, appears in print in *Am Ex* (American Exile), an exile magazine published independently every month in Toronto. In Montreal, the American Deserters' Committee makes room for young men who never intend to return to the U.S., and also for those who still look south. The ADC sends its materials south through ties with the coffee house projects and the GI press, and encourages GI resistance within the army, with Canada as an option when a soldier faces either the stockade or Vietnam.

Unity comes on the question of amnesty. No one wants it, though reasons for disparaging the idea differ. Individuals and groups concerned primarily with bringing the young refugees into Canadian life, making sure they are an asset and not a political liability, know that to discuss amnesty or work for it is to impinge on the welcome here—"What? Isn't Canada good enough for you?"—and to psychologically disorient the newcomer, distracting him from taking Canada and his new life seriously. These groups know that there has *never* been an amnesty in the U.S. Likewise, the politicized, the radicals who *do* want to go back, or who think of themselves *only* as temporary residents, are insulted by the very discussion of amnesty, as Rep. Edward Koch was surprised to discover during his visit here last fall. The analogy to Nazi Germany is drawn: Willy Brandt didn't ask for, nor would have accepted, amnesty from the Third Reich, and yet his civil rights as a German citizen were eventually restored as were those of thousands of others. Amnesty implies guilt, they say, and they do not feel guilty.

LEGAL ASPECTS OF INTERMODAL TRANSPORTATION

HON. FRED B. ROONEY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 14, 1970

Mr. ROONEY of Pennsylvania. Mr. Speaker, recently one of this country's outstanding regulators, Judge Whitney Gillilland, Vice Chairman of the Civil Aeronautics Board, addressed the National Academy of Sciences-National Research Council on the legal aspects of intermodal transportation. He has outlined the CAB's power and views on this important subject. I insert Judge Gillilland's remarks in the RECORD at this point:

STATEMENT BY WHITNEY GILLILLAND

I welcome this opportunity to appear here today since the Board, like this group, is highly sympathetic toward finding improved ways to facilitate intermodal transportation.

As I understand the invitation, members of the three regulatory commissions have been asked to present "a view of the National

Transportation Policy respectively of the agencies as it is determined by statute, custom, administrative decisions, court decisions, and otherwise." The Declaration of Policy to be found at section 102 of the Federal Aviation Act is in most respects similar to the National Transportation Policy which governs the Interstate Commerce Commission, but unlike that policy it does not specifically direct fair and impartial treatment for competing modes. It does not forbid it either. It simply says nothing about it. However, it does direct the Board to bend its efforts towards encouraging and developing an air transportation system adapted to our national needs. Indeed, the strength of the promotional language is such as to render it unique among transportation regulatory statutes.

Nevertheless, the Board has always regarded the development of an appropriate air transportation system as embracing efforts to increase intermodal transportation of freight by surface and air. Our reasoning has been that the full promise of air cargo can be achieved only by facilitating the movement of freight between transportation modes. Cargo cannot make a complete journey from the door of the shipper to the door of the consignee by air.

On the other hand, international aviation is inherently free of many of the impediments applicable to intermodal surface transportation. I understand that, if a shipment travels by surface between an inland U.S. city like Denver and a foreign port like Rotterdam, it will be transported by land and water carriers which are regulated by separate agencies and which may be subject to separate schemes of liability, documentation, and rate-making. Aviation is obviously different: today's jet aircraft can carry cargo nonstop from Denver to Rotterdam in a matter of hours. Both airlines and air freight forwarders can thus provide shipper-to-consignee international freight service at single-factor rates, with simplified shipping documentation, and with single-carrier liability.

Board-authorized "air transportation" typically includes not only airport-to-airport line-haul but also extensive pickup and delivery services. Although both truckers and airlines combine to provide this transportation, the typical "intermodal" problems are not present. This is because Congress sought to avoid a jurisdictional conflict by exempting from ICC regulation motor transportation "incidental to transportation by aircraft,"[1] while requiring air carriers to file with the Board all rates and charges "in connection with * * * air transportation."[2] The Board's regulations allow air carriers to file tariffs covering pickup and delivery services to any place within a 25-mile radius of the airport or the city limits. In addition, the Board adopted a 1964 regulation which allows carriers to ask for permission to file tariffs covering pickup and delivery services beyond the 25-mile zone.[3] Air freight forwarders in 14 airport cities have filed tariffs for pickup and delivery services to communities located up to 68 miles beyond the airport cities. Since these pickup and delivery services are provided by air carriers, they can be offered at single-factor rates, under single bills of lading, and with single-carrier liability.

For service beyond the pickup and delivery areas, the Federal Aviation Act (section 1003) allows airlines and surface common carriers to establish through service and joint rates. In the case of common carriers subject to the Interstate Commerce Act, the airlines and ICC-regulated carriers must file their rates with their respective commissions, which have jurisdiction over the rates through a joint regulatory board. Under this statutory mechanism, airlines and truckers offer coordinated truck-air transportation to 3329 communities located away from our major airport cities.

In addition, the Board has exercised its licensing powers in a manner designed to encourage intermodal transportation. For many years, the Board has freely authorized surface forwarders and regional motor carriers to become air freight forwarders. More recently, the Board has begun permitting long-haul motor carriers to become air freight forwarders on an experimental basis.[4] And the Board has also permitted common control of air freight forwarders and ocean carriers.

This is not to say that the Board has unfettered discretion to endorse everything which may promote intermodal transportation. There are, for example, statutory inhibitions on the Board's power to license a single transportation company operating both aircraft and surface vehicles or vessels. When Congress enacted the Civil Aeronautics Act of 1938, it followed the pattern of the Motor Carrier Act by precluding a surface carrier from acquiring an air carrier unless the surface carrier shows that it can use aircraft to public advantage in its operations.[5] The Board has recognized that this statutory provision controls where a surface carrier seeks to "acquire" a direct carrier; and the Board has applied what it deemed to be the provision's policy where a surface carrier requests a license to operate its own aircraft. Following this line of reasoning, a Board examiner recently ruled that U.S. Steel Corporation, because of its affiliation with railroad common carriers, should not be allowed to acquire Johnson Flying Service, a direct air carrier.[6]

It is to be noted that the statute does not in terms preclude a surface carrier from entering air transportation by means other than acquisition of an air carrier, nor forbid the acquisition of a surface carrier by an air carrier, although such transactions require submission to the Board and must meet public interest tests. After a substantial early period of internal dispute, the Board settled to a position based on the context and history of the Act. This is, in substance, that the policy of the Act precludes approval where significant conflicting interests adversely affecting air transportation may be present.[7] Accordingly, it has been the practice of the Board to deny applications of surface carriers for licenses to enter direct air transportation, and likewise to deny air carrier applications for approval of surface carrier acquisition, except in limited cases where it appears that prospects of meaningful competition between modes are slender and conflicts of interest remote.

The Board has two cases presently before it in which this long-standing doctrine, or its limitations, may again be put to the test. In the first of these,[8] Overseas National Airways, Inc., a supplemental carrier, proposes to create a wholly-owned foreign subsidiary which, in turn, will own and operate a passenger cruise vessel. The applicant sought a disclaimer of jurisdiction or, alternatively, approval. The examiner denied relief on conflict of interest grounds and the case is now before the Board for review.

In the second of these,[9] Trans World Airlines, Inc., proposes the acquisition by a majority-owned TWA subsidiary of two corporations operating cruise vessels. It likewise seeks disclaimer of jurisdiction or, alternatively, approval. This case is in its preliminary stages.

Another limitation on the Board is the statutory prohibition against air freight forwarders filing joint rates with ICC-regulated motor carriers. The 1968 "Trade Simplification Bill," which the Department of Transportation sponsored, proposed to eliminate this limitation; and the Board supported that legislation. Indeed, the Board has consistently joined with other agencies to support legislation (such as the tripartite joint board proposals and the "trade simplification" bills) aimed at improving the existing system.

I am aware that some persons concerned with existing impediments to intermodal transportation have suggested that the only solution is to merge the CAB, the ICC, and the FMC into a single independent transportation agency or into the Department of Transportation. Whatever the pros and cons of such a proposal, and there are obviously several of each, I believe experience has demonstrated that many intermodal problems may be solved or lessened under the present regime, particularly by cooperative effort, and that each of the agencies concerned has a most important responsibility to devote continuing and assiduous attention to them. First, the agencies can act within existing law to develop compatible regulatory schemes covering intermodal transportation. To illustrate, when the Board adopted its 1964 regulation covering extended pickup and delivery areas, it did so pursuant to consultation with ICC. There is no reason why similar consultations between the agencies cannot produce similar accommodations, including a single set of simplified tariff rules and regulations. Second, although statutory restrictions obviously cannot be resolved by interagency consultations, the agencies can jointly sponsor specific remedial legislation such as the Trade Simplification Act, above referred to.

Finally, it would appear that one of the best ways to eliminate many of the impediments to coordinated international transportation may be through international agreements. In the aviation industry, the Warsaw Convention has imposed a unified system of carrier liabilities, and the air carriers have thus been able to use a standardized air waybill. I am told that the European nations have proposed a draft Combined Transportation Convention which would govern intermodal transportation and which would establish rules of documentation and of liability. Although I also understand that the draft convention requires revision, an international agreement in this area would be a major step forward.

It is, of course, not possible to foresee at this point whether a measure to establish a single transportation regulatory agency will be adopted or even seriously proposed. Furthermore, it is not possible to anticipate the structure of such an agency, or whether its capabilities might be greater or less than those enjoyed by the existing agencies. However any of those questions might be answered, it is clear that there are in fact many capabilities to facilitate intermodal transportation within the existing regime which have proven fruitful when exercised, offer potentials for future use, and should continue to be exploited aggressively until and unless better means are found.

FOOTNOTES

[1] Interstate Commerce Act, Part II, § 203 (b)(7).

[2] Federal Aviation Act § 403(a).

[3] Law Motor Freight, Inc. v. CAB, 364 F. 2d 139 (1 Cir. 1966); National Motor Freight Traffic Assoc., Inc. v. CAB, 374 F. 2d 266 (D.C. Cir. 1966). Certiorari was denied in both cases on May 15, 1967, 387 U.S. 905.

[4] ABC Air Freight Co., Inc., *et al.* v. CAB, 419 F. 2d 154 (2 Cir. 1969), *cert. denied.* —— U.S. —— (March 30, 1970).

[5] Federal Aviation Act § 408(b).

[6] Harllee Branch Jr., *et al.* and United States Steel Corporation, Docket 20946, *et al.*

[7] American Export Lines—American Export Airlines, 3 CAB 619 (1942), 4 CAB 104 (1943); Pan American Airways Co. v. CAB, 121 F. 2d 810 (1941); Air Freight Forwarder Case, 9 CAB 473 (1948); Pacific Air Freight, 17 CAB 561 (1953); Modern Air Transport, 32 CAB 137 (1960).

[8] Docket 21047.

[9] Docket 22136.

Footnotes at end of speech.

THE LATE JEAN HOXIE

HON. LUCIEN N. NEDZI

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 14, 1970

Mr. NEDZI. Mr. Speaker, my hometown, Hamtramck, Mich., has long been a major city in the tennis map of the world.

The major reason for this eminence was one remarkable woman, Mrs. Jean Hoxie, who taught tennis—and character—to thousands of Hamtramck youngsters and to famous persons at home and abroad.

A few days ago, Mrs. Hoxie died in a tragic accident. She was my friend and I would like to have her remembered by this Nation, for which she did so much. Accordingly, under leave to extend my remarks in the RECORD, I set forth below a series of articles describing more fully Mrs. Hoxie's extraordinary record and extraordinary personality:

[From the Detroit Free Press, May 8, 1970]

SHE TAUGHT PERFECTION

She was a tough girl, Jean Hoxie, but you knew the reason she was such a stern coach was because she loved her young people so much she couldn't stand their being second-rate.

So she drove them hard, by the thousands, keeping them banging at the wall hour after hour. If their tennis balls were worn and their old rackets loose in the strings it didn't matter. They would just be better when they acquired decent equipment.

And first-rate they became, making Hamtramck somewhat the tennis capital of the world. Tennis coaching is an unlikely field for somebody to gain international prominence in, but Mrs. Hoxie made it and was just as non-nonsense with Gen. Franco as she was with the east side kids who worshipped her.

She spent most of her 72 years urging her students in pursuit of perfection. They sweated and complained but a lot of them became champions and the rest are very hard to beat. They'll never forget her.

[From the Detroit Free Press, May 7, 1970]

BRASH JEAN HOXIE—SHE WAS BEAUTIFUL

(By George Puscas)

Jean Hoxie is dead. A thousand men who believed they were her one special man, mourn.

She was the most loved woman this town had seen in her time.

She was short and stout with a face weathered by 71 years of summer sun. She had a voice loud and gravelly and a manner brash and demanding.

She was beautiful.

She had nestled in her palm, men like Bill Ford, George Romney, Ralph McIlvenny and Soapy Williams, and countless others who reacted to her whim.

You had to wonder why.

She was frequently outrageous. She would stroll noisily into the sports department here, plant a kiss on my cheek, announce that her tennis kids were upstairs getting their picture taken.

"I'm leaving for South America in two days," she would say, "so make sure the picture is in the paper tonight. I want to take the clipping with me."

She got away with it. Invariably.

She was an out-and-out tennis huckster. No game has known a better one. She taught her game, preached it, sold it.

But she was something more.

She was salvaging people long before sociologists thought it might be a fine idea.

She was Old World discipline with a hard-as-a-hammer exterior and a marshmallow heart.

That's why the guys all loved her. The girls, many of them, were not always so sure.

Memorial Park in Hamtramck sits alongside Jos. Campau in an area that once was rat-a-tat-tat and booze and broads. It was that way when Jean arrived in the 1930s.

Occasionally, she'd tell about it.

"There's nothing fancy about this neighborhood now," she'd say. "But in those days, it was much worse. Kids were hungry and aimless, and so were their parents.

"It all seems so simple now. But remember, in those days and in that area, kids were embarrassed to be seen with a tennis racquet in their hands.

"I won them over by collaring the gang leaders and forcing them to play against my kids. When they say how futile they were, they'd lay off. Some of them even joined us. They know who they are."

Over the years, the Hoxie Hamtramck tennis crew won more than 100 national championships. There was nothing mystical about her technique. It was simply work. Work until the feet blistered, the hands puffed, the mind dulled. Hour and hour, days on end, through winter and summer.

There were kids who played for Jean and her husband, Jerry, who died two years ago, who swear they hated her. Now, having moved through college or into Hoxie-promoted jobs, they say they owe whatever they are to her.

I remember sitting with Peaches Bartkowicz in a restaurant across from Memorial Park several years ago. I'd taken Peaches there because Mrs. Hoxie always interrupted her kids' conversations, making sure they'd say the right thing.

"You practice six hours a day every day," I said to Peaches. "Doesn't a 17-year-old girl occasionally think about boys?"

From behind me, came the Hoxie voice.

"She's got plenty of boys right here to play tennis with," said Jean. "She can date when she's 25."

Not surprisingly, perhaps, most of the girls who once rose to prominence at Hamtramck drifted away from the game after graduation. It's a bit different with the Hoxie men, who remain devoted, and grow more appreciative with the passing years.

Ted Jax, once a Hoxie teen great, was in tears Wednesday morning when we came off the courts at Bloomfield Tennis House. He'd just heard the news of Mrs. Hoxie's death.

"Do you people ever make mistakes on things like this?" he asked, almost pleading.

Jax had kidded in the past about Jean and her ways.

"She's really something," he said. "She calls up and tells me there is something I absolutely have to do. Right away. I tell her I'm busy, I have lessons to teach and other plans.

"She always comes on with that line, 'Other people did it for you once and don't you forget it.' I know they did, so I do it. I know I wouldn't be where I am now without her."

The little guys and dolls, the seven- and eight-year-olds, had a special adoration for Jean.

She'd line them up in her office to inspect their hands and faces and then demand her nickel-a-week payment.

"That nickel really works," she said. "At the end of the summer, the racquet is theirs. One dollar for a 20-dollar racquet. But the nickel makes them aware that they have something at stake. So they don't miss a practice."

When the collection was done, the line began anew, each kissing Mrs. Hoxie goodby for the day.

She never had children of her own, though her home on the riverfront almost always is occupied by a dozen or more boarding youngsters.

She never really regretted the lack of a personal family.

"Have you ever noticed," she told me once, "how closely attached young boys are to their high school coaches?

"Most coaches are closer to the kids than the fathers and mothers. It stays that way for years afterward.

"I've had a thousand kids of my own."

A thousand and more of her special ones mourn.

[From the Detroit News, May 6, 1970]

COACH JEAN HOXIE KILLED—RUN OVER BY OWN CAR

(By Joe Dowdall)

Jean Hoxie, Michigan's internationally famous tennis teacher, was killed in Midland today by a stroke or heart attack which caused her to be run over by her own auto.

Mrs. Hoxie, 71, was the surviving member of the team of Jean and Jerry Hoxie—a coaching combination which taught royalty, made champions of youngsters and put Hamtramck on the world tennis map.

She was backing her car out of the driveway at her Midland home, en route to a tennis class at Northwood Institute, when she was stricken.

The attack, termed a "circulatory spell" by Dr. Donald J. Cline, the Midland County deputy medical examiner, caused Mrs. Hoxie to fall from her moving car.

The car, according to witnesses, continued backing in a tight circle and ran over Mrs. Hoxie before Dean Stellas, a sophomore from Glenview, Ill., was able to stop the car after it had hit a parked station wagon.

Mrs. Hoxie had helped more than 300 youngsters to national and international tennis championships with her tireless energy and driving and forceful teaching methods.

In recent months she had been the tennis coach of Northwood Institute, where the tennis field house was named for her.

Mrs. Hoxie's most recent tennis protege was Peaches Bartkowicz, a 20-year-old Hamtramck girl who has the famed Wimbledon championship among her crowns.

Mrs. Hoxie met her late husband, Jerry, on the tennis court in 1925 and together they formed the most successful of husband-wife coaching teams. He died in 1967 at 65.

Wealth or poverty meant little to the Hoxies.

"Start 'em young and keep them interested in the game is the way to develop champions," the gruff but kind Mrs. Hoxie used to say when asked the secret of her success with youngsters.

"All it takes is for a kid to have a tennis-racket and a ball and the determination to stay with it. I'll take them to the wall of an alley garage or to the wall of one of the finest tennis houses and have them hit and hit and hit the ball.

"A wall is the best teacher. You work at it until you know exactly what you, the racket and the ball are going to do every time. Then you play someone else."

This was the method Mrs. Hoxie used on Fred Kovaleski, who was to become her first player of national stature. Other top-flight players who followed were Allen Hetzeck, Ted Jax, Ken Angyal, Ray Senkowski and Chuck Brainard.

Elaine Lewicki and June Slack, preceded Miss Bartkowicz as Mrs. Hoxie's girl champion.

In the early 30's and the 40's, Mrs. Hoxie led Hamtramck High School netters to 15 state championships in 16 years. She coached at Hamtramck High and in the city's recreation program for 30 years.

Her fame took Mrs. Hoxie on 22 trips around the world. She taught King Paul of Greece, two daughters of Queen Juliana of the Netherlands, the nephew of the late King

Farouk of Egypt, the Crown Prince and Princess of Japan and, more recently, Mrs. Jacqueline Kennedy Onassis.

Yet she treated her pupils alike, either at an exclusive tennis club or on the playgrounds of Hamtramck. She had the driving force of a Marine Corps drill sergeant.

"Discipline, that's what make champions," Mrs. Hoxie said. "I'm not a Mrs. Hitler, but you got to impregnate winning."

Mrs. Hoxie insisted that all her pupils practice long hours daily. "If it rains, practice inside somewhere. If it's hot, practice harder. Then you'll be ready to play when you have to in a match and the weather won't affect you as much."

Yet after a tireless session dictated from her throne on a wooden bench overlooking the courts, Mrs. Hoxie would gently wipe the sweat from one of her youngsters and softly praise the child's improvements.

"I work all my pupils hard," Mrs. Hoxie once said. "But out of every 100 students you get one champion—and 99 good players. I'm a fundamentalist and I teach and insist that all my players be fundamentalists."

She had no peer as a tennis coach of youngsters. Only Mrs. Hoxie knew how many championships her proteges had won.

Mrs. Hoxie was named to the Michigan Hall of Fame in 1966 and was honored as the Sportswoman of the Year in 1969 by the United Foundation. She had enough "testimonial dinners" alone to keep a normal person on the run.

"The older I get, the more I enjoy living," was her creed right up to her final moment, a moment spent en route to teach tennis to another crop of youngsters.

Mrs. Hoxie's body will be brought to Detroit by the William R. Hamilton Funeral Home. It will handle the arrangements, which are still incomplete.

HOXIE'S "CHILDREN": ROMNEY'S YOUNGSTERS

(By Curt Sylvester)

Jean Hoxie coached tennis over most of the world. She coached royalty and she coached the kids on the playgrounds of Hamtramck.

None of them forgot her. Some of them loved her. A few disliked her. But all of them respected her and her death Wednesday brought shock to all of them.

"I'm greatly shocked at Jean Hoxie's tragic untimely death" said former Michigan governor George Romney now the Secretary of Housing and Urban Development.

"It is regrettable that young people will miss her inspiration as an unequaled instructor in the sport she loved and her great qualities as a human being.

"In addition Jean was a dedicated American and a great asset to Detroit, Michigan, and the country. Our whole family mourns her loss."

Both the former governor and his wife, Lenore, had taken instruction from the lively little woman who put Hamtramck on the world tennis map.

Detroit Lions' owner William Clay Ford was another of the Hoxie students who was jolted by her death.

"I'm really shocked," said Ford. "She called me yesterday (Tuesday) to invite me as her guest to the Hall of Fame banquet next week. She was a grand woman.

"I've known her for 30 or 35 years," said Ford. "She taught me and both of my daughters. I used to go with her to the National Juniors and other tournaments."

Ralph McElvenny, president of the Michigan Consolidated Gas Co., has been a booster of the Hoxie tennis program for 20 years.

"She's one of the great sports figures in America," said McElvenny. "She was a friend of American presidents and of the Khrushchevs.

"She was a great leader of young people. She did a tremendous amount of good because all of her 'children' were not only fine tennis players—they were good citizens. Their court manners were perfect and they were always clean . . . not like a lot of tennis players that are spoiled brats."

Although Mrs. Hoxie was known and loved by the Romneys and the Fords, she was probably best known by the youngsters she taught on the playgrounds, where she turned out one great player after another.

Ray Senkowski, a former Wimbleton player, a two-time All-American at Michigan and now the pro at Franklin Racquet Club, was one of her favorite pupils.

"People could not help but respect the kind of dedication she had for the causes she believed in," said Senkowski. "And, what she was doing was, through tennis, building character in the young people she dealt with.

"She and her husband never had any children of their own," Senkowski added. "All of us were her children . . . the hundreds of children that grew up in Hamtramck felt they were our second parents.

"He was a real student of the game and she was the finest fundamentalist—getting young kids started—in teaching tennis in the United States. She generated enthusiasm and interest."

Another of her students was Ken Angyal, a former Notre Dame star, former pro at the Lakeshore Tennis House and now an English instructor at Wayne State University.

Mrs. Hoxie's demand for perfection didn't always make her proteges love her, according to Angyal.

"I wouldn't say, except for some rare cases, it was love," said Angyal. "But it was family loyalty. She didn't especially care if a kid had great ability. As long as you'd come back she'd take you."

Angyal recalled fondly how he met Mrs. Hoxie some 25 years ago, the way in which she probably "hooked" most of her tennis pupils.

"I just lived next door to the park and went out to play one day," Angyal remembered. "This crazy lady started bossing me around and I went back every day—she just got me hooked on it.

"I think most of the kids will tell you she was more like a mother than a coach."

MRS. HOXIE'S LAST PLANS—ARRANGED OWN RITES

(By George E. Van)

Jean Hoxie would have been pleased by the tribute given by Arthur Turner, president at Northwood Institute, of Midland, at the final services for the great Hamtramck tennis teacher yesterday.

The final rites were just as she had arranged them. Her life as a perfectionist was extended after death.

More than 350 persons jammed the William R. Hamilton Funeral Home on Cass Avenue. They were there because they had known Mrs. Hoxie's compelling influence and personality.

People like William Clay Ford, who had worked with Mrs. Hoxie on programs to help the young idea in tennis. She also taught Ford youngsters.

And she also taught Semon Knudsen's children, and he was there, along with G. Mennen Williams, Jerry Cavanagh, Nick Kerbawy and a veritable who's who of the Detroit area's tennis great and tennis small for the last 40 years.

Turner had been requested to "handle my sendoff" by Mrs. Hoxie and a moving tribute it was. The request also included that the 12 stalwart pallbearers be from Northwood. And some of these had been among her tennis proteges at Hamtramck High School.

"Jean became a tradition in her own lifetime," said Turner. "She taught that play is work and worked at it. She left a legacy of integrity, honesty and pride in everything one does. . . . She was a builder of champions."

'A racquet, a ball and a wall." That was Mrs. Hoxie's oft-repeated basic teaching tenet that served as a cornerstone of a career that made her famous internationally.

And her proteges hit the ball back forever in a never-ending routine of shots.

"It was a hard discipline but one that produced champions," said Henry Collins, Hamtramck High School principal and a lifelong friend of Mrs. Hoxie.

Most of those who knew that discipline and profited thereby were in the chapel. Some were too far away to make it. One of her greatest, Fred Kovaleski, now lives in Australia. Peaches Bartkowicz, now an internationalist, was in the south of France.

But Peaches' young sister, Plums, was there. So were many other players who made Mrs. Hoxie a living legend, stars like Ed Roszak, June Stack, Walter English, Al Hetzek, Ed Angyal, Esther Politizer, John Wagner, John Reindel, Ray Senkowski, Del Russel and Jack Cornish.

There is a line from a Roman philosopher that fits Jean Hoxie.

"Not only is there an art in knowing a thing, but also a certain art in teaching it."

MANPOWER TRAINING

HON. EDWARD R. ROYBAL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 14, 1970

Mr. ROYBAL. Mr. Speaker, on April 29, Mr. Gordon Nesvig, the personnel director of Los Angeles County, representing the National Association of Counties, testified before the House Select Subcommittee on Labor on the various manpower training bills before that committee. His testimony called for a reorganization of manpower training programs to provide decentralized administration and more flexible funding. He also stressed the need for a larger role for county officials in the planning, coordination, and implementation of manpower programs, especially because of the development of so many new programs throughout an existing patchwork of agencies.

In summarizing his testimony, Mr. Nesvig pointed to specific principles that should be incorporated in any reform manpower bill. His major recommendations included: First, a guaranteed job after training; second, local control, determination of an area prime sponsor to be made by the area's elected officials so that the program can focus on total areawide needs; third, automatic passthrough of funds for all metropolitan areas; fourth, specific emphasis on public service employment; fifth, 1-year advance appropriations; sixth, 4-year authorizations, with specific figures written into the legislation—at the very least 2-year authorizations; seventh, elimination of categorical programs and assigned slots; eighth, automatic increase of funds when unemployment reaches a certain level; ninth, control by the Governor of all State-administered manpower programs; and 10th, a simplified payment plan for enrollees in any program.

Mr. Nesvig's testimony follows:

STATEMENT ON BEHALF OF THE NATIONAL ASSOCIATION OF COUNTIES BY MR. GORDON NESVIG, DIRECTOR OF PERSONNEL, LOS ANGELES COUNTY, CALIF., BEFORE THE HOUSE SELECT SUBCOMMITTEE ON LABOR

Mr. Chairman and members of the Subcommittee, my name is Gordon Nesvig, and I am Director of Personnel for Los Angeles County, California. I am here today representing the National Association of Counties and its 21,000 members in support of H.R. 13472, the Manpower Training Act of 1969. In addition to my prepared statement, which I would like to submit for the record, I would like to share with the Subcommittee some of our general opinions and local experiences in dealing with the myriad of Manpower programs that, because of their fragmented and uncoordinated nature, have failed to make an impressive dent in local unemployment levels.

Manpower training and development—that name we have created to round up a vast array of programs and concepts—is inextricably linked with such other equally broad fields as welfare and unemployment. We have separated these huge problems from each other merely to look at them in manageable places, but we must never forget that they are greatly intertwined. On the other hand, we cannot allow the vastness of the whole problem, which we might call poverty, to overwhelm us and thereby keep us from doing anything at all to overcome it.

The report of the National Advisory Commission on Civil Disorders recognized the crucial implications of unemployment for public economic policy. In the words of this report: "Unemployment and underemployment are among the most persistent and serious grievances of our disadvantaged minorities. The pervasive effect of these conditions on the racial ghetto is inextricably linked to the problem of civil disorders." On the local level, we are well aware of the problems of the poor, the economically and socially disenfranchised, the unemployed, and the underemployed. They beseech us daily for services and assistance. Yet, it seems that every time the Federal government has looked into the unemployment and manpower problems facing all of us, it managed to create dozens of manpower programs with different requirements, techniques, aims and rewards—and each responsible to different federal agencies, funded from different sources, and administered by every type of public or private agency we could manufacture. It appears that every time we saw a problem, we created a new program which was supposed to handle it, without regard for existing programs or consideration for the new program's ability to fill the newly observed need.

In an attempt to deal with this excessive proliferation of categorical programs, duplicative administrative systems and an overcentralized and uncoordinated manpower programs system, the Administration has proposed a comprehensive new Manpower Training Act. As set forth in H.R. 13472, this Act would:

(1) "consolidate major manpower development programs;

(2) "provide flexible funding; and

(3) "decentralize administration of manpower services to states and metropolitan areas."

The National Association of Counties strongly endorses these basic principles of Manpower Reform.

Faced, the way we are, on the local level with providing services for an ever-expanding community need, we too have been looking for ways of making manpower programs meet the needs of our citizens in ameliorating their personal plight, and in strengthening the basic public economy.

The National Association of Counties, meeting recently at their annual Legislative Conference in Washington, D.C., discussed policy positions relative to any national manpower programs reform. A National Task Force on Manpower presented basic principles of reform that would be necessary to make any manpower program viable. At the top of a list of ten positive principles that any manpower bill should have, was a guaranteed job after training.

Although data are sparse supporting the notion that a "training only" program is the least desirable of all manpower programs, several observati ns can be made:

(1) Occasionally, programs are initiated for training areas where there are no severe shortages;

(2) Occasionally, prospective employers do not know the existence of such training programs and do not hire the graduates; conversely, the graduates are unable to find employers with jobs;

(3) Frequently, the training is not pertinent to the job requirements of prospective employers, i.e., the training is generic, rather than specific;

(4) Training stipends are considerably lower than reasonable income standards, and people are unable or are loathe to remain in a training program, especially when there is no guarantee of a job at its end;

(5) Training programs without specific jobs create a new kind of person: the "professional program participant," who either voluntarily or involuntarily moves from one program to another, but never to a job.

Juxtaposed against this is the program which insures having a job at its end. Such a program not only provides an inherent enticement to the participant to complete the program, but it provides to the participant a direct means of coping with, and overcoming the "system." The person in a job begins to acquire that valuable commodity known as experience. He acquires both seniority and rights for vacation and other purposes. And, most important of all, he becomes essentially self-sufficient, or is launched in that direction.

The JOBS Program and other programs are beginning to build upon what was learned from earlier manpower programs of various kinds, including, for example, the New Careers Programs. Although the New Careers Programs provided wages for participants (as well as training money), it did not have built into it a guarantee. Administrators were not compelled to find the ways and means of keeping new careerists. Although such guarantees are not yet attached to any manpower program, the fact that some programs urge employers to hire first and train afterwards, is very attractive. Many unknowns are removed, and the process of recruitment for manpower programs is made a little more easy. The "job first" concept insures a somewhat greater return for the manpower dollar.

It is not suggested herein that all programs without job guarantees be terminated. The basic thrust of the argument here is that programs which provide for the immediate or early hiring of participants are very attractive. There are many communities and many situations in which other kinds of programs must be pursued.

Also high on the list of our basic manpower development principles, and a way of solving needs of the first principle, is the need for specific emphasis on public service employment. State and local governments engage in a vast and growing number of activities, ranging from education to air and water pollution control. In 1965, State and local governments spent $87 billion and employed nearly 7.7 million workers. Over the ten-year period from 1955 to 1965, expenditures rose by $30 billion, and employment grew by 3 million. In the coming years, state and local governments will be called on to supply even more services. Population growth and rising personal incomes will be partially responsible, along with demands for more urban redevelopment, better fire and police protection, less crowded schools, and improved medical care and facilities. County government is becoming increasingly important in the furnishing of these services to the people.

There seems to be an increased confidence of the people in the ability of counties to perform functions efficiently, as a result of reorganization and modernization of county structures in many areas. But probably most important is the realization that counties are logical areas for the performance of area-wide functions, resulting in a quite noticeable trend toward transferring functions from smaller units of government. In an attempt to provide an expanding variety of services to the community, county government has felt the strong pressures for manpower development. In the five-year period from 1962 to 1967 alone, the total employees of all the counties in the United States increased 24% as compared to an increase of 15.5% for all the municipalities. If county services are to expand to meet the growing needs, then financial and program support will be essential. Public service employment must be developed in order to allow for job development and improved governmental services at the local level.

Identifiable potential jobs could be created in almost every department of county government to provide and expand the services that counties do not provide now, but are being asked to respond to every day. Los Angeles County's various human services departments could immediately absorb 2,200 New Careerists to be utilized in our service delivery systems. Half of the identified potential jobs would provide services that the County does not provide now. The remainder would be expanding the outreach of services traditionally available from the agencies, but limited because of manpower shortages. These service jobs are not "make work" jobs—rather, they are a response to the crying needs of the community, and I dare say that each of our 3,049 counties could cite similar examples. Gentlemen, the need is there. We would definitely support a major program to create hundreds of thousands of public service employment jobs.

The National Association of Counties has always operated under a basic principle that elected officials with their responsibility to the electors, must control programs within their jurisdiction. Operating from that basic premise, we believe that the determination of an area prime sponsor (as defined in this bill) should be determined by the area's elected officials so that the program can focus on total metropolitan areawide needs. And, in the same light, we believe that state-administered manpower programs should be controlled by the Governor.

As elected officials, you are well aware of the need for programs that are responsive to the needs of the citizens. Responsibility can best be guaranteed through the auspices of elected officials at each level of our federal system. As we explained earlier, county government is increasingly responding to the areawide needs of our citizens. With the continuing out-migration of people and industry to the suburban areas of the nation, it seems logical to conclude that counties will continue to have a large role in the developing and providing of job opportunities for the unemployed city dweller. Statistically, almost half (113) of the 233 Standard Metropolitan Statistical Areas (SMSA's) are single county jurisdictions. An additional 40 SMSA's are composed of two counties. And, if we are to avoid continued proliferation of programs, then we should turn to the county as a responsive level of government to coordinate areawide manpower program contracts at the local level. If it is a major objective of this bill to decentralize and coordinate manpower programs at the state and local levels, then it is of prime importance to place control in the hands of elected officials. And, specifi-

cally, the determination of an area prime sponsor should be made by the area's elected officials so that the program can focus on the total areawide needs, and be responsive to the community. We also recommend automatic pass-through of funds to metropolitan areas.

Of major concern to all levels of government is realistic planning and evaluation. In order to develop viable programs, we at the local level need built-in advanced planning conditions. Too often we have found ourselves actively engaged in a manpower training program that is meeting the needs of the community, only to have federal funds to that project discontinued and the programs closed short of their promised goals. This type of situation could be averted by providing for multiple year funding so that planning and some continuity can be built into each project.

The National Association of Counties recommends that all Manpower Training programs have one-year advance appropriations and four-year authorizations, with specific figures written into the legislation at the very least for two-year authorizations. Gentlemen, we don't feel that this is an inordinate request. Congress has for years endorsed advanced planning concepts in various building programs; it is time that we systematically plan programs for people with at least the same type of advance guarantee.

The concept of automatic increases of funds when unemployment reaches a certain level would strengthen the ability of all manpower programs to meet the continually changing needs of the community.

It is also important that we avoid developing National programs that all local communities must fit their needs to. This could be avoided by the elimination of categorical programs and assigned slots. Every community's needs are different. This national program should allow for innovative programs on the local level.

Let us not simply mandate a national program, but allow for the exploration of innovative concepts beyond strict categorical projects.

And finally, our Association recommends that a simplified payment plan be established for enrollees in any program. This would relieve added administrative problems and make manpower programs more responsive to needs of the enrollees. This would also cut down on the present tendency for enrollees to shop around from one program to another, in order to receive better benefits, rather than the appropriate training.

Next, let me cite more specific conditions and concerns within my own county.

Within the past 30 years the cost of governing Los Angeles County has soared from $94,333,218 to $1,771,142,559, larger than most States' budgets. Well over one billion dollars of that increase occurred in the last decade. Our primary source of revenue is the Real Estate Tax, now close to $10 per $100 assessed valuation.

If county services are to expand to meet the growing needs, financial support will be essential.

Although the Federal manpower commitment has grown from approximately $50 million in first year appropriations for the Manpower Development and Training Act of 1962 to about $2.5 billion in Federal manpower legislation only eight years later, a substantial reduction in unemployment and underemployment and concomitant poverty depends to a considerable extent upon more adequate manpower policy and programs.

During this period in which the Federal Government has increased by 50 times the financial resources devoted to manpower development, we have seen very little improvement on the local level. As a matter of fact, since we began participating in manpower training programs in 1965, the size of the programs funded locally has actually diminished.

Just a few months ago, one of our work experience programs was closed down completely. The program had some operational problems, but we worked them out. We developed a modified program design working cooperatively with our local Community Action Agency people. But the Labor Department said there were no funds and the program would have to be cut. We got local approval to resubmit it, but even though everyone locally thinks it looks good the Labor Department is crying poverty. Somebody ought to tell them how they can get hold of some of that two and one-half billion dollars. We only need one ten-thousandth of it for this project.

Our experience with Federal manpower programs to date has resulted in much frustration and has pointed out major inadequacies in the administration of the Federal manpower program.

As a matter of fact, there is no Federal manpower program. There are bits and pieces of a program which are administered by several departments; OEO, LABOR, HEW, HUD, DEFENSE, and perhaps others that we don't even know of. The program is further fragmented among various bureaus within these departments.

There seems to be little coordination of Federal agencies' funding, even when funds are available from different bureaus within the same department. Duplicate projects are funded, State and local agencies are circumvented, and programs proliferate without a cohesive design. This leads to ineffective use of resources and limited capability to establish information and evaluation systems for future planning.

When Secretary of Labor George P. Shultz testified before the House Committee on Education and Labor last month, he stated that the proposed Manpower Training Act of 1969 was a proposal for comprehensive manpower legislation which would "break new ground by creating a new framework for a constructive partnership between Federal, State and local governments in the spirit of New Federalism."

Supporters of the present State vocational education system immediately expressed concern that the bill did not include sufficient assurances that vocational education would be given preferential status in providing skill training and, further, that the bill could interfere with the independent status of State vocational education systems.

It is this kind of provincialism at the Federal level which makes it impossible for us to coordinate programs at the local level. When we first read the Vocational Education Amendments of 1968, we were impressed with their far-reaching implications, and saw potential applications of these new funds which could support our Neighborhood Youth Corps Program and our New Careers Program. The legislature had recognized the need for the development of close, cooperative systems between employers and training institutions, and there was a heavy emphasis on the development of New Careers models.

We attended the State hearings on implementation of the bill and saw that the plan was to keep the money with the Vocational Education people. We expressed an inerest in participation but got no response. We were told we would be contacted when the guidelines were completed.

On December 23, 1969, we learned through a magazine article that the guidelines had been out for some time and that the deadline for submitting proposals for experimental programs under Part D of the VEA of 1968 was January 1, 1970. We sent a telegram to the U.S. Office of Education that day requesting a copy of the guidelines and an extension of the deadline. We received a call from Washington on December 29, 1969 informing us that the guidelines were on the way but that there could be no extension on the January 1, 1970 deadline.

This may point out a related problem. Information flow between Federal, State and local agencies gets delayed, sidetracked and distorted. This is true not only where new programs are involved, but also for established programs.

Local agencies feel shut out of the planning process and are resistant to information demands which they do not fully understand. Federal agencies do not get timely or accurate information on local programs and local needs.

We had a program funded under Title V of the EOA of 1964. We operated the program for about nine months before we saw the guidelines. During the second year, we had to re-vamp the program to meet the guidelines. We just about got through doing this when in the third year the program was cancelled. The program was being coordinated through the State. We sent reams of information to them without understanding their use. We never knew what the State needed, what the Federal Government needed, or whether the information was getting through. We subsequently found out that the program people in Washington did not get accurate information or what was going on.

Our Neighborhood Youth Corps Program offers another example of the need for improved communications. The Labor Department has never really understood the capability of this program. They consistently refer to NYC out-of-school as an aging vat. They have no systematic way of keeping informed on local programs. Locally we see NYC as an innovative tool for engaging youth who have dropped out of the education and employment system. But we have been fighting restrictive guidelines for the last four and one-half years.

We currently have what appears to be the beginning of an effective model for engaging drop-outs and other estranged youth. Basic and remedial education programs are tied to work experience. Youth can explore a variety of worker roles in over twenty-five occupational areas. An in-service group counseling program which is well accepted by the youth helps them to integrate the work and education experience into a cohesive self-development and career planning program.

All NYC work site supervisors participate in a special inservice training program to prepare them to work more effectively with their enrollees. Our success rate seems to be growing from 40% to almost 50%, and we are well on our way to our goal of 75% successes this year.

We learned recently, however, that the Labor Department wants to transfer many of the program functions to the State Employment Service (now a part of the new California Department of Human Resource Development). Apparently Labor knows little of our local efforts and feels it is time to try something new. Locally, the Employment Service has not even demonstrated the capability of reaching disadvantaged youth, let alone counseling them. When the Labor Department cut the age limit for out-of-school NYC youth from 22 to 18, the Employment Service could not fill our program recruitment needs. We had to develop our own recruitment program through our Welfare and Probation Departments. We have learned from our NYC enrollees that the Employment Service does not have a good image or reputation in the disadvantaged community. These youth are discouraged by red-tape and bureaucratic run-around.

Referrals made to us by the Employment Service frequently demonstrate a failure to meet individual applicant needs and abilities. Applicants are encouraged to accept whatever the counselor has a job order for,

even if it is not at all suitable for the individual.

There is an inadequate utilization of available resources, both within the Employment Service itself and within the Community. This is apparent when we try to use the Employment Service as a resource for placement of job ready youth outside of our own employment system. Although this should logically be the role of the Employment Service, we have had to set up our own job development function in order to provide outside employment opportunities for youth in addition to County employment.

Of the various programs we are participating in, our NYC program has been in operation the longest. We are quite proud of the model which has evolved, but it has evolved under the most adverse circumstances. A quick description of these circumstances may give you an understanding of the types of problems which are common to all of our Federally funded Manpower programs.

The one year Federal funding cycle and the delay in passing the appropriations bill has resulted in erratic funding periods. During one fiscal year, the program was renewed five times. This meant the development of five budgets and the negotiation of five contract modifications. In several of these periods slot allocations were changed and new guidelines introduced. This makes it impossible to plan effectively.

As the program grew more successful, the size of the program shrank. We went from an allocation of 1200 trainee slots in 1965 to 199 slots today. The erratic funding periods and concomitant poor planning, coupled with the diminishing program size and uncertain assurance of program continuance made it difficult to maintain staff morale and keep all persons associated with the NYC program motivate toward meeting its goals.

With this climate established, it was hard to cope with conflicting guidelines and frequent changes in program requirements.

The most burdensome changes were in the area of information requirements. Federal information requirements were apparently established prior to availability of specific information or program structure, goals, etc. As Washington learned that the information they were getting did not meet their needs, new demands were made. Much time was lost in the redesign of data collection and processing subsystems. Information requirements usually exceeded the budgeted staff's capability. Important data may not have been documented in the early stages of a program. Inputs were based on rough estimates rather than documented data. During all of this, the strategists in Washington were accumulating data on local programs and concluding that NYC appeared to be nothing more than an aging vat for youth.

Their conclusion amazes us, especially in light of the nature of the data collected. It seems to a great extent the Federal emphasis is on documenting how money is being spent rather than on accumulating information that would be useful in evaluating success with respect to program goals.

In September of 1967, the County of Los Angeles entered into an agreement with the local Community Action Agency to operate a New Careers project which was a part of the Concentrated Employment Program in Los Angeles. We had gained some experience with the New Careers concept using enrollees from our NYC program and enrollees from a local community action project called the Neighborhood Adult Participation Project. We felt that the concept would be as effective as it was creative. After over two years of experience, we now think that New Careers, if viewed as an approach instead of a specific project, has greater implications for improving the responsiveness of government and reducing the problems of poverty than anything else that has come out of the War on Poverty.

New Careers is more than an anti-unemployment measure. It is an approach for meeting projected manpower shortages in human services, while at the same time improving the quality of those services. The idea that persons from the client system can provide useful service to the client system is not new and has been implemented in various settings, including the more popular Alcoholics Anonymous and Synanon. What is new is the idea that this new source of manpower for the human services can be developed through a planned sequence of work experience and training, and that this process can become an alternate route of entry into many professional service occupations. In the process, we establish college accreditation for life experience, specific work experience and in-service training. At the same time, we influence educational institutions to make educational content more relevant to student employment needs, develop a variety of alternate models for dispensing knowledge and evaluating learning processes, tie educational services more closely to learning styles, and develop closer working relationships between education and employment resources.

There is currently concern that large bureaucracies have evolved to a point where they are no longer responsive to the needs of the publics they serve. The January–February, 1969 issue of the Public Administration Review has a symposium on Alienation, Decentralization and Participation. In addition to the need for change in the kinds and quality of services rendered, the articles in this symposium postulate a need for structural change in governmental systems to make them more responsive to the needs of the total constituency.

New Careerists are demonstrating that they can become the change agents for bringing about organizational adjustments. Their sensitivity and first-hand awareness of needs and their intolerance of procedures which put process before purpose enable them to critically evaluate gaps in service and pressure the system internally for the much needed change.

From a personnel management point of view, this approach enables us to make the most effective use of available human resources. It enables us to establish new routes of entry into professional occupations, leading from jobs which can be performed by indigenous community aides to the full professional level. Service objectives and goals must be reassessed. Jobs at all levels need to be re-evaluated and re-designed. Minimum requirements must be tied more realistically to job performance demands. Training needs must be more readily identified and tasks allocated to the lowest level at which they can be effectively performed. At the same time, competing models can be established to determine the cost effectiveness of alternate service delivery systems.

We were glad to see that our legislators in Washington were also aware of the potential of New Careers. As you know, although the Administration had asked for a simple two-year extension of the poverty program, the bill that was approved by the House contained some new provisions added by the House Committee. The Committee Report singled out New Careers and Operation Mainstream as having "experienced an unusually high degree of success and usefulness." These two programs were removed from Title I–B in the bill and given special separate status in a new Part E of Title I. The bill specifically earmarks $110,000,000 for the programs, double the amount requested by the Administration, with $50 million going to New Careers and $60 million to Mainstream.

We'd like, at this point, to touch briefly on some of the highlights of our New Careers experience. In the first place, this experience has enabled us to provide employment and promotion opportunities to the poor, and to make our services more responsive to the need of the poor. More importantly, it has identified new areas of service that the County can get engaged in which could alleviate, and possibly eliminate, many of our burgeoning urban problems. But these services go beyond the revenue resources of the County. Although $50 million is twice what the Administration asked for on a national level for New Careers, we could use $10 million of that money in County Government right now to develop 2,000 New Careers jobs. This would include a movement into non-human service occupations as well as expansion in the traditional human service areas of health, medicine, mental health, welfare, probation, law-enforcement, community organization, and human relations, and would require a permanent Federal subsidy which could grow to $120,000,000 a year and 10,000 jobs by 1975.

Currently, our experimentation in New Careers has focused on the County's traditional human service areas. Limited fiscal resources from the Concentrated Employment Project, and the local Mexican-American Opportunity Foundation programs have thus far only allowed us to test the impact that the introduction of a non-professional service worker will have on a services traditionally provided for by professionals. Even so, the results are encouraging.

The East Los Angeles Child and Youth Clinic was established in 1968 under a grant from the U.S. Department of Health, Education and Welfare for the purpose of developing new ways to provide optimum total health services for children in specified disadvantaged areas and for their families. Though equipped in staff and facility to handle a considerable segment of the immediate neighborhood in the East Los Angeles area, the professional staff at the Clinic anticipated accurately that a problem of first priority would be to establish their presence in the "barrio" and to develop an image as a haven for local families with children that were ill. To solve this problem, the Clinic proposed the introduction of a Community Health Worker as an integral part of their staffing pattern. The function of this worker, or Health Assistant as the title came to be, would be to assist the professional staff to spread the word in the local neighborhood about services available at the Clinic, and to make patients feel comfortable and accepted when they appeared.

Within a few months after a dozen Health Assistants had joined the staff, the Clinic was overwhelmed with new patients. Far more patients, by the way, than their statistical data had led them to believe should have needed their service within the established geographic boundaries. This result has caused the Clinic to consider substantial adjustments in its service approach, including the expansion of its New Careers staff in number and in the areas of service they will provide.

In March of 1967, the Probation Department established the RODEO (Reduction of Delinquency Through Expansion of Opportunity) project. The hypothesis was that juvenile offenders, who would normally be assigned for residence in a probation camp, could, in many cases, be maintained in their own community under special supervision with at *least* equally successful results and at considerably lower costs to the County. The special conditions of supervision in this case called for a reduction of the caseload of a Probation Officer. It also meant a change from the traditional one-to-one counselling role of the professional to that of a catalyst for the redistribution of community and family resources, in order to provide the ward with maximum support in his readjustment. The professional's traditional role, as the counselor, behavior model and expediter for the juvenile, to a great extent was reassigned to a responsible, mature, sub-professional adult from the ward's own com-

munity, who demonstrated an ability to provide more realistic behavior goals and to teach the ward how to take advantage of available personal and community resources.

The results after the first year of experimentation in South Central Los Angeles indicated that this approach was successful in all respects. It was determined that in controlling recidivism patterns normally expected of juvenile offenders and in re-establishing the juvenile with the positive institutions in society, school, employment, etc., this approach was more successful than either the camps programs or traditional supervision methods. In rough figures, each juvenile participant in this project represented a dollar savings of $1200 per year to the County in services provided by the staff when compared to the costs of his residence in a Camp. This was in spite of the fact that the reduction of caseload ratios and attachment of New Careers staff is a substantially more expensive staffing pattern than the department's traditional supervision program.

Probation Department has since then increased its utilization of the "RODEO method", and has introduced New Careerists in various other programs with comparable success.

The Department of Hospitals, has only recently begun participation in New Careers, but indications are that this Department will be among the most enthusiastic participants in this area. At present, New Careerists in our hospitals are being trained to improve the communication and understanding between patient and physician. Physicians who serve in our hospitals, especially "Big General" (Los Angeles County-USC Medical Center, largest General Hospital in the United States, 2377 beds, and trains the majority of physicians in the Southern California area), are beginning to question the specialist system in medicine as that system which affects the care provided residents of disadvantaged areas. Ghetto residents, because of cultural and economic deprivation, view the field of medicine as a resource of the last resort, to be used only in cases of impending death or serious illness or accident. Cast into an enormous, impersonal facility to be served after hours of agonizing waiting by a corps of busy, ever-changing, necessarily curt professionals, they find little motivation to continue participation in their medical care program. Increasing numbers of "no-shows" to follow-up clinics and return of patients to the hospital due to poor after-discharge treatment reflects the little worth that is attached to the service provided by the impersonal specialist after specialist.

New Careerists are being trained as Nurses Aides, Clinic Aides, Pharmacy Aides, etc., primarily responsible for assisting the patient to communicate more accurately and completely the source of their complaints to the doctor. They are valuable to the doctor in explaining after treatment care and motivating the patient to continue on the rehabilitation program by using the idiom and language most effectively understood by the patient. Use of New Careerists has helped uncover a peculiar heart disease characteristic to patients that have immigrated from a specific location in Mexico to Los Angeles. This research, which may lead to a cooperative project between Mexican and American health agencies, was almost impossible to conduct without the New Careerists' help.

A patient who leaves our County Hospital with a chronic or potentially recurrent ailment is rarely followed without his own initiative, outside of an outpatient clinic or when he relapses and returns in an ambulance. The Department of Hospitals is not staffed with follow-up, outreach personnel and yet, this function, or rather the lack of it, is probably a major cause of the overburdening of its in-patient services. The development of a manpower resources, recruited from within the patient population, and adequately trained, could provide this function and relieve many of the related problems.

The newly arrived residents were reluctant to share their immigration information with professionals because they feared that this would have an adverse effect on their alien status. New Careerists, former aliens themselves, and conversant in immigration laws, were able to alleviate these fears and complete the research.

Sixty percent of the prescriptions issued at the hospital's pharmacies can now be labelled and explained in Spanish as a result of cooperation between a multi-lingual computer and bilingual New Careerists.

The hospitals are facing the critical point in the problem of the shortage of physicians. Medical schools are increasingly unable to graduate enough doctors to fill the enormous need now reflected in the service problems of our facilities. The prospect for improvement of this situation in the traditional way is dim. Medical administrators are seriously considering a comprehensive re-evaluation of the existing roles played by medical and technical staff in hospitals to determine to what extent nonprofessionals, well-trained and seasoned with sound experience, can alleviate this problem.

The Department of Public Social Services is staffed with New Careerists as part of the services function in thirteen districts in the County. Their involvement ranges from being interpreter, assistant counselor and resource agent to assuming in some areas almost total responsibility for serving a full caseload of clients requiring minimum services. The DPSS has demonstrated that a well-trained New Careerist can successfully relieve the professional Social Worker from his inappropriate traditional roles of family and client counselor, housing and employment agent, and budget advisor. This adjustment in roles allows for more profitable utilization of the conceptual skills of the college graduate to deal with the broader problems of relieving the local causes of deprivation. It also results in more extensive and relevant services to the client provided by the New Careerists since the New Careerist himself, often a former client, brings a wealth of experience in the hard techniques of surviving on a welfare budget.

The Department has also seen the value of the New Careerist as a vehicle for more effective communication of the interest of the agency in the welfare of the client. Complaints that used to either go unanswered or were handled by routine response are now more effectively handled personally by the New Careerist, and as a result, fewer appeals are being submitted by frustrated clients.

Based on their positive experiences, the Department, as with most of our New Careers Departments, is able to speculate on the expansive potential that the New Careers concept holds for dramatically decreasing the breach between its long-range service objectives and its ability to meet them with traditional service approaches. Rather than concentrating efforts on remedial welfare services, the department would, with sufficient staff and funds, be able to enter the areas of preventive and rehabilitative welfare services. Already, New Careerists are helping to identify how their unique role can be instrumental in reducing the epidemic of the welfare and poverty cycle. With more support in planning staff and program manpower, the agency could begin to more effectively attack many of the root problems of the disadvantaged.

Homemakers, heretofore assigned to assist with the physical maintenance of a disabled client's home, represent a natural vehicle for the extension of these preventive welfare services in the home. Trained in techniques of home health care, asepsis, employment counseling, budget management, preventive health care, they will be equipped to identify and deal with idiosyncracies of the welfare family that contribute to their continuance on the welfare rolls. They can provide, in the most effective manner, the kind of positive direction to welfare families that our service professional cannot afford to offer because of their overwhelming workload.

The Probation Department sees the New Careers concept as among the most successful methods of meeting its responsibilities as currently legislated. With the freedom of fully supported research, many of the premises postulated during the RODEO experience could be developed and tested as a basis on which to expand and increase the effectiveness of its services.

The Mental Health Department, faced in this decade with the responsibility of combatting a serious urban malady—emotional illness anticipates that its role as an agency will change from that of a consultant to a *provider* of service. The immediate focus will be to deal with patients who may be a danger to others or to themselves. But a total and effective assault on the problems of mental health by this department calls for a massive expansion of its area of responsibility. It calls for training hundreds of auxiliary, non-professional technicians to not only be available to deal with persons with a critical need, but also to identify symptoms of impending emotional crises and connect those persons with the appropriate resources to secure professional treatment.

Our recreation and parks establishment recognizes the critical role it must play more aggressively to solve the problems of the cities. Youth, whose contact with the establishment is marginal, the potential delinquent or school dropout, needs recreational activities designed especially for him. Los Angeles, already crippled with the least amount of park area per capita of any city in the nation is unable, because of the budget limitations, to make maximum use of the park and recreation areas available with imaginative and non-traditional experimentation, plus the wherewithal to buy the public service manpower needed to implement these approaches. The Department of Parks and Recreation, as with all our human service departments, could begin to meaningfully utilize the available manpower in our disadvantaged communities in an earnest effort to eradicate the ills of our country.

Although we see a great deal of promise in New Careers and have met with some short-run successes, this program, like NYC, has been plagued with problems created by poor Federal administration.

Over the past few years, we have developed 450 permanent New Careers jobs in County departmental budgets. This has enabled us to hire over 90 percent of our program graduates. Since continued participation requires the commitment of local funds as well as increased Federal revenues, it is necessary that the hypotheses regarding program benefits be systematically assessed, and that the social and economic effects be carefully weighed so that priorities for the allocation of available funds can reasonably be set.

How can this be accomplished with sporadic funding cycles, program extensions of two to three months, no planning money, no evaluation money, no technical assistance, poor communications through a multitude of levels in the Federal system as well as the State and local prime sponsor?

From the onset, we contended that New Careers was an inappropriate program for funding through CEP. A portion of the available overhead was siphoned off to support elaborate job development and referral systems which were not required in New Careers. The user agency hires all of the trainees. All resources should be available to the public employer as they are to the private employers in MA-5 contracts in the JOBS Program.

The CEP boundaries cause restrictive restraints to program expansion. Participating departments want to hire indigenous aides from other poverty neighborhoods which they serve. Our Model Neighborhood staff is required by HUD to use residents of the Model Neighborhood. The CEP boundaries are contiguous with, but do not overlap, our Model Neighborhood boundaries. Federal guidelines indicate that CEP boundaries can be expanded to include Model Neighborhoods but Labor says we have to work through the local Sponsor and the local Sponsor says the guidelines won't permit it.

There is talk at the Federal level of improved coordination and communications, and improved program linkages. The elaborate time-consuming systems which have been worked out for coordination appear to require more effort than a simple call to an operating agency to identify program progress and needs. The only reward evident in these systems is that they shelter the program funders in Washington from the critical review and analysis of local program operators.

In the midst of all of our coordination locally, we have been unable to get our Manpower Director invited to the local CAMPS group.

NYC youth who complete their stay in the program and who demonstrate capability for New Careers training cannot be referred to our New Careers Program because they generally do not live in the CEP target area.

The cutback in age limit from 22 to 18 on the NYC out-of-school program leaves us with limited programming capability to accommodate 18 to 22 year olds. The Federal programs which were to fill the gap are not yet operational.

An NYC youth who has completed his stay and is not yet job ready must be referred back to the State Employment Service. Even if an additional few months might prepare him for a permanent job with the County, program time limits require termination. So youth are referred back to the Employment Service where they are re-routed and reshuffled. It is no wonder why they soon throw in the towel and drop out of the job market; another hidden statistic that keeps the unemployment figure from looking bad.

In the midst of all this confusion, we are being approached constantly by various Community Action Agencies within the County who are looking to develop employment programs with us, or by community groups which have been funded by a CAA, but have no job-training placement opportunities for the slots they have received. Can they use County departments to train their enrollees? This could result in a County District Office having 15 trainees from ten different programs, all of which have slightly different schedules, job site demands and reporting requirements.

While these requests are being evaluated (and consistently turned down), the County is unable to get an adequate number of slots to justify a minimum size administrative staff that could organize and implement a comprehensive manpower program within County government.

The establishment of WIN as a new part of the national manpower effort which operates apart from, but coordinates with, other elements of the Manpower Program demonstrates another splintering of the total manpower effort.

A whole new level of bureaucracy has been established to coordinate WIN placements. The Employment Service staff get welfare referrals whom they process, counsel and refer to other manpower program centers where they are processed, counseled and referred on to operating programs. To the maximum extent possible, WIN will use the existing resources of NYC, CEP, MDTA, JOBS, etc. The WIN Program also provides for development of additional work experience and training sites beyond those available through existing resources.

The County has been working with the Employment Service to identify possible WIN enrollee placements. But there is no money available to support in-service training efforts, or to cope with the administrative problem of separation of programs within County government so as to ensure individual program standards are being met, evaluate results, and fulfill appropriate reporting demands. All of the available funding support in FY 1969 went to the State to support the new WIN bureaucracy in the Employment Service and to provide for training through the State Department of Vocational Education.

The $21,325,000 available to California in FY 1970 is similarly earmarked. It is no wonder that few employers have been able to make the commitment to participate. Because of our limited revenue resources for training purposes, we can only participate in a marginal way. It is too bad that the model recognized by the Labor Department as being effective in the private sector's JOBS Program ("put the entire training job into the hands of the employer"), is seen by Labor to be inoperative in the public sector.

If the County, as a large employer (over 65,000 employees), were funded directly to provide training and employment for 2,000 persons, a coordinated system could be developed in which we could accept referrals from WIN, CEP, CSES, Welfare, Probation, etc. and provide a resource for the training and hiring of their referrals. This would avoid the splintering of programs within an employment source, and enable that employment source to focus all of its resources on the problems of training and hiring. Although the concept of coordination is essential, we have been coordinating at the wrong level. When we set up coordinating agencies, coordination gets confused with administration. Perhaps we ought to think in terms of facilitating, rather than coordinating.

Of the 23,781 eligible welfare recipients we have referred to WIN, only 9,500 have been accepted for participation. About 6,200 of this 10,000 are currently participating in some type of program or training activity. The number placed in permanent jobs since the program began one and a half years ago is approximately 2,400, of which some 900 have been removed from welfare as a result of this employment.

The WIN model appears to be heading in the same futile direction as many of the previous programs; training jobs with no commitment for permanent jobs. Our welfare recipients and "hard core" unemployed have heard that before. "When the funding goes, the job disappears." And round and round we go till the next program.

An independent local task force set up by the County's Commission on Delinquency and Crime discovered in 1968 that of some 8,000 plus Federally funded training jobs, only about 400 had permanent job security tied into the program. (About 300 of these were in our New Careers Program.)

The trainees in the various programs had been in and out of many "training jobs" that folded over the past few years. Thousands of Head Start jobs were created only to prepare community people for nonexistent careers. The jobs just weren't there. The large employers were not sufficiently involved in the planning and program implementation processes, etc., etc.

There needs to be a recognition, which the Manpower Bill of 1969 doesn't seem to make, that the identification and development of real jobs must be tied to any job-training efforts.

THE ANTIWAR DEMONSTRATION IN ITHACA MEANS CLEANUP WORK

HON. HOWARD W. ROBISON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 14, 1970

Mr. ROBISON. Mr. Speaker, I was most pleased and encouraged to note an article in the Ithaca, N.Y., Journal relative to the efforts of some 350 Cornell University students to protest U.S. involvement in Southeast Asia by cleaning up and painting two buildings housing the Ithaca YMCA and the Mental Health Adult Day Center. This type of protest, vividly illustrating what these students feel "war funds" can and should do "back home," should not go unheralded, and I commend the following article to my colleagues' attention:

ANTIWAR DEMONSTRATION HERE MEANS CLEANUP WORK

The Ithaca YMCA and Mental Health Adult Day Center sport brighter faces today after some 350 Cornell students labored to clean and paint both buildings Saturday in protest of American involvement in Southeast Asia.

While thousands of their fellow students massed in Washington, D.C. to demonstrate against the war, those here armed themselves with paint brushes as well as placards in an effort to point out the cost of the war—an estimated $752 per hour—to Tompkins County residents.

"Our aim is to dramatize what the Vietnam war costs . . ." said Cyrus Fishburn, one of the demonstration's organizers. "I hope that the money and labor spent here today will show Ithacans what could be done if their money now being thrown into a war machine could be redirected to more useful community activities."

Financed by the Cornell Vietnam Mobilization Committee, the students began their demonstration with a noon-hour march from Cornell's Willard Straight Hall to the YMCA at 202 E. Buffalo St. While more than 40 from the overflow crowd moved on the Day Center, at the northwest corner of Meadow and State Sts., and to Stewart Park, the remainder grabbed cleaning rags, sandpaper, rakes, and shears and set to work on the building.

* * *

Why here and not on lawns near the White House?

"I feel that I should have gone to Washington, but since I couldn't I thought I'd do my best to demonstrate," said Cornell graduate student Robert Lowenstein.

"We wanted to show the public some constructive action, but this doesn't mean we're not supporting the march in Washington," added Eleanor Weisman, a 19-year-old freshman from Tulsa, Okla.

"This was a way we could participate with something in the community," agreed Ellen Rathje, a freshman from Cortland. "We hope to make people realize we want to do something peaceful and nonviolent."

In their splashdown at the YMCA the students tackled every sort of job from washing to landscaping.

"It's amazing, isn't it; and they'll do anything no matter how grimey," said a surprised Jack Hagaman, executive director of the YMCA. "They were tremendously good kids who did a hard job."

When that job was finished some five hours later, the second floor of the YMCA was paneled; floors were sanded and varnished; walls,

the entranceway, and a large portion of an exterior brick wall were painted; the Y's stone facade had been wire-brushed; and the surrounding shrubbery was pruned. * * *

Those students who moved to the Day Center were equally active.

Setting their signs—labeled with such slogans as "$750 an Hour Goes to the War—See What It Can Do at Home"—against the building's red brick wall, the students waded into clean-up efforts.

Contributing an estimated $400 in labor, they washed windows, painted doors, built shelves, and hung window shades in face-lifting the building.

". . . It's a great way of people pointing out the need for concern in one's own community; the students do care," said Mrs. Midge Waldman, executive director of the Day Center. ". . . Translating this into human terms is much more difficult to put into words . . . and certainly the 'price tag' goes beyond measurement."

While students labored at the clean-up efforts at the Y and Day Center, others canvassed the city itself distributing literature on American involvement in Southeast Asia and soliciting signatures for a petition to Rep. Howard Robison calling for an end to the Vietnam war.

POLISH CONSTITUTION DAY

HON. EDWARD P. BOLAND

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 14, 1970

Mr. BOLAND. Mr. Speaker, continuously threatened by territorial conflicts, Poland in the 18th century was an uneasy nation. Her geography left her with few natural defenses, and powerful nations on either side, Russia and Prussia. When Russia and Austria became involved in a war against the Ottoman Turks, the pressures against the Poles were lessened on one side. Then Prussia entered an alliance with Great Britain and Holland against the Russians, which provided the Poles a sense of security not felt in years.

Added to this unstable situation were the reforms which grew from the French Revolution, and the radical ideas of freedom and liberty that came from the new democracy arising in Western Europe. In 1788, the Polish Diet began deliberations on new, vitally needed political reforms which had been at least partially postponed because of the external threats to the nation. In early 1791, after 3 years of debate, discussion, and argument—under a renewed threat from the Russians, who were in the final stages of their war with Turkey—the Diet began the final drafting of a new constitution.

In the middle of the year, King Stanislas read the constitution to an immense crowd of Diet members and citizens. He believed that the constitution would make Poland one of the most liberal and modern states in Europe. The response to the document was of overwhelming approval, and national pride rose as King Stanislas swore allegiance to the constitution.

The newly established freedoms of Poland were perceived as a threat to her Russian neighbor, then under the strong leadership of Empress Catherine II. On April 8, 1792, the Russian armies invaded Poland, and, within a year, they had destroyed not only the constitution but the country as well. On September 23, 1793, Poland was partitioned between the Prussians and the Russians, and the constitution of May 3, 1791, was dead.

The memory of that short period of democracy and freedom remained with the Polish people; liberty-loving Poles anxiously await the day when once again Poland, under a democratic constitution, will rejoin the council of democratic nations.

SILENT MAJORITY

HON. ALLARD K. LOWENSTEIN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 14, 1970

Mr. LOWENSTEIN. Mr. Speaker, the "silent majority" is threatening to go the way of the silent movie.

A lot of people whose silence was mistaken for consent are no longer holding their tongues in the wake of President Nixon's decision to invade Cambodia. The outcry can be heard throughout the land; but it is naturally loudest on the campuses, where the President has succeeded in mobilizing an overwhelming majority of students against his policies. It can no longer be imagined, even by an administration not distinguished by the firmness of its touch with reality, that antiwar feeling is confined to a minority of students at a minority of schools.

Illustrative of the extent of the disaffection with the war and the President's handling of it is an eloquent statement by Neil A. Oxman, student body president at Villanova University. The statement, which appeared in the New York Times on May 13, is signed by student governments and student leaders at colleges not previously noted for antiwar protests:

SILENT MAJORITY

MR. NIXON: For almost two years American citizens have been deceived and intentionally misled concerning our country's policy of war in Southeast Asia. Lyndon Baines Johnson left office with the realization that an aggressive policy in Viet Nam was no longer acceptable to the American people. In your every speech both before and after your inauguration, you pledged unstinting efforts to gain peace in Southeast Asia. The Congress of the United States, at your behest, allowed two years to pass, during which time peace was ever promised and never delivered. The end result of these promises has not been peace, but rather a reescalation of the war, and an illegal, immoral, unsupported invasion of neutral Cambodia.

At present with the country in turmoil, we, as American citizens, feel it our moral obligation to state irrevocably our opposition, not only to the unwarranted invasion of Cambodia, but to the entire Southeast Asian war. We must further decry the shroud of deception you have allowed to grow around all your actions. Primarily, we refer to your war policy and the usurpation of delegated constitutional authority you have adopted to forward your policies.

Rather than add fuel to the present campus unrest by rioting, we are asking every concerned American to help foster the defeat of your policies through constitutional means. We are asking every American to write to his or her congressman, expressing not only dissatisfaction with your Cambodia decision, but voicing support for the bill now being proposed by Senators Hatfield, Goodell, Hughes, McGovern, and Cranston. This bill (H.R. 17123) will not only force a firm declaration of war or complete withdrawals from Cambodia within 30 days after its passage, but will also require that all funds delegated to Southeast Asia after December 30, 1970 be designated as strictly for troop withdrawal. Finally the bill will provide for the removal of all troops from Southeast Asia no later than June 3, 1971.

Possibly Mr. Nixon, you should allow yourself to realize that there are many Americans who will no longer seek peaceful means to halt the war. At Kent State, at the University of Maryland, and at many other campuses, this fact has been painfully and tragically realized.

Upon you, Mr. Nixon, must the complete onus of responsibility fall. As Commander-in-Chief total liability for those killed or injured in Indo-China rests with you. As President the wanton slaying at Kent State and strife on many other campuses must lie on your conscience.

We no longer appeal to you as our President or our leader, but as a human being with an interest in the life of every person in this country.

Respectfully,

NEIL A. OXMAN,
President, Student Body, Villanova University.

Student Union, Boston University, Boston, Massachusetts.

Student Government Association, University of Bridgeport, Bridgeport, Connecticut.

Association of Bucknell Students, Bucknell University, Lewisburg, Pennsylvania.

Student Government Association, William A. Navero, President, Canisus College, Buffalo, New York.

Drew University Community, Drew University, Madison, New Jersey.

Student Government Association, Joseph George, Vice President, Georgetown University, Washington, District of Columbia.

Student Government Association, Leonard A. Perrett, President, Kings College, Wilkes-Barre, Pennsylvania.

Student Government Association, Leanne Mells, President, Marymount Manhattan College, New York, New York.

Student Government Association, David McKenzie, President, La Salle College, Philadelphia, Pennsylvania.

Strike Committee, Rensselaer Polytechnic Institute, Troy, New York.

Student Government Association, Newton College of the Sacred Heart, Newton, Massachusetts.

Student Government Association, Debbie Rifenbury, President, Rosemont College, Rosemont, Pennsylvania.

Student Government Association, Robert Barry, President, University of Scranton, Scranton, Pennsylvania.

Student Body, Vassar College, Poughkeepsie, New York.

Student Government Association, Dale Saffir, President, Harcum Junior College, Bryn Mawr, Pennsylvania.

Student Association, Nancy Terrill, President, College of William and Mary, Williamsburg, Virginia.

Chaplains Office, Villanova University, Villanova, Pennsylvania.

Student Congress, Mark A. Billington, President, Providence College, Providence, Rhode Island.

Colby College Community, Colby College, Waterville, Maine.

Student Government Association, Chas. Dougherty, President, St. Bonaventure University, Olean, New York.

Student Body, Bryant College, Providence, Rhode Island.

John Gunn, Member Villanova University Senate, Villanova, Pa.

Student Government Association, James Seward, Chairman, College of the Holy Cross, Worcester, Mass.

PLAN FOR PEACE DEVISED AT MACALESTER COLLEGE

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 14, 1970

Mr. FRASER. Mr. Speaker, the frustrations that we share over present administration policies in Southeast Asia have led a group of students from Macalester College to develop a plan for bringing about an end to the war.

They call for the United Nations to take control of all peace-keeping efforts by initiating and maintaining a cease-fire. They ask the U.N. to send in a supervisory force and to create an Indochina Relief Agency. The plan is endorsed by more than 1,000 members of the academic community.

Students at the University of Minnesota are similarly initiating new activities of persuasion and protest. I would like to place into the RECORD this article from the Minneapolis Tribune:

FOR SOUTHEAST ASIA: MACALESTER GROUP OFFERS PEACE PLAN

A group of Macalester College students, who said they sought a "viable alternative" to present United States involvement in Southeast Asia, Tuesday proposed that the United Nations send a supervisory force to Indochina to effect and maintain a cease-fire.

The proposal also calls for an international conference of all nations involved, and the creation of a U.N. Indochina Relief Agency.

Student spokesmen announced the proposal at a news conference. They said the proposal was written by about 20 Macalester students, and that it has been endorsed by more than 1,000 students, faculty and administrators.

The plan calls for the U.N. supervisory force to implement the withdrawal of "all external forces." Student spokesmen said that included United States forces, and North Vietnamese forces in South Vietnam and Cambodia.

They said they think North Vietnam is now weak and might accept such U.N. solutions to the war intervention.

In other developments on area campuses yesterday:

Leaders of the strike committed at the University of Minnesota announced plans yesterday for a mass "graduation ceremony" Thursday on the mall in front of Northrop Auditorium.

The event—announced at a noon rally by Evan Stark, one of the strike leaders—would symbolize the graduation of students from the traditional university to the Strike Experimental College."

Meanwhile, Thursday of this week and a day in each of the next three weeks were officially designated as "days of reflection" at the university.

A student-faculty committee said that Thursday, May 20, May 26 and June 3 will be days of special activities. The committee recommended that classes be suspended or excused and that Civil Service employes also be allowed to participate.

The faculty of St. John's University in Collegeville, Minn., voted yesterday to give students the option of ending their semester studies immediately to work for peace or finishing the normal academic year. Those who quit now will get a grade of incomplete, to be made up later. The Rev. Coleman Barry, president, said the university is not on strike.

"LOVE-PEACE" BECOMES "HATE AMERICA" THE PSYWAR CONTINUES

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 14, 1970

Mr. RARICK. Mr. Speaker, Americans are not told that a psychological war is being waged in our country—a nonshooting war—which the enemy is daily prosecuting to the fullest.

The technique of thesis and synthesis, and the "slide-off" manipulations and distortions of Communist education are explained by J. Edgar Hoover in his book, "Masters of Deceit." Education in this misapplication is a weapon in the battle.

Failing to understand Red techniques, many do not understand the development and exploitations of incidents such as Kent State, Cambodia, Augusta, and Jackson State as emotional "hate America" propaganda to further confuse and divide our people against the real enemy.

The initial psychological thrust was to indoctrinate impressionable youth that love is synonymous to peace and that love-peace is imperative to life. Since hate is the opposite of love, and war the opposite of peace, all who do not participate in the love-peace movement are to be regarded as haters and warmongers.

To transfer the abhorrence of war into a hatred of country, it was then only necessary to relate incidents such as would identify the horrors of war with our own country. Kent State and Jackson State—the National Guard; Cambodia—the military; Augusta—the police department. The over exposure of these incidents served as the means to transfer hate of the war to hate of our country—our system of government and everyone who supports it.

In the minds of these psycho-indoctrinated young people most adults, including parents, are made the enemy and their every effort for reason is regarded as repression.

Overlooked is the common enemy—communism—the root cause of all. How long—how long—how long.

Mr. Speaker, "Sensing the News" by Thurman Sensing, executive vice president of Southern States Industrial Council, carried a straightforward plea for action. And his paper follows:

SENSING THE NEWS: BEHIND THE KENT STATE RIOT

(By Thurman Sensing)

Leftists and liberals in the United States and around the world already are trying to portray the slain students at Kent State University in Ohio as heroic workers for peace, whereas in fact they were part of an ugly and brutal mob engaged in transforming a university into a scene of anarchy and bloodshed. The deaths were tragic, yes, but understandable—violence begets tragedy.

There are notable exceptions to this praise of the rampaging mob at Kent State. One in particular is a newspaper of Johannesburg in far away South Africa which described Kent students as "silly asses" who were "stirred up by anarchists and Red agents to oppose the war effort in Vietnam and Cambodia"—a very true observation.

Had the National Guardsmen failed to defend themselves, they might have been stoned to death. One can be sure that the leftists and the liberals wouldn't have shed any tears for dead Guardsmen—no more than they weep for the many policemen who have died in the line of duty, defending communities against anti-war demonstrators and other political hoodlums.

Glorification of the four dead protesters—members of the campus mob—is not without design. Radical elements seek an opportunity to marshal opinion against Guardsmen, policemen, and regular soldiers. The objective of the radicals is to force disarmament of troops and police forces, even as in the propaganda treatment of the My Lai incident in Vietnam they seek to discredit and undermine the morale and combat effectiveness of American troops in Southeast Asia.

If the leftists and liberals succeed in disarming the Guardsmen, if they manage to shift the blame to those who were protecting law and order, then the forces of revolution will have scored a tremendous victory. For the safety of the country, it is imperative that the American people stand behind the Guardsmen, in Ohio and in the other 49 states. They are the people's shield against the revolutionists in our midst.

Bloody insurrection by revolutionary elements seems much nearer than anyone expected a year or so ago. The involvement of several thousand students at Yale University in protests against the trial of Black Panthers accused of murder and kidnaping, shows how far the country has gone towards the mindless chaos sought by those who hate the United States and seek its destruction from within. At Yale, almost an entire university went beserk, with faculty members and even the President of the institution lending prestige to the Panther cause—a display of academic irrationality unprecedented in American history.

Obviously the time for mild measures of law and order is past. The mob attack on the National Guardsmen at Kent State University shows that vicious, open revolution confronts us as a result of permissiveness in dealing with the hoodlums who have established sanctuaries on college and university campuses.

The time has come for legislation and governmental action of the most comprehensive kind so as to eliminate the evil that threatens the survival of our free country.

As Vice President Spiro T. Agnew said in a recent address in Florida, the problem of the disturbed universities is not for the Philosophy Department or the English Department, but the Justice Department. It may take scores of additional U.S. attorneys and hundreds of extra FBI agents, but no effort should be spared in apprehending and prosecuting those who have engaged in criminal leftist activities on college and university campuses in recent weeks. The possibility of mass sedition trials should be seriously considered, for that is the condition the country now faces.

The first target of governmental action should be the rioters who attacked the National Guardsmen at Kent State University. They and others like them should be the subject of legal action. In college after college, the need is to locate and root out the radicals, whether in the student body or on the faculty. It may be that the states and the federal government will have to enact new laws to accomplish that purpose. If need be, the states should call special sessions of their legislatures to get the laws necessary

to keep the peace and protect decent people against the political hippies who believe they can burn public buildings, loot stores, and bombard police and Guardsmen with rocks and other missiles.

The time is past for half-way measures. The country is on the verge of a crisis in which its very future and survival are involved. Every effort should be exerted now to crush the criminal leftists who seek to paralyze and then take over the United States.

KENT STATE STUDENT SPEAKS

HON. HOWARD W. ROBISON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 14, 1970

Mr. ROBISON. Mr. Speaker, one of my constituents, Mr. George T. Atwood of Horseheads, N.Y., a graduate student in psychology at Kent State University, has written, for the Elmira, N.Y. Star-Gazette, a most interesting account and analysis of the tragic events of late at Kent State. His fine article is worthy of widespread consideration, and I include it here in the RECORD for that purpose:

"OHIO HAS PLAYED INTO MILITANTS' HANDS"

(By George T. Atwood)

Although the events I am writing about took place in Ohio, I feel that they have implications which effect everyone everywhere.

I am a student at Kent State. I was not present at the shooting Monday. (I was in a shopping center several miles outside of town, spread-eagled across my car with a riot gun and two .38s pointing at me. Somebody told the police I had a gun. I didn't.)

I have been a college student or living among college students at six different schools during eight out of the past 11 years.

I do not claim to know everything that led up to the shooting. I doubt that anyone ever will know, but I can say something about the students at Kent, about the sorts of people and attitudes that must necessarily have been involved.

Much has been said about agitators, about people who define "democracy" as their right to impose their own ideas on the rest of us, about people who practice the art of organizing "demonstrations" and rioting for their own ends. These people exist; make no mistake of it. But there simply were not thousands of "agitators" on the commons at Kent Monday.

Among those who have supported the various anti-war activities are people who have been taken in by the pro-Hanoi propagandists, people who have been swept up in the emotionality of the current college atmosphere, conformists, people who are desperately afraid of being sent to Vietnam and people who have lost friends and relatives in the war.

There are also true pacifists who fully understand the implications of their philosophy and people who have honestly reviewed the evidence and believe that American involvement in Indochina is self defeating.

These, then, are the people who, doubtless, were on the commons when the Guardsmen opened fire.

Also present, we may assume, were the curious, the excitement seekers, the people who think that "throwing rocks at the pigs is a groove, man" and, apparently, a few people who had started across campus to go to classes, which were still being held, and who got caught when the trouble started.

There were people with uncommon understanding and there were self-righteous bigots.

I was last on campus Sunday afternoon. Students and Guardsmen were talking and joking together. Less than 24 hours later, the Guard had fired into a mass of the students.

Students are friendly people, but they tend to think highly of themselves, overly so, I feel. "The people," to many students, means themselves and anyone who agrees with them. Because of their somewhat arrogant attitude, students often are rather inconsiderate and imperceptive of the point of view of others, their protestations of love and brotherhood to the contrary.

In addition, "the revolution" is supposed to be fun. And it is fun, so long as it is the "pigs" who are getting hurt.

When students begin to get hurt, it becomes another matter.

This student egocentricism, which must have played a part in the tragic estrangement which occurred between the students and the Guardsmen, and certainly has done a great deal towards developing the alienation between the students and a large part of their society, is not the students' fault.

Our entire educational system, with considerable aid from the society as a whole, has taught the students that the academically successful are truly superior people. Their teachers, products of the same system, often see themselves in the same way, and the arrogance of the teacher passes on to the student. Faculty members, and others, while claiming to deplore student violence, give it support by treating the violent students as heroes, hoping, apparently, that violence may help to force worthwhile change—meaning, of course, the change which they themselves advocate—a form of dishonesty inconsonant with the intellectual ideals which these faculty claim to represent.

The student is in no position to see that he is being used and misled in this way because our educational system does not teach him to think critically.

What it teaches as "critical thinking" is, in reality, various currently stylish ideas which pass as "critical thought."

Wednesday, in a series of comments made by some other Kent students, you published a statement to the effect that militant students "have very firm beliefs" and "are incredibly dedicated." This statement, as it was written, seemed to imply that the dedication to the belief justifies that belief and any action which is taken from it.

This sort of thinking is disturbingly familiar on college campuses.

If an Ohio National Guardsman were to say that he had fired into the students, and explained that he sincerely believed that the demonstrators were doing grave disservice to humanity, and that only by shooting them could he put an end to the injustice of their action, we would not accept his dedication as justifying his act.

Yet, we seem willing to accept the dedication of the militants as justifying theirs.

So far, I have attacked student attitude for contributing to tragedy. However, in no way does the student contribution shift the blame from Ohio public officials for perpetrating tragedy. I did not know any of the slain students and I cannot possibly feel anywhere near the bitterness which their friends and families must feel today, but I am bitter all the same.

If the troops did, in fact, fire without orders, stated or implied, the officials are, at the very least, guilty of culpable negligence for sending unsteady troops into an explosive situation. I'm not even going to talk about the possibility that the troops fired on order.

Governor Rhodes of Ohio has stated his belief that the Kent State riots were not wholly spontaneous. As I indicated earlier, I suspect that his belief is correct.

The Governor also likened student rioters to Hitler's brownshirts. Considering that, in the three days prior to the shooting, students had wrecked a part of downtown Kent, burned the ROTC building, attacked and beat firemen trying to extinguish the blaze, stage an obviously planned raid on a university-owned airfield, doing considerable damage, stoned the police and Guardsmen, hospitalizing several, were apprehended carrying firearms, and threatened to burn any businesses which did not display anti-war signs, and considering that, elsewhere around the country, student extremists have intimidated, beaten and killed students and others who have oppose them, Governor Rhodes' simile seems to have substance.

After the shooting, though, it is doubtful that many will listen to the Governor's charges of fascism.

From news reports and public statements in the days and months preceding the Kent disaster, I got the feeling that Governor Rhodes and other state officials were acting out of anger.

I applaud officials who are firm in their support of public order, but this firmness must stem from honest conviction, not from rage because the official considers the disorder to be an affront to his dignity, or because he wants to make a grandstand play to please "the voters back home." Too often, I think, public officials act from the wrong motives, and the result is that they help to destroy the order which they purport to uphold.

Kent State could be an excellent example of this. The day before the shooting, Governor Rhodes vowed to "eradicate the radicals."

In 30 seconds, his National Guard did more to advance the cause of these radicals at Kent than all of the radicals themselves have been able to do in their entire lifetimes.

Ohio has played into the militants' hands. The militants now have four martyrs to wave at us. Ohio has four murdered students on its head.

I can appreciate how people are offended and frightened by the growing campus disturbances.

I am offended and frightened too. After all, I'm living in the middle of it.

I am often upset when the disturbances are allowed to grow, unchecked or when instigators are turned loose to instigate again.

There are times when I really feel like getting a baseball bat and breaking somebody's head, but I realize that a large part of the militant program is designed to get me upset and frightened enough that I lash out in panic. I know that when I act out of hatred and fear, I am beaten.

DISCRIMINATION BY TAX-FREE MANIPULATION

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 14, 1970

Mr. RARICK. Mr. Speaker, the tax-free foundations continue to make news in their own newspapers.

I insert the following newsclippings from the Washington Post:

MEYER FOUNDATION GIFTS TOTAL $837,300 FOR '69

The Eugene and Agnes E. Meyer Foundation yesterday announced that grants totalling $837,300 were made in 1969 for support of community services, education, health and the humanities.

George Washington University received the largest single grant, $100,000, for development of new medical school facilities.

The Meyer foundation was begun in 1944 with funds provided by Eugene Meyer, former chairman of the board of The Washington Post, and his wife.

Community services accounted for the largest of the grants, $341,000. Among agencies receiving funds were Bonabond, Inc., $10,000; the Fides Neighborhood House, $2,000; and the Friends of the Juvenile Court, $12,000.

Also receiving funds in this category was the Law Student in Court Program, granted $20,000. This project, made possible by a 1968 change in court rules, allows third-year law students to represent indigent defendants in small claims and landlord and tenant cases in the Court of General Sessions.

Washington Area Business Service, Inc., which seeks to bring about minority business ownership by providing a number of advisory and technical services, was granted $25,000.

In educational programs, the foundation made $274,300 in grants, giving $10,000 to Washington Preschools, Inc.; $7,000 to The Teachers, Inc., and $40,000 for annual scholarship grants.

Humanities' grants, totalling $72,000, went to the National Ballet Society Inc., $15,000; the Shakespeare Festival of Washington, $5,000; the Washington Community School of Music, Inc., $10,000; and to a number of other cultural groups.

STERN FUND AIDS LAW FIRM TO TACKLE SOCIAL PROBLEMS

(By Carol Honsa)

A new public interest law firm that will tackle Washington area problems through the courts will open here in July with a $150,000 grant from the Philip M. Stern Family Fund.

The new Stern Community Law Firm will be headed by George Washington University law professor Monroe H. Freedman, a lawyer long involved in civil rights and civil liberties issues here.

Public interest legal firms generally press class action or test cases involving broad social problems, like education or welfare reform, affecting large groups of people besides the individual plaintiffs.

Already contemplated are suits challenging restrictive adoption policies, pollution by federal agencies and private industries here, unequal city services in Wahington neighborhoods, and zoning and land-use policies adversely affecting the environment.

Stern, whose family fund will pour virtually all its available money for the coming year into the venture, said the law firm would seek "reform, not relief" through class action suits or individual cases with broad public implications.

Instead of trying to remedy one person's particular problem, he explained, the law firm would take legal action to change the institutions or practices that cause such hardships for people in general.

"Our mandate is to make waves and rock boats," said Freedman, who will start operations with a staff of three top-ranking June law graduates.

Freedman will take leave without pay from his teaching duties to direct the law firm, which will be located near the GWU campus.

The Stern grant will actually go to the Lincoln Memorial Congregational Temple at 1701 11th St. NW, where the Rev. Channing E. Phillips, a Democratic national committeeman, was pastor until his resignation took effect Sunday. The church in turn will engage the law firm for public interest litigation.

"The church saw it as a vehicle for extending its ministry into use of legal procedures for providing justice," Mr. Phillips said.

Mr. Phillips, who remains in the Lincoln Temple congregation, and three other church members will sit on the law firms seven-member governing committee along with Freedman and Mr. and Mrs. Stern.

The committee will define, in effect, the "public interest" and decide which cases the law firm will pursue.

Freedman expects the firm to become immediately embroiled in a challenge to a section of the legal profession's canon of ethics that forbids lawyers to solicit clients. Freedman, who thinks the prohibition is unconstitutional, said the firm will openly seek out clients with cases involving issues of broad public interest.

The establishment of the new firm coincides with a period of growing militancy among lawyers, particularly aggressive young attorneys, who see the courts as an instrument for social reform.

Taxpayer-supported legal programs such as the Neighborhood Legal Services Program actively advocate the interests of the poor, while organizations like the Washington Research Project and Center for Law and Social Policy study, issue reports, and litigate on broad social issues.

Freedman said the Stern-sponsored community firm differs from such groups in its independence from clients' fees or public funds; its emphasis on D.C. area problems, and its focus on lawsuits instead of studies and reports.

CREATING A WELFARE CLASS

HON. WATKINS M. ABBITT

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 14, 1970

Mr. ABBITT. Mr. Speaker, there has been a great deal of discussion in recent weeks relative to the family assistance program on which the House acted several weeks ago.

I opposed this bill when it was before the House and am now even more convinced that if this program is enacted, it will be a giant step toward socialism in America.

Many of those who advocate passage of this program contend that it is a vast improvement over the situation which now exists. It is true that there are some features of the bill that may give some indication of temporary improvement in some limited fields but the overwhelming purpose and impact of the bill is, in my opinion, a step toward more Government control, more Federal handout, and a great expansion of the welfare rolls.

There appeared in the April 27 edition of the Lynchburg News, Lynchburg, Va., a very fine editorial which outlines the principal objections to this legislation. I wish to include with my remarks the text of this editorial and commend it to the reading of the Members of the House.

The editorial follows:

CREATING A WELFARE CLASS

The U.S. House of Representatives last week passed beyond the point of no return on the road to Socialism when it approved President Nixon's revolutionary "Family Assistance Act." This radical, wholly untried plan provides for a guaranteed Federal payment of $1,600 plus $800 in food stamps each year for a family of four—in addition to state subsidies. Before the Senate approves the bill, and it is expected to, the guaranteed payments are expected to be boosted to around $2,500. Pressures are already being applied to increase that to $5,000.

With one stroke, the Nixon plan adds between 13 and 15 million more people to the 10 million already on welfare! The added cost for the first year is estimated at $5 billion, but even the supporters of the bill admit that is ridiculously low. Opponents of the plan claim it will cost an additional $12 to $15 billion a year—above the present welfare costs which now run about $72 billion annually for Federal, state and local governments. That $72 billion, of course, comes out of taxes.

Federal figures show that the number of people receiving some sort of welfare assistance increased 52 per cent and the cost of welfare programs increased 211 per cent—all in the past 10 years! With the Nixon plan, welfare costs within five years conceivably could reach $100 billion a year.

MOST INSIDIOUS FEATURE

The horrendous cost, which must be borne by the working public, is not the most insidious feature of the bill. That feature destroys all incentive to get off welfare and, as the direct result, creates a gigantic welfare class permanently living off the wages of the working public.

Under the bill, welfare recipients can earn up to $720 a month without losing any benefits. They would lose 50 cents in Federal subsidies for each $1 earned above $720 a month until the family income reaches $3,920 a year. At that point the Federal subsidy would cease.

However, because of various formulas for qualifying for food stamps, cutoffs in state supplemental funds, and Federal, state and local taxes, a welfare recipient who takes work could wind up losing some 80 cents in welfare subsidies out of each dollar he earns. This means, frankly, that it would not pay him to work. It encourages full dependency on welfare.

However, because of various formulas for qualifying for food stamps, cutoffs in state supplemental funds, and Federal, state and local taxes, a welfare recipient who takes work could wind up losing some 80 cents in welfare subsidies out of each dollar he earns. This means, frankly, that it would not pay him to work. It encourages full dependency on welfare.

DISCOURAGES WORK

The bill does contain a provision that all able-bodied adults will be required to take jobs or job training. The original bill contained the word "suitable" work, but this was changed to "available" work. But no one expects this will really change anything, for there are too many loopholes through which able-bodied adults can avoid work.

Moreover, as Federal statistics themselves show, the work provisions would have little effect on those now on welfare rolls. Of the nearly 10 million now receiving welfare assistance, exactly half are children and thus exempted from work. Another 1 1-2 million are mothers—also exempted. Two million are aged—exempted; 728,000 are disabled—exempted; 80,000 are blind—exempted.

This leaves some half-million persons, or 1-19th of those now on welfare, who are not exempt. Of the 13 to 15 million additional persons added to the welfare rolls, more adults are expected in the "able-bodied" class, and thus more will be expected to take work. The cutoff in Federal subsidies, however, discourages such work.

OTHER PROGRAMS FAILED

The program has never been tested. But in 1967, New York City experimented with a project which offered far greater work incentives to some 200,000 persons. The program lasted two years, during which the heads of some 8,000 families went to work. At the end of two years, only 235 actually worked themselves off welfare rolls.

Moreover, the current Work Incentive Program (WIN) which is similar to the Nixon plan, has proved a miserable failure.

The prospects of welfare recipients work-

ing themselves off the rolls, therefore, are even less for the Nixon plan than for the other two—which means the working people of this country must expect to pay some $100 billion a year for welfare which encourages people not to work.

Moreover, instead of reducing the monumental welfare department bureaucracy, the Nixon plan actually adds a whole new bureaucracy under the Social Security Administration. In addition, the bill legitimizes and institutionalizes welfare by making it a "right."

A total of 243 Congressmen voted for this plan to create a permanent, expanding welfare class of some 25 million at the onset. There are less than 80 million people working in this country today. Those 80 million are to be taxed to support the 25 million—plus pay for all other Government expenses and programs. The bill, in effect, makes the working people forced laborers.

Of Virginia's 10 Congressmen, Republicans Richard Poff of the Sixth District, William Wampler of the Ninth and G. William Whitehurst of the Second, voted for the bill. Republican Joel Broyhill did not vote, but was paired for the bill. The remaining six, five Democrats and one Republican, voted against it. It was significant that just about every wild-eyed, knee-jerk liberal in the House in both parties voted for it, while, with a few exceptions, conservatives of both parties voted against it.

WALTER REUTHER—THE LEGACY OF LEADERSHIP

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 14, 1970

Mr. MIKVA. Mr. Speaker, Walter Reuther's death at any time would have been a tragic loss to American labor and to the country. His passing while in the prime of his leadership is an especially poignant tragedy in these times which cry out for the kind of forceful and creative frontliner that was Walter Reuther.

At 63, Reuther was still a young man—filled with the spirit and zeal of idealism, traveling the length and breadth of the country to educate, convince, persuade, and negotiate for the fulfillment of the American dream for all Americans, with the same innovation and conviction which he had brought to bear in his fight for the rights and security of American labor for more than a half-century. He leaves behind 63 years of achievement for his union, the U.A.W., and for the American labor movement. He also leaves his mark on almost all major issues of our time. As a great labor leader, he had earned the name of a great national leader as well.

He touched so many people. They touched him back. He carried journeyman cards in so many fields of endeavor. His credentials were unimpeachable among so many different groupings—hostile groups like those he fought and won out over so frequently; suspicious groups like the young and the black and the brown; inarticulate groups like the poor and the immigrant. He knew power and he understood the powerless.

At mid-century, Walter Reuther could have looked back with pride on his achievements as one of the most innovative and tireless architects of the American labor movement. But for Walter Reuther, this was not enough. Just as he stood at the front of the sit-down strikers in the auto plants of Detroit in the 1930's, so he stood with equal conviction and vigor before the garbage strikers of Memphis in the 1960's. He could have stood on the relatively quiet shores of a mature labor movement and said, "I have done enough." But just as he was willing to face popular disfavor and personal danger when labor was at the height of its struggle for the basics of a decent life in America, so he was willing to face controversy—often to generate and then transcend it—in the fight for a decent life for all Americans.

Always at the forefront of the battle for social justice and equality for all men, often far ahead of his time, Reuther was not content to be a voice crying in the wilderness. Through the force of his personality and with his characteristic combination of evangelical zeal and hardheaded practicality, he performed one of the greatest, and as he well knew, difficult tasks of leadership—to educate, persuade, convince—to show that the goals he sought for the poor and dispossessed of the 1960's were intimately intertwined with the well-being and future security of his own union.

To battle for a responsive and humane political system, to oppose the waste of human lives at home and abroad, to stand among the first to demand what has now become a familiar cry—the reordering of our priorities—did not represent a departure from his position as a labor leader. It was rather in dedication to his membership and to the highest values and goals of the American labor movement, that he took these stands and faced the storms of controversy on the most serious and difficult issues of our time.

Reuther never sought to stand in the way of industrial technological progress and innovation: as technology is a major adjunct to a productive economy and as a productive economy is vital to the well-being of his membership, Reuther did not seek to deny to industry and labor alike the benefits of technological progress. Rather than fight progress, he sought to ameliorate its problems.

Reuther championed union participation in industrial planning to ease the dislocations of automation, and a guaranteed annual wage for workers, culminating in the achievement of the supplementary unemployment benefit plan whereby workers receive about two-thirds of regular take-home pay during layoffs. But it is also characteristic of his breadth of vision that Reuther saw the problems of modern technology not simply in terms of their effect on the security and purchasing power of the American worker, but in the context of a deadly dilemma: man must rule technology or technology will rule man.

As a leader in the fight for conservation and environmental quality, and an outspoken critic of technology as a tool of the arms race and as a force for destruction of mankind, Reuther was characteristically ahead of his time.

The legacy of the labor movement had been the fight for justice, equality, and security for the workingman of America; but as the movement grew to maturity in the 1950's and 1960's, Reuther was deeply concerned that these values would be subordinated to skirmishes for higher wages and more benefits alone. Reuther sought a wider view.

In economic terms, he sought to encompass union demands for higher wages and benefits within the context of what was best for the economy in general, in recognition that the economic health of American labor was inseparable from the health of the whole economic system. In social and political terms, he knew that denial of civil rights to the black man and security to the Nation's poor would be paid for in an era of civil unrest and political repressions that would threaten to tear apart the fabric of our society.

From his position at the head of one of the Nation's most powerful unions, Walter Reuther waged a tireless battle on behalf of those yet to share in the benefits which had been gained by his own membership.

When he felt that his own union, while associated with the AFL–CIO, was moving back from the frontlines in the fight for justice and equality, he led UAW's withdrawal from that organization, of which he had been a major architect slightly more than a decade before. He was keenly aware that a living wage, decent working conditions, and a better quality of life for the auto workers would be but fragile achievements were the country to be plunged into general social and political strife.

Walter Reuther's life had been dedicated to working within the system. He was a man respected and admired by the establishment—indeed, he was very much a part of it—yet he gained some of his most dedicated friends from among the alienated. As a champion of the poor and dispossessed, he sought not simply to bring people into the establishment, but to bring the establishment in line with the needs of the people.

He made the system work better. He understood that it did not work at all for some, that it did not always work for others, and that it did not work the way it was supposed to unless it worked for all the people.

Walter Reuther sought justice for his fellow man all his life. Surely he is entitled to justice for himself now.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 15, 1970

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 1,400 American prisoners of war and their families.

How long?